

Water Environment (Abstractions) Bill
Pre-Legislative Scrutiny 20 October 2020

Opening Statement

- Thank you for the invitation to be here with you today to discuss the General Scheme of the Water Environment (Abstractions) Bill, which was approved by Government on 29 September. It is an important piece of legislation that will give effect to Ireland's obligations under European law and put appropriate protections in place with regard to the abstraction of water from our rivers, lakes, streams and groundwater sources.
- The Water Framework Directive, which was adopted in 2000, requires EU Member States to take the necessary measures to achieve or maintain good ecological status in the water environment. Among the obligations the Directive places on us is the requirement to have a system of registration and control over the abstraction of water.
- Existing provisions dealing with water abstractions date from 1942 and obviously pre-date the introduction of the Directive. Ireland is at present not fully compliant with the Directive and this forms part of an infringement action brought by the European Commission against Ireland. The Department is committed to addressing this inadequacy through this legislation.
- The General Scheme proposes a three-tiered registration and licensing system for the abstraction of water, with the Environmental Protection Agency (EPA) responsible for establishing and maintaining a database of registrations and for licensing.
- At the lowest level, all abstractors will be expected to abide by a set of general binding rules issued by the EPA in the form of guidelines. These will relate to water conservation and public health issues - such as ensuring pollutants do not enter the water and minimising leakage - as well as technical matters such as measuring or estimating the volume of water abstracted.

- Abstractions of 25 cubic metres or more per day will require registration with the EPA. This is already happening by way of Regulations introduced in 2018 and those provisions will be re-stated in this new Bill. By way of comparison, a well for a private house would abstract up to one cubic metre of water per day.
- The highest tier of control will be licensing. This will apply to all abstractions of 2,000 cubic metres per day or more and those abstractions of between 250 and 1,999 cubic metres per day deemed by the EPA to be “significant”. A “significant” abstraction is one that causes the water body in question to be at risk or potentially be at risk from over-abstraction, resulting in its failing to achieve its environmental objectives or placing it at risk of failing to achieve those objectives. The most recent published information from the EPA indicates that around 6% of water bodies in Ireland are potentially at environmental risk due to abstraction pressures.
- As well as fulfilling our obligations under the Water Framework Directive, the Bill is also required in order to license large-scale water abstractions, particularly for public water supplies. The legislation is key to enabling the planned Eastern and Midlands Region Water Supply Project, which is intended to supply water to Dublin where water supply is at critical levels, as well as areas of the East and Midlands. It will ensure that an appropriate legal framework and consenting process is in place to facilitate consideration and determination of this project.
- The legislation is intended to be graduated and proportionate. Small-scale abstractions do not generally pose a risk to the water environment and accordingly, there are no obligations placed on small-scale abstractors, other than abiding by General Binding Rules. Only larger abstractions and those posing a risk will have to apply for a licence.
- Throughout the development of this draft General Scheme, there has been detailed engagement with other Government Departments and a range of key stakeholders. The Department has worked closely with the Environmental Protection Agency, which will oversee and implement the new requirements. There have also been close contacts with large-scale water abstractors including Irish Water, the ESB and Waterways Ireland in developing these proposals.

- We have endeavoured to achieve a balance in the legislation between the necessary environmental protections and the need to minimise the administrative burden placed on abstractors, some of whom may have been freely abstracting water for many years. The Department has aimed to place proportionality at the heart of the measures proposed here and the General Scheme offers a measured and fair way to protect our water environment and implement the necessary controls over the abstraction of water.
- We welcome the views of the Committee on these proposals, which we will consider and report back to the Minister. I am happy to answer any questions you might have.