Lower Foyle Catchment Stakeholder Group

Minutes

Tuesday 21 October 2008

Venue: Roe Valley Hospital, 24d Benevenagh Drive, Limavady

Attendees:

Norman Henderson – NIEA, Regional Operations (Chairman)
Kerry Anderson – NIEA, Regional Operations
Alan Warwick - NIEA Water Management Unit, Limavady
Mairéad Clarke - NIEA Water Management Unit, Limavady
Simon Gummer - NIEA Water Management Unit, Limavady
Conrad McCormack - NIEA Water Management Unit, Limavady
John Caulfield – NIEA - IPRI
Art Niven – Loughs Agency
Jim Haughey – Chairman, Ulster Angling Association
Peter Archdale – Loughs Agency Advisory Forum Member
Gareth Greer – Conservation Officer, Rivers Agency
Joanne Livingstone – North West Catchment Officer, NIEA
Michael McAlary - NI Water
John Curran – NI Water
Eamonn McManus - NI Water
Martin McGonagle – Chairman, Roe Angling Association
Alastair Scott – Roe Angling Association
John Lee - Roe Angling Association
Alan Morrow - DARD Countryside Management Branch
William Ross - Dromboughil Community Association
Teddy Roughan – DCAL Fisheries
Ian Wright-Turner - Forest Service
Alvin Wilson – NIEA, River Basin Planning Group
Boyd Douglas - Burnfoot Community Association
Ivan Black – Conservation Volunteers
Deaglan McBride – Section Engineer, Roads Service, DRD
P J Mullen – Farming and Wildlife Advisory Group
Angela Torrens – Trade Effluent Scientist, NI Water
Orla Fitzpatrick – Jacobs Consultancy
Warren Boal – Jacobs Consultancy
Tom Adamson – NIEA, Water Utility Regulation Group
Stewart Freeman - Strategic Planning Directorate
Rachel Brown – Planning
Noel Bell – NIEA, Strategy Unit
Robert Spence – Burn Dennet Anglers

Apologies:

Teddy Barker – North West Nature Reserve
Jim Beattie – Divisional Manager, DRD Roads
Kathryn Callaghan – Development Officer, Canoeing NI

Sue Christie - Director, NIEL (Northern Ireland Environment Link)
Noel Crawford – LBC
Andrew Dick – WMU Water Management Unit, Limavady
Christie Greer – WMU Water Management Unit, Limavady
Pat Doherty – Divisional Manager, DRD
Derek Doherty – Roads Service
Philip Dunne – Donnybrewer Trout Fisheries
Ian Gamble – Ballyarton Trout Farm
Jacqueline Glass – Limavady Borough Council
Odhran Dunne – NI Tourist Board
Karen Healy – Creggan Country Park
Alan Hetherington - Ornithologist
Martin Kerr – EPA
Robbie Marshall – Ulster Angling Association
John McCartney – Loughs Agency
Robert McCloy – Ulster Farmers Untion
Tony McIvor – Divisional Planning Service
Andrew Meenagh, Planning Service, DOE
Edward Montgomery – Bann System Ltd
Paul McSwiggan – Derry City Council
Raymond O'Hara – Greysteel Community Association
William O'Neill – Burndennet Anglers
Victor Refausse – Ulster Coarse Fishing Federation
James Robinson – RSPB

1 Welcome and introductions

Norman Henderson welcomed everyone to the meeting and invited all present to introduce themselves. The action points from the last meeting held on 19 March 2008 were circulated and points addressed.

2 Minutes and action points from last meeting.

Table 1: Summary of action points from previous meeting.

Ref	AP	Action	Update	Comments
2.1	1	Alan Warwick to provide update of the Roe Fish kill at the next meeting.	On 7th May 2008 Seagate were fined a total of £6000 in relation to the fish kill on the Roe on the 22nd July 2005.	Completed

