

EIA Scoping Guidance for Developments Likely to Impact upon the Water Environment

A Water Management Unit Guidance Note

March 2012

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1. INTRODUCTION

- 1.1 The Northern Ireland Environment Agency (NIEA) Water Management Unit (WMU) has responsibility for the protection of the water environment. WMU is empowered to protect the water environment by a number of pieces of legislation, most notably the Water Framework Directive.
- 1.2 WMU recognise that the level of assessment carried out during the Environmental Impact Assessment (EIA) process will vary for each project due to various project and site specific factors. However, WMU will seek a level of assessment that is appropriate to the project and to the risk it poses to the water environment.
- 1.3 An Environmental Impact Assessment (EIA) should consist of the following elements, which are expanded upon further in this Guidance Note:
 - Identification of potential impacts of the water environment;
 - Assessment of identified impacts for significance;
 - Avoidance or mitigation of significant impacts.
- 1.4 WMU would advise the scheme promoter/applicant or their consultants to contact WMUs Major Client Interface (MCI) Group at the EIA Scoping stage to discuss their proposed levels of assessment. For schemes being taken through the planning system, DOE Planning Division should be contacted in the first instance regarding the Pre-Application Discussion (PAD) process
- 1.5 To aid communication, consideration should be given to establishing an Environmental Liaison Group (ELG) for individual projects. WMUs Major Client Interface (MCI) Group would be a willing partner – see contact details Section 6.0. This would be seen as the forum for all interested parties to engage and discuss the content of the EIA, thereby negating the need for addendums at a later date.

2. IDENTIFICATION OF POTENTIAL IMPACTS ON THE WATER ENVIRONMENT

- 2.1 Potential impacts on current or future waterbody status as classified under the Water Framework Directive¹ should be identified (see Section 5).
- 2.2 Potential impacts on specific waterways should also be identified. The definition of a 'waterway' used in the Environmental Statement should be as defined under the Water (Northern Ireland) Order 1999²:
- *"waterway" includes any river, stream, watercourse, inland water (whether natural or artificial) or tidal waters and any channel or passage of whatever kind (whether natural or artificial) through which water flows ...*
- 2.3 All locations where waterways will be impacted, e.g. due to a discharge, crossing or diversion, should be identified and assessed against the requirements of the Water Framework Directive (see Section 5).
- 2.4 Baseline data should be included on the water environment and a description of the existing fisheries habitat and fish populations above, within and downstream of the areas of works.
- 2.5 The methodologies used to obtain baseline data should be detailed.
- 2.6 The following documents identify the potential impacts on the water environment from new developments and can assist in the assessment and identification of appropriate mitigation:
- C648 Control of water pollution from linear construction projects, Technical Guidance; C532 Control of water pollution from construction sites, Guidance for consultants and contractors; C649 Control of water pollution from linear construction projects, Site Guide³;
 - C689 Culvert Design and Operation guidance⁴;
 - 'Guidelines for Fisheries Protection during Development Works'⁵.
 - PPG 5 - Works and maintenance in or near water;
 - PPG 6 - Working at construction and demolition sites;

¹Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy

² The Water (Northern Ireland) Order 1999 SI No. 662 (N.I. 6)

³C648 Control of water pollution from linear construction projects, Technical Guidance, C532 Control of water pollution from construction sites, Guidance for consultants and contractors, and C649 Control of water pollution from linear construction projects, Site Guide, The Construction Industry Research and Information Association (CIRIA, London, UK.

⁴ The Construction Industry Research and Information Association (CIRIA), London 2010, 'Culvert Design and Operation Guidance C689'

⁵ Guidelines for Fisheries Protection during Development Works (Foyle and Carlingford areas), Environmental Guidelines Series – No. 1, Loughs Agency.

- 2.7 The list is not exhaustive and other documents and Pollution Prevention Guidelines (PPGs) may be relevant on a case by case basis. The full suite of PPGs can be viewed and downloaded at <http://www.environment-agency.gov.uk/netregs/links/107968.aspx> .

3. ASSESSMENT OF IDENTIFIED IMPACTS FOR SIGNIFICANCE

- 3.1 Identified potential impacts on the water environment should be assessed for significance.
- 3.2 The assessment should include:
- a description of the assessment/forecasting/monitoring methods used to assess the impacts on the aquatic environment during and after construction;
 - details of monitoring information obtained/required.
- 3.3 Policy FLD 4 of DOE Planning Policy Statement 15⁶ on culverting should be noted.
- 3.4 All locations where waterways will be impacted, e.g. due to a discharge, crossing or diversion, should be assessed against the requirements of the Water Framework Directive (see Section 5).

