



Joint opinion

Abstract

The river basin management plans 2016-2021

Draft Flemish section of the river basin management plans 2016-2021

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Abstract

The Flemish Council for the environment and nature protection, the Social Economic Council of Flanders and the Strategic Advisory Council for Agriculture and Fisheries, three Flemish Advisory councils, formulated together, at the end of December 2014, a joint opinion on the draft of the Flemish section of the river basin management plans (RBMP) of the rivers Scheldt and Meuseⁱ. These RBMP are drafted and decided upon as part of the implementation of the Water Framework Directive (WFD). Referring to the Flemish Decree on Integrated Water Policy the Flemish Government has to ask them for an opinion on these plans during the public inquiry into these plans. The opinion has been adopted in unanimity, which makes it a stronger instrument to affect the final plans that should be adopted by the Government before 22 of December 2015.

The Councils acknowledge **in general** that a number of comments from their joint opinion on the previous generation of river basin management plans has been taken into account. They are satisfied with the integration of the measures implementing the Water Framework Directive and the Floods Directive into one single plan. The section on groundwater in the RBMP is soundly based in general, but the Councils have a few more comments to make about it.

The Councils would like clarification on the intentions regarding the water policy in the Flemish Pact 2020ⁱⁱ and how this will be included in the policy choices relating to the RBMP programme of measures.

The Councils suggest that, in consultation with the Federal Government and taking into account the European context, it may be investigated whether and which instruments can be used within the framework of a product policy to prevent the spread of pollutants in the environment. They also ask for overall coordination with neighbouring countries and regions within the river basin districts, for example with regard to the reconciliation of the evaluation of the water status of bodies of water, and request more progress in the negotiations concerning the quantitative problem of transboundary bodies of water.

The Councils ask that crucial parts of the RBMP be declared binding by the Government of Flanders and they request that the global implementation plans (GUPsⁱⁱⁱ) be made binding for the municipalities. If, in follow up of the current procedure, no binding declaration is made this will lead to a weakening of the organisational and coordinating nature of the RBMP.

The Councils regret there is no interaction between the RBMP and spatial planning policy. Missing specifically is the "retention" of water in urban regions.

Procedure followed. The Councils appreciate the communication initiatives of the Coordination Committee on Integrated Water Policy (CIW, the competent authority of Flanders), but at the same time consider that the level of communication aimed far too high and the communication has taken too little notice of the local stakeholders and target-group diversification. The participation initiatives via the Councils are also much appreciated. However, improvement is also possible here, and the Councils are formulating some specific recommendations.

Management plans. No Flemish water body achieved a good status by 2015 and this status will probably not be reached everywhere by 2021. The model used by the CIW for the assessment predicts that policies will, even in the best scenario, lead to only 60% of water bodies achieving a good status by 2021. This implies that the “best scenario” does not contain the correct or sufficient measures for achieving a good status. The Councils think that the process control used in the RBMP shows a wrong relation. They believe that only the non-hydromorphological measures should be reviewed with the current model and that for the hydromorphological measures a different approach needs to be adopted to compare their cost effectiveness. Moreover, a higher target range in the planning period is possible through better use of the cost-efficiency assessments of packages of measures - especially in the “regular” scenario. The Councils also highlight the interaction between these findings and the evaluation of the Water Framework Directive in 2019 by the European Commission. The motivation for the possibility of reduced objectives should already be prepared in a legally correct manner.

Phosphorous is the parameter that causes a major problem. It is therefore clear that specific attention should be paid to phosphorous and that the necessary measures should be taken. Industry players will be asked which additional, proportional measures still can be implemented. The extension of the wastewater treatment infrastructure appears to be a cost-effective measure for households. The Councils are in favour of phosphorous removal when it comes to wastewater treatment. In the case of agriculture, the potential measures involve the use of fertilisers and the prevention of erosion. From a governance point of view, the Councils would consider it logical for the necessary measures for the use of fertilisers to be included in the Manure Action Plan (MAP). However, the organisations within the Councils have conflicting opinions about the question of the extent to which this has occurred in the actual MAP proposal. For measures to avoid erosion, a lot of progress is still possible. Nevertheless, it is also desirable for the erosion policy to be further integrated and aligned to the overall water and soil policy. The reaction time for agricultural measures must be taken into account in the expected results from the models, but in the view of the Councils, this means that the implemented measures must be continued and that any changed (MAP5) and additional measures need to be started quickly.

The Councils recommend that the Conservation Objectives for Special Protection Areas (Habitat Directive) process be taken into account by integrating the approved objectives and priorities into the regular scenario and by making it clear who is the driving force behind the actions and where the budget is ring-fenced. This must be framed within the anticipated extent of the implementation of the management plans.

When it comes to riparian zone projects, the Councils ask that the resolution that must bring implementation and clarity be elaborated quickly and enters into force. On the issue of floodplains, the Councils ask for rapid implementation of the intention to examine protective measures for zone-specific projects in order to achieve the best multifunctional win-win situation. As for the identification of heavily modified water bodies, they request a critical assessment and statement as to whether the “beneficial objectives” (the objectives that provide the reasons

why the water body was designated as artificial or as modified, WFD art.4, 4.b)) actually represent an insurmountable obstacle for the achievement of a good ecological status. If this is not the case, there is no reason to identify the water body as heavily modified.

