

Erne & Melvin Catchment Stakeholder Group

Minutes

19 February 2008



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Minutes of Meeting of the Erne & Melvin Catchment Stakeholder Group 19th February 2008

A meeting of the above group was held in Enniskillen Town Hall on Tuesday 19th February 2008.

Attendees

Kerry Anderson (EHS chair)
Peter Close (EHS)
Joanne Livingstone (EHS Catchment Officer)
Adrian Hurst (FDC)
Alan Murphy (SWQI)
David Porter (RA)
Stephen Hey (Kesh Angler)
Albert Foster (Farmer)
Gareth Greer (Rivers Agency)
Peter Archdale (UFCSG chair)
Robbie Marshall (Ulster Angling Federation)
Gerry Blake (Water Quality Inspector)
Sam McCracken (Water Quality Inspector)
Mary O'Donnell
Martina Magee (FDC)
Emma McLaughlin (Biodiversity Officer)
Robert Baillie (EHS)
Ian Irwin (Forest Service)
John Kane (DCAL, Inland Fisheries)
Richard Turner (L Erne & Melvin enhancement)
Leslie Craig (Ulster Farmers Union)
Malcolm Finney (Garrison and Lough Melvin Angling Association)
Woodrow Acheson (Road Service)
David Morrison (Fermanagh Angler)
Irvin Wilson (Farmer)
Anthony Maguire (Farmer)
William Wilson (Farmer)
Alun Goodall (Rivers Agency)
Eric Whitaker (Rivers Agency)
Norman Henderson (EHS)
Derek Thornton
Bertie Swan
Michael Spillane (Water Quality Inspector)
John Cunningham
Phil Cargill (NI Water)
Nigel Armstrong (NI Water)
John Houston
Paul Robinson
Sam MCCreery
Gerry Gallagher (FDC)
Fergus McQuillan (FDC)
Thomas Noble (Farmer)

Robert Forde
Jack McVitty

1 Welcome and Introduction

Kerry Anderson opened the meeting by welcoming everyone and asked the panel to introduce themselves and their areas of remit. All members of audience introduced themselves. He explained that the 'The Significant Water Management Issues' discussed at the previous meeting on 17/10/07 will be published in a SWMI digest and will be available on the EHS website at the end April 2008.

Kerry explained that the water levels in Lough Erne was the main issue in the previous meeting and David Porter had been invited to talk about how Rivers Agency control them. The second big issue arising from the previous meeting was NI Water and therefore propose this for future focus of next meeting. Kerry invited floor members to give presentations at future meetings and explained that chair was open for an independent Chairman, if anyone was interested in this position, please discuss with him or Joanne Livingstone.

Action 1: Joanne Livingstone to invite NI Water to give a presentation at the next meeting on the work and plans of NI Water.

2 Presentation 1 : "Controlling the water levels on Lough Erne" by David Porter, Rivers Agency. David highlighted the milestones in drainage history of the Lough, and explained the current controls/mechanisms for water level management.

- 2.1 Anthony Maguire said that the levels should simply be left alone as they are at present. He expressed concerned that the cruisers, especially in ULE churn up bed and impact has on fry and also the wash can cause erosion. The cruisers are getting bigger each year. He also expressed concern about the ESB hydro-scheme in Ballyshannon and the fact that salmon have been impacted by this scheme. Is it possible to have this investigated? Peter Close explained that there is going to be similar legislation in ROI as in Northern Ireland and therefore fish passage issues will become more pertinent but it may need some financial investment. Richard Turner suggested that someone from ESB could come to the next meeting to discuss the problems associated with the scheme.

Action 2: Joanne Livingstone to invite someone from the ESB to discuss the issue of salmon and the hydro-scheme at a future meeting.

