

Lower Foyle Catchment Stakeholder Group

# Minutes

19 March 2008



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## Lower Foyle Catchment Stakeholder Group (CSG) 19<sup>th</sup> March 2008

A meeting of the above group was held at LCDI offices, Roe Valley Hospital, 24d Benevenagh Drive, Limavady, on Wednesday 19 March 2008 at 7.00pm.

### **Present:**

Mark Livingstone - EHS (Water Management Unit - Regional Operations) (Chairman)  
Alan Warwick - EHS Water Management Unit, Limavady  
Mairéad Clarke - EHS Water Management Unit, Limavady  
Simon Gummer - EHS Water Management Unit, Limavady  
Andrew Dick - EHS Water Management Unit, Limavady  
Gerard McCormack - EHS Water Management Unit, Limavady  
John McCartney – Director, Loughs Agency  
Robbie Marshall – Ulster Angling Association  
Marcus Austin - EHS North West nature reserves  
Peter Archdale – Ulster Wildlife Trust Council Member  
Gareth Greer – Rivers Agency  
Joanne Livingstone – North West RBD Catchment Officer  
Michael McAlary - NI Water  
Robert McCloy - Ulster Farmers Union  
Martin McGonagle - Roe Angling Association  
John Lee - Roe Angling Association  
Annie Mullen – Biodiversity Officer  
Alan Morrow - DARD Countryside Management Branch  
William Ross - Drumboughil Community Association  
Dave Shepherd – Coolkeeragh ESB  
Kevin Trainor – Coolkeeragh ESB  
Henry Thompson – Rivers Agency  
Donal Casey – Donegal County Council  
Teddy Roughan – DCAL Fisheries  
Claire Vincent – EHS Water Management Unit  
Ian Wright-Turner - Forest Service  
Peter White - Londonderry Port and Harbour Authority  
Alvin Wilson – EHS, Water Management Unit  
John Curran – NI Water  
John Early – EHS – Natural Heritage  
Boyd Douglas - Burnfoot Community Association

### **Apologies:**

Sean Convey – Farming & Wildlife Advisory Group  
PJ Mullen – Farming & Wildlife Advisory Group  
Noel Crawford – Limavady BC  
Odhran Dunne – NI Tourist Board  
Jacqueline Glass – Limavady BC  
Alan Hetherington - Ornithologist  
Martin Kerr - EPA  
Edward Montgomery – Bann System Ltd  
Paul McSwiggan – Derry City Council

**1. Welcome and introductions**

Mark Livingstone chaired the meeting and welcomed all present. The Minutes of the meeting held on 25 January 2007 were circulated. There were no amendments.

**2 Matters Arising from Minutes of meeting held on 25 January 2007.**

Mark Livingstone confirmed that everyone had received the Minutes and stated it had been a very interesting meeting.

**2.1 River Roe Fish Kill**

Mark Livingstone reported that this had been positively investigated and the files were passed on to the Public Prosecution Service for consideration. He informed the meeting that the first hearing in court was in February and that there was a future hearing on 17 April. Mark Livingstone hoped that before the next meeting, we would have a judgement on that. He enquired if there were any questions about this and William Ross asked whom the action was against. Mark Livingstone replied Seagate and advised the meeting they could speak to Alan Warwick if they required further detail.

**Action 1: Alan Warwick to provide update at next meeting.**

**2.2 Carmoney Water Treatment Works**

Mark Livingstone advised that unfortunately, this matter was still ongoing and that a further meeting is needed with Gerry Quinn of the Faughan Anglers on site to discuss the issues.

**Action 2: Joanne Livingstone to arrange meeting at Carmoney to discuss this issue further.**

**2.3 Lisahally Fish Processing Plant**

Claire Vincent reported that in relation to the proposed Lisahally Fish Processing Plant that EHS has concerns with the initial application and proposals in the EIA. She stated that they would require amendments and more information to be forwarded by the applicants before the Water Management Unit could make any final decision on the proposal.

Robbie Marshall and Peter Archdale queried where the Department stood with regard to Ballast Water Management. Robbie Marshall stated that there are over 200 objections and Peter Archdale stated the need to move forward with the ballast water management plans for the port. Claire Vincent replied that MCA deals with these issues and Mark Livingstone referred to MCA's web site for further information.

**Action 3: Mark Livingstone to provide update at next meeting.**

**2.4 Damage by canoeists**

Damage by canoeists – Mark Livingstone mentioned that they had been invited but that also he could meet them on their own turf. Robbie Marshall informed the meeting that the issue with the canoes had been resolved and no further action is to be taken but if there were any further problems let him know.

