

Minutes of Lower Neagh Bann Catchment Stakeholder Group Meeting 04 November 2010

The meeting was held at The Antrim Forum, on Thursday 04 November 2010 at 7.00pm.

Those present:

Mark Livingstone (Chairman) – NIEA, Water Management Unit
Conor Symington, NIEA, Water Management Unit
Gerry Wilson, NIEA, Water Management Unit
Alison McCaw, NIEA, Water Management Unit
Stephen Foster, NIEA, Peatlands Park
Lee Beverland, Otterburn Trout Farm
Tom Simpson, Maine Angling Club
Des Nevin, NIW
Paddy McCrudden, Rivers Agency
A Courtney, DOE
Richard McFaul, NIEA, Water Management Unit
Rhonda Curry, NIEA, Water Management Unit
Denzil Dinsmore, CYL
Edward Montgomery, Bann Systems Ltd
Laverne Bell, QPANI
Paul Parkinson, Antrim & District Angling Association
Maurice Parkinson, Antrim & District Angling Association & Six Mile Water Trust
Rodney Monteith,
Richard Rowe, Clady & District Anglers
Bert Kennedy,
Angela Halpenny, NIW
Brendan Kerr, Natural Living Assets
Garry Gregg, Ballynure Angling Club & Six Mile Water Trust
Michael Martin, Six Mile Water Trust
Norman Henderson, NIEA, Water Management Unit
Philip McMurray, DOE,

Apologies were received from

Alan Morrow, DARD, Countryside Management Branch
Philip Maguire, Moyola Angling Club
Jack Chapman, Moyola Angling Club
Mark Henderson, Coleraine Angling Club
Robbie Marshall, UAF.

AGENDA ITEMS

1. Welcome and Introductions

Mark Livingstone thanked everyone for attending the meeting and gave a brief outline of how the meeting would proceed. The minutes of the previous meeting were agreed to be an accurate record. Mark then asked Gerry Wilson to outline the actions from the previous meeting.

2. Actions from previous meeting – Gerry Wilson

Action 1: Representatives from Moyola Angling Club highlighted an issue relating to an alleged incident of illegal dumping that did not appear to have been resolved.

The report was followed up by staff from Water Management Unit and it was determined that no water pollution had occurred as a result of the material having been dumped. The matter was then referred to our colleagues in Waste Management who reviewed video footage which had been submitted as evidence to them. They assessed the situation as being a case of “fly tipping” and as such was outside the remit of the Waste Management Unit of NIEA.

Action 2: Question asked about water bailiffs helping in pollution investigations by taking samples.

Norman Henderson outlined the advice that WMU had received from the Departmental Solicitors Office regarding the legal implications of non NIEA staff taking samples under the Water Order. It is not possible to warrant people not employed by NIEA under the Water Order, nor is it possible for those warranted under other legislation eg Fisheries legislation, to take samples to be used in Water Order prosecutions. It was outlined however that interested parties could assist NIEA by reporting Pollution via the Hotline Number, taking photographs, giving accurate descriptions of locations to ensure NIEA staff can trace the source of any pollution swiftly and possibly giving Witness Statements. People who make statements that they wish to be used in Prosecution cases should be aware that often cases can require attendance at court on several occasions before a case proceeds and they would need to be willing to attend when required.

Action 3: Conor Symington to follow up regarding the complaint about Castledawson WWTW.

The site was visited the day after the last CSG meeting and a degree of fungal growth in the vicinity of the outfall noted. It was thought that the low levels of water in the river at the time had encouraged the growth of the fungus. Enquiries to the Water Utilities Regulation Team in NIEA show that this works has complied with the standards required for it over the past 3 years.

There was an opportunity for comments and further questions at this point and Edward Montgomery expressed his disappointment that Bailiffs can't be used in pollution investigations. Bann Systems employ several Bailiffs and they have good local knowledge which could be used. It would be easy to train them to take samples and given the pressure on budgets this should be reconsidered.

Gary Gregg made the point that the issue has been raised with the Minister and if the law is preventing this from happening then there is a need for new legislation. There should be questions asked of the MLA's to challenge this position

[Action Point 1: NIEA will develop an action plan to outline what members of the public can do to assist NIEA.](#)

It was requested that this information from DSO be circulated among the group so that those engaging with local politicians can ensure that the MLA's are properly informed eg if new legislation is needed.

[Action Point 2: Circulate information on why water bailiffs cannot assist in pollution investigations to those in the CSG Group so that MLA's can be properly informed. NIEA to note that the CSG group would like to challenge this decision and refer the issue to PEPG.](#)

Laverne Bell asked how many prosecutions fail because of technicalities relating to how the samples were taken or evidence gathered.

It is a very low number approximately 3%. It should be noted that most cases are fought vigorously to try and have them thrown out of Court.

It was also asked if NIEA engage with Magistrates as the level of fines imposed for people successfully prosecuted seems to be very small. The feeling was expressed that if things get as far as Court then everyone has lost. NIEA need to engage with schools and get the message to people when they are young.