- 2.2 Jack McVitty expressed concern with regard to rescinding waste, sewage, bottles in water and its deposits from the Colebrooke River after high rain fall and floods. There was a query over responsibility of disposal of this rubbish. There was a discussion on this issue but it was not resolved, it was agreed that this will be a standing agenda item at future meetings.
- 2.3 John Kane expressed concerns reference pike spawning from mid-March/second week April especially in interlough areas and asked Rivers Agency if this had been considered in terms of their survival rates? He expressed the need for sensitive Fisheries management for the conservation of fish stocks. David Porter agreed that if they are made aware of these things they may be able to engage and act accordingly.

Action 3: Organisers of water based events or those with a particular interest are encouraged to discuss with Rivers Agency the likely impact of water level management and were possible Rivers Agency will take these concerns into consideration.

- 2.4 Peter Archdale asked what mechanism RA has to investigate environmental impact of flood defence and drainage work on river habitat and species and if there are opportunities for practical improvements to species and habitats? David Porter explained that there are two conservation officers working in RA. An assessment is made at different sites depending on perceived environmental impact. Procedures of EIA apply. Six year programme for maintenance and inspection throughout NI.

3 Presentation 2: “Water Abstraction & Impoundment (Licensing) Regulations (NI) 2006” by Peter Close, EHS. Peter gave an overview on the new legislation and regulations on water abstraction and impoundment.

- 3.1 Leslie Craig expressed concern that there is a perception in public that NI Water are being given period of ‘grace’; when will this end? Farmers are continuously being prosecuted but NI Water is not. Norman Henderson explained that there are a number of cases pending only since 1 April as legislation did not permit this prior to that. He highlighted the legacy issues and problems for NI Water and these will diminish over time. There are currently 30 cases pending.
- 3.2 The WFD requires good status in all waterbodies to be obtained by 2015 is this correct? Kerry Anderson said that the Directives states that all waters achieve at least good status by 2015. River Basin Management Plans will be published by the end of 2009 and run in six year cycles. 2015 is when the first reports are to be made to EU.
- 3.3 Robbie Marshall enquired that given the number of fishing clubs have hatcheries in small rivers – are these to be given an exemption? Peter Close said yes, there are exemptions from fee/charges/licensing. All information available in consultation but most will require discharge consent.
- 3.4 Peter Archdale asked what can be done about the impact of culverting and will this issue be addressed in River Basin Management Plans? Kerry Anderson explained that there is a new policy re culverts and they are being designed in more sympathetic fashion, incorporating risk assessment, design and consultation. There have been problems in past that culverts have caused and these should be addressed in River Basin Management Plans.
- 3.5 Stephen Hey asked what historical data would be used with regard to water quality for the River Basin Plans. Peter Close explained that the ecological status is a complex process and had not yet been agreed but will use existing available data

4 Presentation 3: Alan Murphy (Senior Water Quality Inspector) “Pollution incidents on Erne & Melvin catchment” Alan Murphy gave a presentation on the recent pollution incidents and trends in sources over the last few years.

- 4.1 Richard Turner asked if there a possibility of conducting a survey on boat yards within Lough Erne as he has concerns re potential oil spills as many tanks are without a bund, especially at Carry Bridge. Alan Murphy explained that they carry out proactive oil visits and disseminate advice as necessary.

Action 4: Alan Murphy to arrange proactive advisory visits to these sites.

- 4.2 It was suggested that because EHS have taken over the role of FCB from responding to pollution incidents, that a more proactive approval to disseminate details, distribute contact details of local staff was required. Kerry Anderson explained that the local staff are present at the meeting so that they become familiar to the stakeholders. The pollution hotline **0800 807060** is the line to call to report pollution. It is available 24 hours a day 365 days a week and although out of office hours are initially

answered by a call centre in Reading (with all other pollution calls to England through the Environment Agency) this is the most cost effective and efficient way of doing the 24 hour hotline. All incidents are passed to EHS staff and investigated on the ground and feedback should be given to those who report incidents.

