

Minutes

14 October 2008

Venue: Water Management Unit, NIEA Lisburn

Attendees:

1. Dave Foster Head of Water Management Unit, NIEA (Chair)
2. Bridgeen Magorrian River Basin Planning Group, NIEA (Presenter)
3. Dymphna Gallagher Northern Ireland Water (Presenter)
4. David Henderson Rivers Agency (Presenter)
5. Helen Nutt North Eastern Catchment Officer, NIEA (Note-taker)

6. Edward Adamson Northern Ireland Region National Sheep Association
7. Terry Acheson Hollywood Flyfishers Club
8. Pat Aldridge Rivers Agency
9. Diane Arthur River Basin Planning Group, NIEA
10. Judith Bankhead Conservation Officer, Rivers Agency
11. John Campbell Hollywood Flyfishers Club
12. Paul Cannon Water Quality Inspector, NIEA
13. Clifford Charlton Belfast Rowing Club & Lagan Valley Regional Park
14. Seamus Conor Fisheries Conservancy Board
15. Brian Daly Inland Fisheries, DCAL
16. Philip Donnelly Three Mile Water Conservation Angling Association & Northern Ireland Pike Society

17. Justin Forsythe Northern Ireland Pike Society
18. Billy Hall Northern Ireland Pike Society
19. Gary Houston Iveagh Angling Club
20. Alan Hudson Water Quality Inspector, NIEA
21. Uel Irwin AES Kilroot Power Station
22. Martin Johnston Environmental Crime Section, NIEA
23. Brendan Kerr Natural Living Assets
24. Jonathan Kerr Iveagh Angling Club
25. Stephen Kirk Three Mile Water Conservation Angling Association
26. Suzanne Lutton Lagan Corridor Programme, Lisburn City Council
27. Orla Maguire Biodiversity Officer, Belfast City Council
28. Robbie Marshall Ulster Angling Federation
29. Marcus Malley Craigavon Conservation Officer, Craigavon Borough Council
30. Harold McBride Council for Nature Conservation and Countryside (CNCC) & Lagan Valley Regional Park

31. Alison McCaw River Basin Planning Group, NIEA
32. Paddy McCrudden Rivers Agency
33. David McCrum Northern Ireland Water
34. David McCullough Northern Ireland Water
35. Leo McGlinchey Water Quality Inspector, NIEA
36. Donal McLaughlin Lisburn City Council
37. Davy Miller Senior Water Quality Inspector, NIEA
38. James Mitchell Northern Ireland Water
39. Andrew Moore
40. Alan Morrow Countryside Management Branch, DARD
41. Marcus Potts North Down Borough Council



42. Stephen Smyth Northern Ireland Pike Society
43. John Webster Three Mile Water Conservation Angling Association

1. Welcome and introductions

Dave Foster opened the meeting and welcomed all.
Those in attendance were invited to introduce themselves to group.
Round room introductions.

2. Minutes of the last meeting and update on progress made in addressing the issues raised at the last meeting.

Presentation from Helen Nutt, North East Catchment Officer, NIEA; "Update on action points from the last meeting"

Helen Nutt highlighted that since the last meeting the Environment and Heritage Service had been renamed as the Northern Ireland Environment Agency.

- 2.1 Helen said that all parties who were present at the last meeting, or those who had requested to be corresponding members, should have received a copy of the minutes by email or post. She said that she had received no requests for amendments to these. The group agreed that in the absence of any amendments to the minutes that the minutes would be agreed and posted on the new Belfast Lough and Lagan Catchment Stakeholder Group (CSG) website.

ACTION: Helen Nutt to add agreed minutes and past presentations from CSG meetings to new Belfast Lough and Lagan CSG website.

UPDATE: Belfast Lough and Lagan CSG website has been updated.

http://www.ni-environment.gov.uk/water/wfd/public_partic/catchment_stakeholder_groups/belfast_lough_and_lagan.htm

- 2.2 Helen Nutt gave a brief presentation detailing the updates on the action points raised at the last Belfast Lough and Lagan CSG meeting held on Thursday 13 March 2008.