**2.5 Nitrates Directive**

Robbie Marshall enquired where the Department was with regard to the Nitrates Directive and the allowance for farmers to have slurry tanks in place by December 2008. Alan Morrow stated that the implementation of the regulations is well under way and they, DARD, are working flat out on the applications for slurry tanks and the associated grants scheme. Robert McCloy added that there were big numbers of farmers still waiting for inspections and the Ulster Farmers Union are seeking to have this period of December 2008 extended. Robbie Marshall did not agree that this should be allowed. Mark Livingstone highlighted that the issues with the Nitrates Directive and SSAFO Regulations

were being resolved and added that the changes in the regulations for the agricultural sector are on a big scale for all individual farmers and will be worked through. Robert McCloy expressed concern about the short time scales and the difficulties faced by the farmers. John McCartney highlighted that they are worried about the ongoing eutrophication of the sub catchments and the related problems with depleting fish stocks and was keen that the regulations promised should be implemented as soon as possible. Peter Archdale stated that he has reservations about the closed period system. He pointed out that with the end of the closed period this year there were tonnes of slurry spread due to the good weather conditions. This was then followed by heavy rainfall which resulted in the spread slurry being washed off to watercourses. He stated that this is not the farmers breaking the rules but that you can't put that quantity of slurry onto the land and not expect it to run into the rivers. He suggested sampling on the first wet day after the end of the closed period. Mark Livingstone stated that anecdotally there was no increase in incidents of water pollution because of wet weather in February. Alan Morrow explained that 22-26 weeks storage is required by farmers and the regulations do not allow for spreading on steep ground, within 10m of waterways or if there is rain forecast. He also stated that these conditions should minimise pollution problems arising in watercourses. John McCartney informed the meeting that they did a thorough investigation of the Cappagh Burn with regard to the slurry problem. There was no evidence of discharges in the burn, but believed that diffuse pollution, may be present as well as the issue of slope. He suggested that this should be looked at as the land can not absorb the slurry in February. Mark Livingstone suggested this as an action point for further discussion. Robbie Marshall mentioned that he observed farmer spreading slurry while it was raining. Mark Livingstone advised that this should be reported immediately to the pollution hotline – **0800 807060**

**Action 4: Mark Livingstone to ensure that this is a standing agenda item for discussion at future meetings.**

**3 Presentation 1 - Alan Warwick, Acting Regional Manager EHS, gave a regional update on the pollution incidents and investigations in the Lower Foyle catchment.**

- 3.1 John McCartney commended EHS staff on the great work they were doing. He made reference to a local pollution issue that was reported from Loughs Agency that day. Alan Warwick replied that this was already investigated and reported.
- 3.2 John McCartney made reference to IPRI sites and the fact that Loughs Agency was monitoring the pollution status of these sites. He views these sites as risky due to the monitoring regime. Mark Livingstone stated that we can look into the situation with IPRI sites and address the comments.

**Action 5: Joanne Livingstone to invite someone from IPPC to give a presentation at the next meeting.**

- 3.3 Peter Archdale questioned what are the criteria for High, Medium and Low severity incidents? Mark Livingstone gave a summary of the criteria and replied that the assessment criteria are currently being reviewed.
- 3.4 Peter Archdale asked if Landfill sites are specifically targeted by the Department. Alvin Wilson stated some have discharge consents under the Water (NI) Order 1999. John McCartney mentioned that many of the landfill sites are controlled by IPPC regulations so there are problems envisaged with this.

**Action 6: Mark Livingstone to capture information on landfill regulations and provide an update at the next meeting**

- 3.5 Alan Morrow stated that he was happy to see that the figures for agricultural pollution were down and that the trend is downwards since 2000.
- 3.6 Robbie Marshall asked where samples are taken for the various consented premises. Alvin Wilson replied that they are taken at the sample point, after treatment facility to reflect what is being discharged. Mark Livingstone added that EHS sampling is limited by

resources and is therefore risk based but encouraged everyone to bring any issue to EHS and it would be investigated.

Teddy Roughan stated that FCB to be assimilated into DCAL and there is an ongoing problem with staff numbers and hopes there will be further recruitment. Robbie Marshall mentioned that there are guys at the scene and why not use them to take samples where the pollution is reported.

**Action 7: Mark Livingstone agreed to investigate if river bailiffs can take samples for pollution investigation.**

- 3.7 Peter Archdale mentioned that there are massive road schemes planned for the Lower Foyle area and these do not need EIAs to be completed so would require close monitoring by staff.

**Action 8: Mark Livingstone to check this if EIA are required for new road schemes.**

4. **Presentation 2- Joanne Livingstone, North West RBD Catchment Officer, EHS gave a presentation on the role of the catchment officers.**

Joanne Livingstone summarised the role of the Catchment Officers and emphasised the importance of developing strong working partnerships with local groups where issues can be discussed and actions taken. She invited comments from the group.

- 4.1 William Ross asked how toxic ammonia (NH<sub>3</sub>) is, the likely sources, toxic effects on aquatic life and the environment. There was discussion on the toxicity of ammonia. It was suggested by Peter White that this could be a good subject for a presentation at a future meeting.

**Action 9: Joanne Livingstone to invite someone to talk about the toxicity of ammonia at the next meeting.**

- 4.2 Donal Casey offered to speak to Joanne Livingstone regarding a potential source of NH<sub>3</sub> on the Donegal side of the Derg River.

