

## Upper Foyle Catchment Stakeholder Group

# Minutes

Tuesday 11 May 2010

**Venue:** The Strule Arts Centre, Omagh

### **Present:**

Peter Archdale (Chairman)  
Diane Black (NIEA)  
Art Niven (LA)  
Gavin Turner (NIEA)  
Alvin Wilson (NIEA)  
Seamus Cullinan (LA)  
Sam McCracken (NIEA)  
Stephen Annesley (NIEA)  
Noel Melanaphy (FS)  
Margaret Gourley (NIEA)  
Vincent Smith (DARD)  
Gareth Greer (DARD RA)  
Brian Montague (NIEA)  
Lucinda Blakiston Houston (Beltrim Estate)  
Jim Haughey (UAF)  
Angela Halpenny (NIW)  
Robert Scott (Abercorn Estates)  
Norman Henderson (NIEA)  
John Kane (DCAL)

### **Apologies**

Daniel McSorley (Omagh DC)  
Julie Corry (Omagh DC)  
Alan Morrow (DARD)  
Omagh Anglers Association  
David Campbell (GAFF Anglers)  
Bob Davidson (NIEA NH)  
John McCartney (LA)  
Brian Johnston (Trout Farm)  
Ian Irvine (DARD FS)

### **Item 1. Welcome and Introduction**

Peter Archdale (PA) opened the meeting and welcomed everyone. PA then introduced Diane Black (DB) as the new Catchment Management Officer for the Upper Foyle Catchment Stakeholder Group (CSG). The group were then asked to give their names and organisation. PA offered the group the opportunity to change the chairperson position; however no changes were proposed to the current non-NIEA chairman. The apologies were conveyed to the group and best wishes were sent to John McCartney for a speedy recovery.

## Item 2. Minutes of previous meeting

These were agreed to be an accurate account and are available on NIEA website.

## Item 3. Matters arising- Action points

**AP 1:** Alan Morrow (AM) to provide update at the next meeting on the rational for variations in the closed period in Northern Ireland, England, Scotland and Wales. The following written response was provided by AM.

Under the Nitrates Directive, Member States are obliged to designate catchments of eutrophic waters as Nitrate Vulnerable Zones (NVZs) where agriculture is a significant source of nitrate pollution.

As Northern Ireland has a widespread problem of eutrophication of surface waters and a large part of nutrient enrichment has been attributed to agriculture, the total territory of Northern Ireland has been designated a Nitrate Vulnerable Zone and must operate under a Nitrate Action Programme. A key measure in the Nitrates Action Programme Regulations (Northern Ireland) 2006 is a closed period for the application of organic and inorganic fertilisers.

Closed spreading periods also apply to farms within NVZs in England, Scotland and Wales. However, a total territory approach has not been adopted and NVZ's have been designated in England (70% of land area), Scotland (15% of land area) and Wales (4% of land area).

The action was recorded as complete.

**AP 2:** It was agreed to defer a presentation from IPPC until a specific issue arose.

**AP 2:** Joanne Livingstone (JL) to ensure that the final heavily modified waterbodies (HMWB) paper is circulated to the group and the issue is kept on the agenda.

PA explained to the group that there was an ongoing review of the definition of HMWBs. PA recommended that when the review is complete the amendments should be discussed by the group given that there are extensive HMWBs in the western system.

The NIEA web link to the paper on HMWB had been circulated by email to the group and a number of hard copies were also made available at the meeting. The paper is available on the link:

[http://www.ni-environment.gov.uk/hmwb\\_classification\\_intro.pdf](http://www.ni-environment.gov.uk/hmwb_classification_intro.pdf).

<b>Action 1 - DB to advise the group when the review of HMWB is complete and circulate for the group to consider.</b>
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**AP 3:** JL to circulate the list to the CSG to ask for additional local knowledge of landfill sites in the CSG area.