The Councils approve the policy choice to work with rehabilitation programmes for groundwater bodies and they suggest that in order to implement these properly, the reduction of the extraction from certain bodies of groundwater must be fully predictable, accompanying measures must be added and it must be prepared in consultation with the stakeholders.

Programmes of measures. The programmes of measures differentiate between “decided” policy and supplementary measures. The Councils would prefer a division into basic and additional measures as defined in the Framework Directive. If all measures are considered to be additional, they must then be evaluated against all other measures, including the “decided” policy measures. This is currently not the case.

The Councils are in favour of a zone-specific and objective-specific approach, but they are concerned with the emphasis on *spearhead areas* (focus areas) and *areas of concern*^{iv}. First, they question the real prioritisation in these areas and second, this approach does not seem to be the most cost efficient. The Councils are in favour of a zone-specific approach with a two-tiered procedure:

- In the areas with the smallest distance to target, the so-called *spearhead areas*, the focus must be mainly on hydromorphological measures because this approach represents a win-win situation for Natura 2000, for example, and limits damage caused by flooding.
- Emission reduction measures should also be screened on a zone-specific basis using the environmental cost model, with the aim of utilising the most cost-effective measures according to the Directives.

At the same time, there must also be a focus on problem parameters such as phosphorous.

The number of industrial points of discharge has been reduced substantially for almost all priority substances and contributes in many cases to a very limited degree of the total emissions in Flanders. The policy on priority substances seems to concentrate on industrial points of discharge. Focussing the policy primarily on these sources will therefore only lead to minimal reductions. It is recommended instead to concentrate on additional measures for other sources, especially diffuse sources.

Cost efficiency is a crucial criterion to draw up the programme of measures because of the great challenges and the limited (additional) resources. The Councils also ask for clarification as to why some cost-effective measures have been ignored, and on the decision-making criteria when opting for more expensive measures. A preference for cost-effective measures beyond the expansion of the non-priority remediation infrastructure may not be out of the question in some areas. The consideration of individual measures must also transcend the packages of measures and, in the case of existing measures, must be aimed at efficiency gains.

Funding. The resources available to combat the very great challenge of achieving a good status are limited. Many measures and actions from the previous plan are still awaiting implementation because of insufficient resources. Timely implementation of measures and actions is needed especially with regard to the Sigma Plan^v. The Councils find the presentation of the budgets for different scenarios unclear.

A clear distinction must be made between reasonableness and the feasibility of measures. The starting point for judging reasonableness is the balance between costs and benefits. Who pays for the measures or actions is (still) not relevant at that moment. If cost-effective measures undermine the feasibility for particular stakeholders, social and economic corrections must be developed so the most cost-effective measures can actually be achieved. The Councils have serious reservations when it comes to motivate the feasibility criteria. They also have as well questions with regard to the distribution of the costs made by the government (these costs are difficult to attribute to a target group), as the fact that not all costs for the stakeholders have been accounted for. They very much regret that conclusions have been drawn about the feasibility of the different scenarios for the stakeholders on the basis of sample figures.

Finally, the Councils insist on a public debate on the funding and transfer of costs for the measures. They refer here to the long-term vision for the funding of the water policy announced in the Government of Flanders coalition agreement. The Councils expressly ask to be involved at an early stage.

The full document (in Dutch) can be download

<http://www.minaraad.be/adviezen/2014/stroomgebiedbeheerplannen-2016-2021>

ⁱ The river basin management plan of the Scheldt f.i. contains a roof report that is produced by the International Scheldt Commission and six section plans that have been designed by six partner states and regions: France, Belgium and its three regions – Wallonia, Brussels-Capital and Flanders – as well as the Netherlands. The river basin management plan of the Meuse is similar but it works under the roof of the International Meuse Commission and the partners are different.

ⁱⁱ On 20 January 2009, the social partners and the captains of society signed the Pact 2020. Pact 2020 consists of twenty ambitious objectives with a clear delineation of the target figures. With this Future Pact, the signatories want to book progress within five principal domains:

- greater prosperity and welfare;
 - a competitive and sustainable economy;
 - more workers gainfully employed, in more suitable jobs, and for longer average career terms;
 - a high quality standard of living;
 - an efficient and effective administration
- This Pact was endorsed by the Flemish Government.

ⁱⁱⁱ Zoning plan or Global implementation plan

A zoning plan is a detailed plan indicating how the waste water from households is (or will be) treated. This can be done individually or collectively. Individually means that the owner of the relevant property himself will be responsible to look after the treatment of the waste water, using an individual treatment system. Collective means that the waste water from several homes will be collected, to be transported, first by sewers and then via a collector to a small or large sewage treatment plant. The decision whether the treatment happens individual or collective, is done by the Municipal Council in

consultation with the Flemish Environment Agency (VMM), taking into account both economic and environmental factors.

^{iv} An area is selected as a “spearhead area” if the good status in this area can be reached by 2021, taking the necessary measurements.

In areas “of concern” a good status should be reachable later on (2027) or in these areas is a strong local dynamic to take action that can contribute significantly to a better status.

^v The Sigma Plan is a future-oriented project that will make Flanders safer by better protecting it against floods. It aims at the same time on developing a safe, natural and economically attractive Scheldt region. The Sigma Plan consists of different project areas, distributed across a large part of Flanders. These project areas are located along the tidal rivers: the Scheldt and its tributaries. Some 260 kilometers of river are involved in the project. The Sigma Plan will not only make the immediate surroundings of the rivers and the project areas safer. The likelihood of flooding further inland is also reduced.