**Action 10: Joanne Livingstone and Donal Casey to meet to discuss this issue further.**

5. **Presentation 3 - Alvin Wilson, River Basin Planning, EHS gave a presentation on SIMCAT modelling – the way forward for catchment management.**

- 5.1 John McCartney said that he was glad to see EHS was using SIMCAT. He asked was it being used to assess the impact of loadings on water systems. Alvin Wilson stated that the model will be very effective and explained that he is still testing the package.

- 5.2 John McCartney highlighted that descriptive consents on WWTWs as issued do not allow actions to be taken. He points out that these facilities impact on the survival of salmonids in the upper reaches. Michael McAlary said that NIW are currently looking at these works but there are financial constraints on the capital works to be carried out. Alvin Wilson stated that consents are issued with regard to worst conditions, dry weather flow. Claire Vincent pointed out that WWTWs and their impacts are being prioritised by EHS. John McCartney pointed out that money spent on enhancement is being negated by the chronic impacts from small works. Michael McAlary reported that works are visited once a month and some once a year. Money is to be spent over the next 2 years and NIW will work with EHS. Mark Livingstone suggested that John McCartney and Michael McAlary talk to see what can be done.

**Action 11: John McCartney and Michael McAlary to discuss the issue further.**

6. **Any Other Business**

- 6.1 Forestry Operations

Marcus Austin made reference to the Forestry Service and asked what they do to protect streams when they clear an area. Is there an existing procedure or plan for felling along a watercourse?

Ian Wright Turner explained that the Service is involved in ongoing research into the impacts of felling trees and believes that they should involve other government agencies.

Alan Warwick stated that the forestry do notify us with regard to local felling. He added that he would pass this information on to Natural Heritage in the future.

#### 6.2 Food Defence Schemes

Gareth Greer mentioned that there is a flood defence scheme proposed at Crindle, below Limavady in the Roe catchment and the scheme has implications for all landowners. This could be discussed at the next meeting.

**Action 12: Gareth Greer to provide an update at next meeting.**

#### 6.3 Road schemes

John Mc Cartney expressed concern about road schemes and excessive erosion which can impact badly on fish populations.

#### 6.4 Proposed EHS hydro-scheme on the River Roe

Robbie Marshall mentioned the proposal for a hydro scheme on the River Roe. He hoped the plans will be made public to allow for discussion and public engagement on the project. John McCartney mentioned that this was also an issue at the LA stakeholders meeting the night previous. Robbie asked if someone could talk about the proposal at the next meeting.

**Action 13: Joanne Livingstone to invite EHS to talk about the proposed hydro-scheme at Roe Valley Country Park at the next meeting.**

#### 6.5 Suitable meeting room

Boyd Douglas commented on the acoustics in the room and stated that he had difficulty hearing all that was being said and the noise from fridge behind him.

Mark Livingstone acknowledged point and would look into it.

#### 7. Close

Mark Livingstone thanked everyone for attending meeting and for their input and invited the meeting to contact Joanne Livingstone with suggestions for the agenda of the next meeting and any comment for improvement.

**Table 1: Summary of actions from meeting held on 19<sup>th</sup> March 2008:**

Ref	Action Point	Action	Update
2.1	1	Alan Warwick to provide update of the Roe Fish kill at the next meeting.	On 7 <sup>th</sup> May 2008 Seagate were fined a total of £6000 in relation to the fish kill on the Roe on the 22 <sup>nd</sup> July 2005.
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.
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.
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.
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.
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.
			6

			<p>Closed sites also require a site closure licence from Land Resource Management - this will include requirements for leachate management.</p> <p>There is also borehole monitoring at 24 landfill sites under the groundwater monitoring programme.</p>
3.6	7	<p>Mark Livingstone agreed to investigate if river bailiffs can take samples for pollution investigation.</p>	<p>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.</p>
3.7	8	<p>Mark Livingstone to check this if EIA are required for new road schemes.</p>	<p>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.</p> <p>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.</p>
4.1	9	<p>Joanne Livingstone to invite someone to talk about the toxicity of ammonia at the next meeting.</p>	<p>Fact sheet prepared and if still necessary a presentation can be arranged.</p>
4.2	10	<p>Joanne Livingstone and Donal Casey to meet to discuss this issue further.</p>	<p>Meeting held on site on 30<sup>th</sup> April 2008. The fish farm has had exceedences in 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.</p>
5.2	11	<p>John McCartney and Michael McAlary to discuss the issue further.</p>	<p>NI Water presentation to follow.</p>
6.2	12	<p>Gareth Greer to provide an update of the proposed flood defence schemes at next meeting.</p>	<p>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.</p>
6.4	13	<p>Joanne Livingstone to invite EHS to talk about the proposed hydro-scheme at Roe Valley Country Park at the next meeting.</p>	<p>Noel Bell will be providing an update.</p>