A copy of the presentation can be found on the Belfast Lough and Lagan website:

http://www.ni-environment.gov.uk/water/wfd/public_partic/catchment_stakeholder_groups/belfast_lough_and_lagan.htm

Floor opened for questions/comments.

- 2.3 With regard to the issue of best practice training for farming contractors raised at the last meeting, Alan Morrow said that the DARD Codes of Good Agricultural Practice had been recently revised and published and that electronic and hard copies were available to all farmers and contractors from DARD.

- 2.4 Concern was raised about the apparent extension of the open period for spreading organic manures and the effects that this might have on water courses. Dave Foster assured the group that this extension applied only to those people who had applied for additional storage but had not yet had it installed. Alan Morrow said that farmers have until 31 December 2008 at the latest to have the required storage capacity. From the time that the required storage capacity is in place the farmer must then comply with the organic manure closed spreading period. For those farmers with adequate storage no application is permitted from 15 October through to 31 January, except for farmyard manure or dirty water. It was highlighted that the same restrictions on spreading during the open period still apply to all farmers e.g. no spreading when the soil is waterlogged, flooded or likely to flood, frozen, covered in snow, if heavy rain is forecast within the next 2 days or on steeply land where pollution could occur.

- 2.5 With regard to the issue of dairy waste disposal to land. Dave Foster said that the disposal of organic wastes such as dairy waste to agricultural land must be carried out in accordance with the Nitrates Action Programme Regulations and that compliance with this legislation is a



requirement of Cross Compliance. He said his NIEA Land and Resource Management licensing colleagues would need to decide on an individual basis whether an exemption was required under waste legislation for the disposal of waste at that particular site. He said that disposal would need to comply with Nitrates Action Programme Regulations. As this case could classify the waste as commercial/ industrial waste rather than agricultural waste.

- 2.6 Robbie Marshall said that NIEA needed to progress their strategy for dealing with sullage water problems as a number of areas were affected by long running problems. He said that Planning Service were not ensuring appropriate connections were being made and that Planning Service and NIEA needed to get together to sort the problem out. He suggested that ensuring that connections were plumbed properly to avoid water pollution should be a part of the planning application process and that they should be inspected before use. Davy Miller said that NIEA were currently identifying areas where there are problems and that plans were afoot to raise awareness of the problem in areas affected. There are a number of complications in dealing with misconnections and these need to be worked through. He said that it was not always clear who responsibility lies with but that it is something that NIEA are looking into with Building Control, Planning Service, NIW and a number of other parties. Davy Miller said that Planning approval was usually given on the basis that a house was to be connected to the sewer and that it may be up to the developer to correct if this was not done correctly.
- 2.7 Brian Daly asked if feedback could be given on the PAIRS responses sent in to NIEA at the next CSG meeting.

ACTION: Helen Nutt to ensure specific information is provided at the next CSG on PAIRS forms returned for the area.

3. **Draft River Basin Management Plans**
Presentation from Bridgeen Magorrian, River Basin Planning Group, NIEA; "Draft River Basin Management Plans"

Bridgeen Magorrian gave a presentation highlighting that the draft River Basin Management Plans (RBMPs) would be published by the 22 December 2008 and open for consultation until 22 June 2009. The North Eastern RBMP would cover the Belfast Lough and Lagan catchment areas. Bridgeen showed maps with the draft waterbody classifications for rivers, lakes, ground waters and coastal waters in the area and said that this may be subject to changes over the next few months as new data became available and classification tools were further refined. She said that the majority of the waterbodies within the area had been classified as "moderate" or better with the main problem being the suppression of invertebrates and in some places nutrient enrichment. Bridgeen said that through the implementation of the Programmes of Measures that approximately 90% of the waterbodies in the area had a target of at least Good Ecological Status by the end of the 1st RBMP cycle in 2015.