Ref	AP	Action	Update	Comments
2.2	2	Joanne Livingstone to arrange meeting at Carmoney to discuss this issue further.	Meeting held on 6 October 08 with Faughan Anglers and Loughs Agency. 2 issues – 1) H&S issue, the emergency discharge (high volume high speed) enter the river with no warning to anglers– NIW to look at potential engineering solutions with Loughs Agency. 2) the discharge results in the grey 'plume' due to excess polyelectrolyte binding with the sediment. NIEA to take a series of investigative samples to determine the impact on the water quality.	Ongoing
2.3	3	Mark Livingstone to provide update on the Lisahally Fish Processing Farm	The consultants for the applicants have produced a further addendum to their Environmental Impact Statement (EIS) to Planning Service in support of their planning application. Planning Service will be considering this with consultees before a decision will be reached. NIEA WMU has yet to receive an application for a FEPA Licence for the disposal of the effluent from any proposed fish plant at Lisahally.	Ongoing
2.5	4	Mark Livingstone to ensure that the Nitrates Directive is a standing agenda item for discussion at future meetings.	Northern Ireland is currently completing its input to the UK's four-yearly Article 10 Report to the European Commission covering the period 2004 to 2007. The completed Article 10 report will be available to the public. It includes results from water monitoring and farm inspections. NI current action programme which was introduced in 1 Jan 07 is subject to review in 2010, the results of the monitoring and farm inspection will form a key part of that review.	See additional comments below.
3.2	5	Joanne Livingstone to invite someone from IPPC to give a presentation at the next meeting.	Because there are already 3/4 presentations at this meeting IPPC are in attendance and will give a presentation at the next meeting. NIEA industrial Consents team could also give a presentation so both this issues are covered.	Ongoing

Ref	AP	Action	Update	Comments
3.4	6	Mark Livingstone to capture information on landfill regulations and provide an update at the next meeting.	Any active landfill sites requires a permit to operate under the Pollution Prevention and Control Regulations (Northern Ireland) 2003, and these are issued and regulated by Land Resource Management. Any discharges from the site will be regulated under the Pollution Prevention Control permit. Any discharge from a closed site, e.g. discharge of leachate from a treatment plant, requires Water Order consent- there are a number of active consents for this type of discharge. Closed sites also require a site closure licence from Land Resource Management - this will include requirements for leachate management. There is also borehole monitoring at 24 landfill sites under the groundwater monitoring programme.	The Chairman reassured that there are regulations in place and that there has been a prosecution for a closed landfill site.
3.6	7	Mark Livingstone agreed to investigate if river bailiffs can take samples for pollution investigation.	Have met with DCAL and are currently developing a viability document which will include assessing the legalities and the training burden associated with such a move. It is hoped to have a position on this issue over the next few months.	The chairman will provide an update at next meeting.
3.7	8	Mark Livingstone to check this if EIA are required for new road schemes.	Road Service used to have crown exemption so didn't go through Planning procedures – they used 'Government Development' but now need to go through Planning Permission with EIA and Public Enquiry. NIEA are consulted on agreed method statements from contractors and in the A4/5 case negotiating practically on a site by site basis and fortnightly meetings are on-going to discuss arising issues.	See additional comments below.
4.1	9	Joanne Livingstone to invite someone to talk about the toxicity of ammonia at the next meeting.	Fact sheet prepared and if still necessary a presentation can be arranged.	Joanne Livingstone passed out an information sheet on ammonia.
4.2	10	Joanne Livingstone and Donal Casey to meet to discuss this issue further.	Meeting held on site on 30th April 2008. The fish farm has had exceedences for ammonia but the dates and times do not coincide with the ammonia events recorded by the Abstraction Plant. The fish farm is due to be upgraded to deal with the ammonia issue.	Completed

Ref	AP	Action	Update	Comments
5.2	11	John McCartney and Michael McAlary to discuss the issue further.	NI Water presentation to follow.	Completed
6.2	12	Gareth Greer to provide an update of the proposed flood defence schemes at next meeting.	Jacobs consultants would like to present the plans of the proposed scheme at the next meeting. Rivers Agency would also like to discuss the new Floods Directive and the flood maps at the next meeting.	River Agency to give a brief presentation at the next meeting.
6.4	13	Joanne Livingstone to invite EHS to talk about the proposed hydro-scheme at Roe Valley Country Park at the next meeting.	Noel Bell will be providing an update.	Completed

2.5 Discussion/Comments - It was asked when the Article 10 report would be available. The Chairman confirmed it will be available soon – in matter of months.
The difficulties faced by farmers were acknowledged but the question was raised as to the rationale behind the open period being extended to Christmas. Alan Morrow explained that the open period has not been extended to Christmas – it only applies to those who have applied for extra storage and have not yet completed construction, but they are all subject to restrictions under the Nitrates Action Programme Regulations in addition to operating good farming practice.

3.7 Discussion/Comments - A spokesperson from DCAL Fisheries stated that he is consulted by the Roads Service on all matters that are water related e.g. bridges and culverts. The Rivers Agency responded that they are consulted and advise in relation to the river drainage order, and check if it is within the fisheries protection and if permission from DCAL is needed. The Loughs Agency reported that their environmental officer looks over proposals to assess their impact. The Chairman concluded that it is not just one body that is involved but that a number of people in different organisations are consulted. A discussion on culverts ensued. The Chairman stated that NIEA discourage it. The Rivers Agency said they gave advice on the use of culverts for roads schemes. The Chairman commented that modern roads are built with more appropriated drainage systems to reduce polluting impacts. The Roads Service commented that in the case of the Newtownstewart bypass, there are 5 catchments ponds so the run off goes through these. The outlet is layered with reeds and vegetation so runoff is

filtered when it comes through this and there is no direct discharge to the adjacent Mourne River.