5 Open floor for Questions and Answers

- 5.1 It was suggested that the meeting was starting too early but considering how late it was going on to, it was agreed to meet same time.
- 5.2 Who has responsibility in cross-border areas and pollution incidents e.g. in the Melvin case. It was explained that that case has gone to the Ministers North and South and it has been agreed that this waste will be removed at a cost of 1¹/₂ million pounds for 4¹/₂ tonnes of illegal waste. Discussion is ongoing with political representatives and members of statutory organisations.
- 5.3 Peter Archdale asked if EHS has got any idea how much dumping has gone on at Marble Arch Caves and asked if they is a plan to survey the area or address the issue. Alan Murphy explained that EHS are aware of problem and it is more confined to local domestic properties. No picture as yet to establish extent of the problem. All reports should be made to Alan.
- 5.4 It was suggested that the meetings in future extended membership to cross-border representatives and that this should be considered across all of RBDs in NI.

Action 5: Joanne Livingstone to invite cross-border stakeholders.

- 5.5 Is it just 'hype' on water quality or is there really a problem? Yes, there are real problems 'clear water is not necessarily clean water' There is a perception among tourists that water is clean this is not the case. This is due to Zebra Mussels filtering out the algae to make the water clear but they don't make it clean.
- 5.6 Investigations re discharges from ROI coming into Lough Erne are necessary. Kerry Anderson explained that the cross border issues will be addressed in the International River Basin Management Plan.
- 5.7 It was suggested that they are problems associated with where EHS take samples on Lough Erne. Are these being taken from right areas, e.g. downstream of the Sewage treatment works? Kerry Anderson explained that EHS aim to take representative samples throughout the monitoring network and that the network would be undertaking a review as part of WFD. He said that Tom Adamson, EHS could talk about the Sewage Treatment works monitoring at the next meeting.
- 5.8 Kerry explained that EHS had secured funding to investigate impact re septic tanks in watercourses in NI. This is a phased study with the first results due in October/November 2008.

6 Any Other Business

- 6.1 Items for agenda at future meetings:
- Robbie Marshall said he would like to hear more on the following topics,
- EHS Water sampling – points and procedures, where and why?
 - EHS's policy on diffuse pollution
 - Sewage output/pump out facilities in Lough Erne for cruisers
- 6.2 Stephen Hey added that there was no representative from the Planning Service and they should make a point to attend.

Action 6: Joanne to discuss with Planning Service attendance at future meetings.

7 Close

Kerry thanked everyone for attending and it was agreed that NI Water and EHS, on how NI Water are regulated, will give a short presentations at the next meeting but it was noted that there is a need to ensure the other items are addressed and perhaps some of these issues could be addressed at future meetings.

Table 1: Summary of action points from meeting.

| Ref | Action Point | Action | Update |
|------------|---------------------|--|--|
| 1 | 1 | Joanne Livingstone to invite NI Water to give a presentation at the next meeting on the work and plans of NI Water. | Completed - Michael McAlary to give a presentation on NIW Waste Water Compliance for the Area. |
| 2.1 | 2 | Joanne Livingstone to invite someone from the ESB to discuss the issue of salmon and the hydro-scheme at a future meeting. | Under the WFD, a comprehensive fisheries study has been recommended by the CFB & Regional boards on the Erne estuary. This will take place between now and 2012 and recommendations will be implemented between 2012 and 2015. A presentation on this work can be arranged for a future meeting. |
| 2.3 | 3 | Organisers of water based events or those with a particular interest are encouraged to discuss with Rivers Agency the likely impact of water level management and were possible Rivers Agency will take these concerns into consideration. | On-going |
| 4.1 | 4 | Alan Murphy to arrange proactive advisory visits to these sites. | Completed - 15 Boat Yards, Marinas & Hire Cruiser bases were inspected since the last stakeholder's meeting and where appropriate, advice given on bunding of above ground oil storage tanks. |
| 5.4 | 5 | Joanne Livingstone to invite cross-border stakeholders. | All stakeholders in the Lough Melvin project have been invited and also officers from Co Leitrim and Co Monaghan. |
| 6.2 | 6 | Joanne to discuss with Planning Service attendance at future meetings. | All Divisional Planning managers have been written to by the head of NIEA to obtain representation at future meetings. |