- 3.1 Bridgeen emphasised that NIEA were keen to get input from as many individuals, organisations and sectors as possible and encouraged people to respond to the RBMP consultation documents. She highlighted that NIEA were keen to get the Catchment Stakeholder Group's feedback on how they could best be included in this consultation and indicated that Helen Nutt would be distributing feedback forms at the end of the meeting which NIEA would like people to fill in with their own ideas of how this could be done. She said that NIEA were currently considering the possibility of having information days where members of the public could call in to discuss their specific interests informally with relevant staff from NIEA. She suggested that following the workshop it might be useful to discuss the plans in more general terms in the usual CSG setting. Bridgeen said that hard copies of the RBMPs would be issued to CSG members at the start of 2009.

A copy of the presentation can be found on the Belfast Lough and Lagan website:
<http://www.ni->



Floor opened for questions/comments.

- 3.2 Robbie Marshall asked who decided whether or not a water body was classified as a Heavily Modified Water Body (HMWB) and expressed concern that such water bodies had to reach Good Ecological Potential (GEP) rather than Good Ecological Status (GES). Bridgeen Magorrian said that GEP meant that waters would still have to be as ecologically good as possible and that there would be the requirement to ensure that ecology was good despite the physical confines of concrete and other physical modifications.
- 3.3 Gary Houston said that the maps displayed showed too much red for the Lagan and that this was a very large area to be designated as Heavily Modified. He said that he had a report from Peter Hale (NIEA) which said that the Lagan should not be classified as a HMWB. Dave Foster said that the Heavily Modified designation was one of the most controversial aspects of the Water Framework Directive especially for countries like the Netherlands and those in the Rhine catchment where there were considerable areas of massively modified stretches. He said that issues surrounding such modifications would be up for discussion in the draft River Basin Management Plan consultations.
- 3.4 Brendan Kerr said that a river is a linked system and that these should be viewed as catchments where anything which enters will impact on downstream environments like shellfish production sites. Dave Foster said that chemical quality must be good despite any HMWB designations and that we must acknowledge the modifications made within a waterbody but still ensure it reaches the best possible quality.
- 3.5 Uel Irwin said that the designation of HMWBs was based on European standards. Bridgeen Magorrian agreed and highlighted that guidance is provided from the EU on most aspects of implementation of the Water Framework Directive and that this guidance is then implemented with agreement from the UK and Ireland in Northern Ireland. Uel Irwin said that where dams for example had been constructed that as long as appropriate controls were put in place the water quality should still be good.
- 3.6 The panel was asked how waters were monitored with regard to fish. Dave Foster said that fish were specifically looked at within the Directive and that a new monitoring tool had been developed. Concerns were raised that averaging results from specific rivers could cause problems were there had been recent major pollution incidents and that a true picture may not have been represented by such classification methods. Dave Foster said that classification information would be available in the draft River Basin Management Plans and said that he was keen that where people had concerns, such as that raised, that they be welcomed as inclusions in the dRBMP consultation responses.

4 Northern Ireland Water

Presentation from *Dymphna Gallagher, Head of Quality and Compliance, NIW; "Investing for the Environment."*

Dymphna Gallagher gave a presentation of NIW's investment plans for the next number of years. She highlighted the targets NIW are aiming for and what their priorities for investment would be. She said that there was a planned £10 million investment for poorly performing small Waste Water Treatment Works (WWTWs) and that there were targets to reduce the levels of leakage in the system.

A copy of the presentation can be found on the Belfast Lough and Lagan website:

http://www.ni-environment.gov.uk/water/wfd/public_partic/catchment_stakeholder_groups/belfast_lough_and_lagan.htm

Floor opened for questions/comments.