4. AVOIDANCE OR MITIGATION OF SIGNIFICANT IMPACTS

- 4.1 Appropriate measures should be proposed to mitigate/avoid any impacts on the water environment assessed as being significant.
- 4.2 The measures should address the direct, indirect, secondary, cumulative, short, medium and long term, permanent, temporary and negative effects of the project.
- 4.3 Relevant Pollution Prevention Guidelines (PPGs) should be identified along with an explanation as to how they will be applied. PPG's can be downloaded at:
- <http://www.environment-agency.gov.uk/netregs/links/107968.aspx> .
- 4.4 Mitigation should address the potential release of pollutants, such as concrete, cement, grout, fuel/oils/hydrocarbons, chemicals, suspended solids and construction related sewage/washings into waterways adjacent to the works.

⁶ http://www.planningni.gov.uk/index/policy/policy_publications/planning_statements/pps15.htm

- 4.5 A major area of WMU concern is the appropriate availability of land to allow contractors the area to design and construct settlement features that are appropriate in size and nature to deal with on site conditions e.g. particle size, and to comply with likely Water Order discharge consent conditions. These issues should be addressed within an erosion and sediment control plan which should be included in the projects Construction Environmental Management Plan (CEMP).
- 4.6 WMU recommends the use of Sustainable Drainage Systems (SuDS) during both construction and operation. Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C697. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA⁷.
- 4.7 Appropriate mitigation, which may include the timing of construction works, should be considered in relation to any identified ecological constraints.
- 4.8 Realigned river stretches should be designed to include the creation of habitats and hydromorphological features similar to those being lost as a result of the realignment. Plans should be included in the projects Construction Environmental Management Plan (CEMP).
- 4.9 The Environmental Statement should include a schedule of 'Environmental Commitments', and a clear requirement to have them included within the contract, or planning Decision Notice, and CEMP for the scheme.

5. THE WATER FRAMEWORK DIRECTIVE (WFD)

- 5.1 An EIA should include the following:
- Identification of the River Basin District or Districts within which the scheme will be constructed or impact upon;
 - Identification of all waterbodies that may be impacted by the scheme;
 - The current status of each waterbody, as classified under WFD;
 - The water quality objectives for each waterbody;
 - An assessment of the potential impact of the scheme component on the current status of each waterbody and on future water quality objectives;
 - A description of mitigation measures proposed to ensure deterioration in water quality or ecological status is avoided.
- 5.2 It is a fundamental requirement of the Water Framework Directive that there must not be any overall deterioration in water quality or the ecological status of any waterbody.

⁷ C697, The SuDS Manual,; C698, Site handbook for the construction of SuDS, The Construction Industry Research and Information Association (CIRIA, London, UK.

5.3 A large volume of information on individual waterbodies is available on the River Basin Plan Interactive Map available on the NIEA website at:

- <http://maps.ehsni.gov.uk/wmuviewer/>

5.4 Guidance on carrying out a Water Framework Directive Assessment is available on the NIEA website at:

- http://www.doeni.gov.uk/niea/water-home/development_management.htm

6. CONTACTING WATER MANAGEMENT UNIT

- 6.1 WMU holds a variety of water quality related information. If you require any water related information you should first check our website at:-
www.ni-environment.gov.uk/index.htm

Particularly our River Basin Map Viewer at: <http://maps.ehsni.gov.uk/wmuviewer/>

- 6.2 If the required information is not available on our website you should then email the details of your specific water related information request to:-
waterinfo@doeni.gov.uk

- 6.3 Environmental Impact Assessment Scoping requests, or requests to meet the WMU Major Client Interface Group, should be sent to the following address:

Planning Co-Ordination Team
Water Management unit
17 Antrim Road
Co Antrim
BT28 3AL

Or alternatively email: wmuplanningconsultations@doeni.gov.uk

- 6.4 Specific advice and guidance on pollution prevention is contained within NIEAs Pollution Prevention Guidelines (PPGs). PPGs can be downloaded at
<http://www.environment-agency.gov.uk/netregs/links/107968.aspx> .

Alternatively you can email WMUs Pollution Prevention Team:
nieapollutionprevention@doeni.gov.uk

- 6.5 You can apply for discharge consent online at the following address:
http://www.doeni.gov.uk/niea/apply_online.htm

- 6.6 If you become aware of a water pollution incident you should immediately call the **24 Hour Water Pollution Hotline (Freefone): 0800 80 70 60.**

- 6.7 Other Units within NIEA who should be contacted for advice, guidance and statutory approvals, if required, can be contacted using the following contact details:

- Natural Heritage Directorate – (email cdp@doeni.gov.uk , Tel: 028 90 569 515)
- Built Heritage Directorate – (email bh@doeni.gov.uk , Tel: 028 90 543 095)
- Land and Resource Management Unit – (email LRMLandQuality@doeni.gov.uk , Tel: 028 9056 9348)