3 Presentation: Update on local quality issues - Alan Warwick

AW gave a presentation on the local water quality issues since the last meeting. A copy of the presentation is available at the link below[1]:

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

3.1 AW was asked as to what was the source of the severe incident mentioned; AW stated that it was an industrial acid spill reported by the polluter.

3.2 An enquiry was made as to what was involved in the survey of the Foreglen River and its relationship with the Loughs Agency. AW explained that they met with Loughs Agency with the intention to walk the stream, take readings, and biological monitoring but because of the very wet summer, NIEA carried out a less intensive survey but identified and addressed some significant issues in the catchment.

3.3 An enquiry was made as to why this data was not immediately made available to the Loughs Agency, AW stated that the report wasn't yet completed but it certainly can be made available as they operate an open policy with the Loughs Agency. This was reinforced by the Chairman.

Action Point 7: Alan Warwick to provide Loughs Agency with survey results, when available.

4 Presentation: Proposed hydro-scheme at the Roe Country Park - Noel Bell, Strategy Unit, NIEA

NB gave an overview of the proposed hydro-scheme at the Roe Country Park. A copy of the presentation is available at the link below:

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

4.1 Reference was made to the recent report on lack of Atlantic salmon and the fact that they are now seen as an endangered species and NB was asked why NIEA are intent on further impacting on salmon with this scheme. NB explained that the scheme should indirectly benefit the condition of the fisheries in the River Roe and that the scheme must demonstrate that it does not impact on the river system. This will involve continuing environmental assessment of the restoration in order to get an abstraction licence. He made reference to the historical hydro operation which occurred from the 1860's up to 1965 when fish populations were much more abundant in the Roe. He also drew attention to the fact that abstraction did not stop after 1965 and has continued to the present day. NB said the restoration will demonstrate 'best practice' to all in this sector particularly in terms of design and in the demonstration of going beyond legal compliance for may aspects of the scheme.

[1] If you require a hard copy of any of the presentations please contact Joanne Livingstone – 028 9262 3248

4.2 The amount of work put into the scheme was acknowledged. However concerns were raised that NIEA who were promoting the scheme were also regulating it and queries were raised as to whether there would be that level of expertise within the organisation. NB explained this is why NIEA has subcontracted external third parties to examine the environmental bona fides of the restoration utilising their expertise. Suggestions were made that perhaps a parallel organisation in England or Scotland could be used for review. NB said he would take this on board. He did point out that any abstraction licence approval would be based on guidelines adopted from the 3 UK Environment agencies Technical Advisory Group and that LA and DCAL would also have a role in regulating the restoration.

Action Point 8 - NB to consider getting an independent view on the hydro-scheme from a parallel organisation in Scotland or England.

4.3 There was a short discussion on the technical and economical aspects of this project. NB responded that the costing which is under review is £750k including £400k of a grant based on a Carbon Trust appraisal. The payback is currently in the order of 3-5 yrs but this may change if the capital estimate changes. NB also stressed that there would be environmental heritage benefits to be taken into consideration with this project as well as positive tourism outcomes.

4.4 NB informed the meeting that there will be a combined stakeholders and Loughs Agency meeting in December where all technical issues and any other queries can be addressed in more depth. Date to be advised. All welcome.

Action Point 9 – Noel to advise JL when the consultation meeting will be held and JL to inform the group.

5 Presentation: Draft River Basin Management Plans – Alvin Wilson, River Basin Planning Group.

AW gave a presentation on the draft RBMP, outlining the timescales, classification of rivers and lakes and asking the group for ideas on how NIEA can engage and allow full participation during the consultation phase. A copy of the presentation is available at the link below:

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

5.1 The question was asked how NIEA differentiated between moderate and good classification and if moderate was required for salmonid waters. AW responded that they look at various elements within the assessment, plant growth, at the fish in relation to the river, and all the elements are taken together with the worst in any area used to set the classification. He stated that good status would be needed to meet the salmonid requirement.

5.2 When questioned as to the principal reason for Lough Foyle being moderate, AW acknowledged that he was not an expert in relation to classification but that there are so many aspects such as benthic fauna communities, nutrient levels, water quality issues and that they all come together to form the classification.