- 4.1 Dymphna Gallagher was asked what the biggest fine that NIW had incurred, what it had been for and what rehabilitation of the affected water course had been carried out. Dymphna said that she thought that the biggest fine was £5000 for a pumping station failure in Crumlin. The questioner said that some of the fines are too low for the damage that is caused and that they are not a sufficient deterrent to ensure the polluter will not reoffend. Dymphna Gallagher said that the loss of Crown immunity had made a big difference to NIW over the last 18 months; liaison with is better NIEA and the way of working has improved dramatically. She said that NIW were battling with a legacy of underinvestment. Dave Foster said that with regard to the fines levied neither NIW nor NIEA have a say in the penalty, and that this is set by the independent judiciary. Concerns about the levels of fines for water pollution cases have been raised with the Northern Ireland Court Service in the past.
- 4.2 Clifford Charlton asked if NIW were legally bound to make good the habitat that had been damaged through pollution they had caused. Dymphna Gallagher said that she was not aware of this being the case.
- 4.3 Harold McBride asked whether NIW's target for a reduction of 11% of pollution incidents was satisfactory. Dymphna Gallagher said that it was NIW's intention that pollution incidents would be reduced, and that they had set realistically achievable targets. She said that to date NIW had been responsible for 37 high and medium severity pollution incidents that year.
- 4.4 Uel Irwin asked whether given NIW's current performance could the forced redundancy of 300 staff be justified. He said that the loss of trained and knowledgeable staff would only add to NIW's compliance problems. Dymphna Gallagher said that these were difficult times and that the loss of such numbers of staff would be a great loss to NIW.
- 4.5 Gary Houston said that NIW had been prosecuted twice for pollution incidents occurring in Dunmurry and that the fines had been as low as £100 plus costs yet where there had been a discharge to the Blackstaff River the cost had been £2000. David Miller said that NIW have learnt lessons from such cases and are ensuring that problems do not recur by making improvements on the ground.
- 4.6 John Webster said that on the Three-mile River that there was a pollution incident last year. NIEA had issued a warning but did not proceed with prosecution. There was no fishkill but the river habitat was affected. The angling club took action against the polluter and won compensation. A representative from NIEA said that for a Government Body to take legal action the burden of proof needs to be considerably greater and that the level of evidence needed to take a civil case is not the same.
- 4.7 It was again reiterated that warning letter and fines were not strong enough deterrents. And that without there being publicity about the issuing of warning letters to shame culprits that pollution would continue. David Miller said that it was not realistic to suggest that prosecution action should be taken for every pollution incident. The questioner said that prosecuting everyone would set a precedent and act as a precaution to those considering being careless with regard to water pollution. Uel Irwin said that education was the way forward and that for example people owning septic tanks should be educated as to how to look after them. He said that not every pollution incident is malicious and gave the example that to prosecute people for offenses similar to going 31mph in a 30mph zone was unfair.
- 4.8 Robbie Marshall said that it was nice to see that NIW was now willing to talk to people and asked if NIW proposed that it is still OK to discharge Combined Storm Overflows (CSOs) directly to water courses. Dymphna Gallagher said that NIW welcomed the opportunity to meet with the public and that they were keen to be involved in such stakeholder engagement events. She said that they were working through their rationalisation policy which would see some CSOs being removed