Mark pointed out that the Judiciary is independent from Government and the Department cannot influence the levels of fines imposed. He went on to point out that we now operate a Better Regulation Policy and try to work with Industry to improve compliance. It was noted that when a company has a compliance failure 65% come back into compliance as the result of having received a warning letter.

Norman Henderson said that fines in NI had been increasing and it was felt that this was a recognition by all of the problems. Conor Symington also pointed out that prosecutions here compare very favourably when compared with EA or SEPA figures.

Michael Martin asked if there was an acceptable level of sewage fungus in a river. He is concerned at the amount of sewage fungus in the Ballymartin River around Sentry Lane. He acknowledged that NIEA were doing a good job and that local businesses in the area were also doing good work for the environment but he felt that NIW were not. He has raised the issue with NIW but the problem is ongoing.

Action Point 3: Mark to raise the issue with WURG & NIW about the sewage discharges in the Mallusk area.

NIW monitor the river by telemetry and NIEA set standards of what can be discharged. CSO's are permitted and their function is to operate when needed ie unexpected rainfall events etc. The stream runs through an urban area and the problem may not be caused by the Pumping Station. It is likely that there are misconnections to the network.

Several other issues were raised about the Mallusk Industrial Estate and it was pointed out that this is a particularly difficult issue to deal with. It has a complicated system of culverted drainage and the oil spill referred to was believed to be from a domestic tank.

Des Nevin NIW responded that NIW do take pollution seriously. He outlined that there were 3 Pumping Stations in the Ballymartin area and they are all working as expected. The problem was more likely to be a result of misconnections. Misconnections tend to happen when extensions are built onto existing properties. It was suggested that perhaps the matter is a Building Control issue and that Building Control should be more active in inspecting such properties. NIW do not like combined sewer systems but NI has historically had a lot of them. Those present were asked to provide evidence to help address the matter.

Action Point 4: Raise the issue of Building Control with Planning Service to require a more pro-active approach to the inspection of extensions with a view to cutting down the number of misconnections.

Tom Simpson raised the issue of car washes and asked what was NIEA policy in this matter. He identified a problem at Cullybackey. The issue is a widespread one with several premises in Glengormley mentioned. Are they complying with requirements of the Water Framework Directive?

Mark outlined that NIEA do not permit discharges of any kind from car washes and encouraged all to report these to the Water Pollution Hotline.

Action Point 5: A copy of NIEA policy on car washes to be sent to Garry Gregg.

A suggestion was made by Brendan Kerr that there should be something along the lines of a competition for companies that have previously been fined but had become compliant. It would give recognition of improved behaviour and also allow for the exchange of information on how to care for the environment.

Michael Martin mentioned that Newtownabbey Council had recently had a Business Awards Dinner and many of the local businesses had expressed an interest in joining the Six Mile Water Rivers Trust. He suggested that NIEA should get involved in initiatives like this and maybe come up with an Award for Environmental Achievement.

Action Point 6: NIEA to consider development of an "Award for Environmental Achievement". This could be for businesses who have improved or CSG's that have improved the most.

Laverne Bell cited QPA as an example where they have worked with NIEA to drive up compliance rates within the Industry. A suggestion was made that perhaps sites which have good compliance records could be visited less often to free up more time to chase the “ bad guys”.

3. Catchment Case study by Stephen Foster NIEA given on behalf of the Lough Neagh Partnership.

Stephen is an NIEA employee but attends monthly meetings of the Lough Neagh Partnership. There had until recently been 4 employees of the Partnership but funding issues have meant that this has been reduced to 1, a Marketing Officer. The Lough Neagh Partnership was set up in 2003 and was initially funded by DCAL & DOE along with the Councils. There was initially a pot of European funding of £3.8 million and match funding was obtained to the value of £6.4 million. In excess of 140 projects had been funded from this.

Examples were cited of projects that had been carried out and these included refurbishment of Marinas and Jettys, development of “Put & Take” Fisheries, the refurbishment of the “Maid of Antrim”. There were Biodiversity Projects which included Rams Island, Whooper Swan tracking, Tree Sparrow and freshwater crayfish projects.

Several projects involved the creation of reedbeds and these should improve water quality. There were also projects that involved habitat enhancement work and groups such as BREA and Moyola Angling Club benefited from these.

Lough Neagh Partnership received the British Urban Regeneration Awards (BURA) UK waterways Renaissance Award in 2010.

Currently, funding is an issue and the Lough Neagh Advisory Committee has already folded due to a lack of funding. It is feared that the Lough Neagh Partnership may also suffer the same fate if funding cannot be secured. An application has been made to NIEA Natural Heritage and the local Councils to try and ensure the survival of the organization.

After the presentation the following questions were asked.

- Why is Lough Neagh a Heavily Modified Waterbody?

[Action Point 7: GW to forward information to Garry Gregg on designating HMWB and status .](#)

- Is there any control of shooting rights on the Lough?

The Shaftesbury Estate own the rights and they rent them out.

- How are birds affected by overfishing on the Lough?

At present the impact is not really known. A study carried out for NIEA has shown that the population of Great Crested Grebes is stable.