5.3 AW asked the meeting for ideas on how best to proceed with due care to public consultation. He stated that the river basin plans were going to be placed on the website and invited the attendees to inform themselves as to the content and feedback any comments they may have.

6 Presentation: Northern Ireland Water Waste Water Compliance for the Area. - Michael McAlary

MMcA gave a detailed account of the works in the Lower Foyle catchment. The presentation is available on the link below.

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

6.1 Water service was commended for they work in the Lower Foyle catchment and in addressing issues which were raised 6 months ago. MMcA cautioned that while they targeted 103 works, their budget is only £5m for the smaller works.

6.2 The Chairman also stated that it was an important point and that in the past NI water have been criticised but that £10 million have been spent on upgrading the works. MMcA confirmed this and stated that they have spent around £9 million on CSOs and pumping stations and that it is ongoing, with Limavady being targeted after Christmas.

7 Presentation: Regulation of Northern Ireland Water – Tom Adamson, Head of Water Utility Regulation Group, NIEA.

TA gave a presentation on how the consenting process works and compliance within the Erne Melvin area. The presentation is available on the link below:

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

7.1 There was a discussion on a range of technical queries such as how river flow affects the setting of consent standards. In response TA outlined how the Department sets the consent standards and how these can be reviewed if circumstances change with regard to river flows.

7.2 A member enquired how often the consent was reviewed. TA responded it was reviewed every 4 years but earlier if it a review was required in order to meet the needs of a European Directive.

7.3 A question was raised as to what kind of auditing process the NIEA and NI Water carry out to assess the need for restoration works on poorly operating treatment plants. TA stated that the Department inspected the 800 small works in 2007 and again, now, in 2008. A priority list is being compiled by NIEA in partnership with NI Water. TA advised that there is an agreed £5 million investment in these prioritised works but the restoration works may take 10 -12 years for completion and for the positive impact on water quality in Northern Ireland to be seen.

8 Close

The Chairman thanked the speakers and everyone for attending and all those who helped with the meeting. Feedback forms were circulated

and everyone was invited to submit any topics they would like to see included in future meetings.

Table 2: Summary of action points from meeting.

Ref	Action Point	Action	Update
AP 2	1	JL to give update on progress at Carmoney WTW.	On 23rd March 09 lifted the first set of 4 investigative samples at the discharge point. The 4 sets of samples throughout the year will cover seasonal and tidal variations. We lifted 3 samples one upstream of the discharge point, one downstream and one of the actual 'floc'. The samples are being sent away for 'acrylamide' analysis which is the toxic element of the polyelectrolyte used in the treatment process. The samples are also been analysed in the lab for aluminium, pH and suspended solids. We are also working very closely with NI Water in the development of Drinking Water Safety Plans and have raised the issue of the discharge at Carmoney. NI Water are looking into the prioritisation of this site for improvements.
AP 3	2	NH to provide update on the Lisahally Fish Processing Farm.	This application has been withdrawn.
AP 4	3	NH to ensure that the Nitrates Directive is a standing agenda item for discussion at future meetings.	X – compliance visits for 2008 378 pre-planned visits in total resulting in 97 breaches on 76 farms. Of these 97, 82 were Nitrates breaches breaking down into 48 minimum warning letters, 11 minimum, 13 medium and 10 highs. For Nitrates enforcement referrals there have been approximately 100 in 2008 with circa 120 breaches. No breakdown at present of severity but mostly minimums.

Ref	Action Point	Action	Update
AP 5	4	JL to invite someone from IPPC to give a presentation at a future meeting.	This can be arranged for the next meeting.
AP 7	5	NH to provide update on progress for river bailiffs to take samples for pollution investigation.	Discussions are still on-going.
AP 12	6	Rivers Agency to provide an update of the new Floods Directive and on proposed flood defence schemes on the Roe at next meeting.	Presentation on the River Roe floodbanks to follow.
3.3	7	AW to provide Loughs Agency with survey results, when available.	Summary report available.
4.2	8	NB to consider getting an independent view on the hydro-scheme from a parallel organisation in Scotland or England.	RPS consulting is currently completing the EIA on the scheme; they have subcontracted EcoFact a Limerick based consultancy who are assessing the fisheries aspects of the proposed restoration.
4.4	9	NB to advise JL when the consultation meeting will be held and JL to inform the group.	A consultation meeting was held on 16 Dec 08 at Loughs Agency. Stakeholders were shown the design proposals and updated on the EIA work. The design drawings were forwarded to the Ulster Anglers Federation.

Northern Ireland **Environment** Agency
Water Management Unit
17 Antrim Road
Lisburn
BT28 3AL

Tel: 028 92633499
Email: info@doeni.gov.uk

www.ni-environment.gov.uk