- 4.9 Dymphna Gallagher was asked if NIW plans to use grey water for the treatment of sewage. The questioner said that by reducing the amount of clean water used in the treatment process that NIW should be able to reduce costs. Dymphna said that end water from the treatment process is used and will continue to be used.
5. **Rivers Agency**
Presentation from David Henderson, Rivers Agency; "European Union Directive on the Assessment and Management of Flood Risks"
David Henderson gave a presentation on the Floods Directive, highlighting some of its key issues and indicating progress on its implementation to date and timeline for requirements. He said that the Directive came into force on 26 November 2007 and that its purpose was to establish a strategic framework for the management and assessment of flood risks. He said that links with the Water Framework Directive were strong but that where the Water Framework Directive deals primarily with water quality the Floods Directive deals with quantity. He said that the Directive will encourage the communication and sharing of management of flood risks and that the fundamental change would be from a reactive to a proactive approach to flooding. As the competent authority tasked with its implementation, he said that DARD Rivers Agency would be producing flood hazard and risk maps and flood risk management plans. David highlighted that not all flooding was associated with rivers and that of the 70 properties flooded during the June 2007 floods in Belfast, only a handful were caused by river flooding. He said that Northern Ireland Water (NIW) and DRD Roads Service were other responsible bodies. David showed photos and discussed examples of flooding affecting the River Lagan around the Maze and Burren River in Newcastle.
- 5.1 Clifford Charlton thanked Rivers Agency for their informative presentation and said that he appreciated the advice which Rivers Agency had given the River Lagan Look-out Centre in May 2007. He said that because of their advice it was likely that the moat that they had installed as a result, had prevented the Centre flooding in August 2008.
- 5.2 Gary Houston reiterated Clifford's praise and said that he too had been pleased with the work that Rivers Agency had done especially in clearing blocked waterways of debris which had the potential to cause flooding.
- 5.3 Brendan Kerr said that it would be useful if flood risks were dealt with in combination with the worst pollution problems. He said that in some cases the clean up after flooding can go on for years due to the pollution problems caused.
- 5.4 Robbie Marshall asked when the Rivers Agency consultation was coming out. David Henderson said that the maps would be available soon on line but that it was difficult to say when the consultation would be launched because of the levels of detail required in drafting plans and sub-plans for small local towns and areas. He said that Rivers Agency would be consulting carefully and focusing on particular stakeholder groups.
6. **Other local water management issues of concern and the agenda for the next meeting.**
Dave Foster thanked those who had presented. He asked the group to consider what issues they would like to discuss at future meetings. It was suggested that a presentation be given on enforcement carried out by NIEA. It was suggested that a presentation on the role of the NIEA Water Management Unit with respect to water management planning would be a useful general presentation at such a meeting. NIEA were asked to consider giving a presentation on the effects of river inputs on shellfish stocks in marine areas. A request was made for a presentation on Heavily Modified Water Bodies and the meaning of Good Ecological Potential. It was suggested that a presentation from NIEA Waste Management on regulation of waste activities impacting on the water environment would be useful.
- 6.1 Stephen Smyth said that the Northern Ireland Pike Society (NIPS) had responded to the Coarse Fish Bye-laws Consultation but that many of the comments they had made were not



included, he asked that a presentation from FCB on the issue would be welcomed by NIPS. Seamus Connor said that he would follow up Stephen's concerns.

Action: Seamus Connor to follow up on NIPS comments made on Coarse Fish Bye-laws Consultation.

- 6.2 A number of attendees at the meeting highlighted that the NIEA website was difficult to navigate and that much information was outdated and in need of updating. Bridgeen Magorrian said that NIEA were aware of a number of problems regarding their website and said that efforts would be made to update it so navigation was more intuitive and information up-to-date.
- 6.3 It was highlighted that 3 presentations at one meeting had led to a packed agenda and that future meetings would aim for a maximum of 2 presentations. With regard to the selection of venues for meetings, group members asked that plenty of notice of the venue and agenda be given for meetings and that a map with directions would be a useful addition with the invitations.
- 6.4 Robbie Marshall again brought the group's attention to the upcoming publication of the draft River Basin management Plans and said that he thought that these should be the focus of the Spring 2009 round of meetings and that it was important that time was made available on the CSG agendas to discuss these in detail. He suggested that other presentations and topics be held off to future rounds of meetings. He said that there were several things that he would like to add to the agenda of future meetings but that he would put suggesting them off to future meetings.
- 7. **Close**
Dave Foster thanked all for attending and said that he had found it a useful meeting and that he hoped for continued progress.

Summary of actions from the meeting:

Ref	Action	Update
2.1	Helen Nutt to add agreed minutes and past presentations from CSG meetings to new Belfast Lough and Lagan CSG website.	Belfast Lough and Lagan CSG website has been updated. http://www.ni-environment.gov.uk/water/wfd/public_partic/catchment_stakeholder_groups/belfast_lough_and_lagan.htm
2.7	Helen Nutt to ensure specific information is provided at the next CSG on PAIRS forms returned for the area.	Update to be given at the next meeting.
6.1	Seamus Connor to follow up on NIPS comments made on Coarse Fish Bye-laws Consultation.	Update to be given at the next meeting.



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