- What impact does the extraction of sand have on the Lough?

Laverne Bell answered that The Quarry Products Association has carried out an Article 6 assessment and this has shown that there is no impact on the ecology. There is 1 million tones of sand extracted per year and this meets $\frac{1}{4}$ of the needs of the Construction Industry.

- The amount of sand available in the Lough is finite. How and when will it be known if continued extraction is impacting the Lough?

Action Point 8: To find out who deals with the extraction of sand in Lough Neagh in NIEA. The question to be answered is “how much is too much and when will we know if it is too much”.

- We have seen an increase in the amount of flooding of rivers in recent years. Why has this changed so much?

Paddy McCrudden answered and indicated that there was more use of SUDS to try and attenuate the impact of the increased hard standing due to housing developments, roads etc. A discussion developed and the development in Ballyclare where there are plans to build 2200 houses was raised. Maintenance of SUDS is one issue that has not yet been resolved.

Action Point 9: GW to send SUDS strategy to Garry Gregg.

4. Operational Actions - Conor Symington, NIEA Regional Manager.

Conor Symington gave a presentation to the group on the range of work carried out by staff in the area, in relation to pollution incidents, prevention and progress made. During the period May 2010 to October 2010 there were 96 incidents reported to the Water Pollution Hotline. Of these, 39 were able to be substantiated and no pollution could be found at the remaining 57 sites. 29 incidents were classed as low severity, 9 were Medium Severity and there was 1 High Severity incident. (Medium Severity incidents or worse are cost recoverable). 18 incidents were sewage related, 14 were farm related and 5 were oil related. Statutory samples were taken in 5 cases. One of the illustrated incidents was of a catastrophic failure of a slurry tank. Prompt action by the farmer prevented a major problem from developing. After the presentation the following questions were asked.

In the example cited, prompt action prevented a serious pollution problem from developing. Is there a requirement for farmers, particularly those in Agri-Environment schemes, to report incidents to allow a swift response?

Action Point 10: Refer to Alan Morrow to answer query about Agri-Environment schemes.

Why are farmers permitted to build above ground storage facilities on the brow of a hill?

Action Point 11: Refer to Alan Morrow to answer query about farm storage facilities.

Is any monitoring done for hormones in the water? This is a concern not just because of the impact on fish but also because Lough Neagh is a major source of drinking water and will impact on humans.

There are currently plans being progressed to address 31 -33 Dangerous Substances through the Water Framework Directive. These will be dealt with at a National level. Hormones are not currently monitored at WWTW, effluents are only tested for what is in the consent to discharge.

[Action Point 12: Refer to Drinking Water Inspectorate.](#)

5. Local Management Area Action Plan - Lough Neagh LMA – Gerry Wilson, NIEA.

Gerry gave a brief overview of the process to date and outlined some of the actions identified for 3 waterbodies within the LMA. The problems that have been identified are related to sewage and agriculture with high organic loading and nutrient enrichment a common theme for most waterbodies.

An example was cited from the Annacloy River of a restoration project that was a good example of Inter Agency collaboration. The plan design was drawn up by staff from AFBI and DCAL and was implemented by Rivers Agency. NIEA staff were involved in pre and post work Habitat Assessment.

The new Signage project to promote the Pollution Hotline Number was mentioned and a mock up of the signs was shown. Suggestions for sites to place the signs were welcomed.

The new promotional E-zine to advertise the CSG meetings was also mentioned. This will be available on the NIEA website and there will be links to relevant information relating to the Action Plans and CSG meetings.

The Community Award scheme was also highlighted and those present were encouraged to think of projects that they submit. It will be a web based promotion and information packs will be available from the end of November. The closing date for applications is the end of January 2011 and the grants will be awarded at the end of February 2011.

In the post presentation discussion the following topics were highlighted.

The co-operation between agencies was welcomed and it was hoped that there would also be greater consultation with Angling Clubs.

The Fish Survey planned for Lough Neagh to begin in the Summer 2011 was also welcomed. It was felt that this was long overdue and the question was asked as to how fish stocks could be managed if it was not known how many fish were actually in the Lough.

Some Angling groups also noted that the runs of Dollaghan back into the rivers has been very low this year. It was queried if this could be due to illegal fishing in the Lough.

It was noted that local fish markets have been selling Dollaghan and that Containers are being shipped to Europe but DCAL do not appear to be apprehending anyone. A suggestion was made that a Representative from Inland Fisheries could give a talk on what is being done in the local area.

[Action Point 13: DCAL to be approached to give a talk on what they are doing.](#)

A question was asked about the Rose Energy Incinerator and what was NIEA's attitude to it having received Planning Permission?

Although Planning Permission has been granted, the process is up for a Judicial Review and we will have to await the outcome of this. This project, if given the go ahead, will be subject to the usual environmental permit conditions.

6. Conclusion

Mark Livingstone concluded the meeting by thanking everyone for their attendance and stated copies of the minutes and action points would be circulated. Individuals would be contacted in relation to action points.

The meeting concluded and the date of the next meeting will be circulated at a later date.