The list of landfill sites which had been collated to date was circulated by email to the group. PA raised concerns that there were still a number of sites which were not on the list. Historical sites did not have closure plans and their potential to cause water pollution remained a worry. Individuals were encouraged to highlight any further known sites to NIEA so their proximity to watercourses could be investigated.

<b>Action 2 – All - Forward the location of other known sites to NIEA.</b>
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**Action 3 - DB - Consider how data can be requested from local councils regarding historic landfill sites. DB to keep this as an agenda item.**

**AP 4:** Seamus Cullinan (SC) agreed to provide a further update at the next meeting on how the Creevan Burn project turned out.

This was covered with the Loughs Agency (LA) presentation (see section 4). The action was recorded as complete.

**AP 5:** JL to keep the A5 WTC as an agenda item.

The following written update was provided for the group:

NIEA WMU are continuing to meet Mouchel, along with DCAL and LA, on a regular basis to ensure that all potential aquatic impacts are assessed during the environmental impact assessment stage of the project and that the outcomes of that assessment process will be implemented during the construction phase in terms of mitigation and avoidance measures, where required.

The draft paper 'Information and Assessment Requirements for Inclusion in an Environmental Statement for Major Road Schemes To Ensure Impacts on the Aquatic Environment are Adequately Assessed' is being produced by WMU with input from Loughs Agency and the Inland Fisheries Group, of DCAL. WMU recommend direct consultation with LA and DCAL to ensure their EIA requirements are fully captured prior to the preparation of an Environmental Statement. The paper was circulated to the group by email and comments are requested by close of play on Monday 7th June 2010.

LBH indicated that one of the most successful large scale schemes, which resulted in minimal disturbance, was the gas pipeline and that their methods and measures should be considered. Jim Haughey (JH) recommended that environmental bonds be put in place in these contracts and used for restoration of any damage from any pollution. PA stated that he understood that JMcC had mentioned this to Mouchel.

**Action 4 – ALL - Group to identify any gaps in the draft paper and return comments to DB by Monday 7th June 2010.**

**AP 6:** JL to confirm if BOD would be used in WFD classifications and monitoring.

BOD is not used in WFD classification but is retained for monitoring purposes. The action was recorded as complete.

**AP 7:** JL to ask Forest Service (FS) to consider how to inform stakeholders of clear felling proposals and discuss the issue of brash removal from these sites at the next meeting.

Noel Melanaphy (NM) gave a comprehensive summary to the group covering reviewing of forest area plans, strategic area plans, operational plans and the consultation process with local councils and the public. PA highlighted to the group that the link must be made between the DRD Regional Development Strategy and local plans such as these. Other discussions followed with regard to public use of forests and clear felling policy.

The course of action with regard to removal of brash was clarified by NM. FS use brash if the opportunity for use as bioenergy is available and trials have been carried out. NM explained that FS will not remove brash where it is considered detrimental or needed e.g. buoyancy aid on peat sites.

LBH raised a point relating to the policy of planting on bog sites. NM described that FS were looking to restoration plans for sites adjacent to designated and poor peat sites.

LBH indicated that it would be useful for the group to view where this is planned. NM clarified that this work would be in the Sperrin area which is timetabled in 2011.

The natural colonisation of conifers outside the established forest area was discussed and VS explained that DARD were actively looking at this issue within the NICMS providing agri-environment payments for landowners to control naturally colonising saplings on heather moorland.

**Action 5 – FS – Include the Group’s participation in FS felling plan consultations**

**AP 8:** ALL – Any comments on the LMA selection paper to be e-mailed directly to Alvin Wilson (AW) as soon as possible.

AW explained that one comment had been received from LA. It was decided to use the LMAs selected and a variety of groups are now focussing their attention on those areas e.g. DARD, DCAL and the monitoring teams within WMU. The selection appears to have been accepted and the LMAs grasped by those involved. Concerns over LMAs which were not selected for 2010 have been dispelled as the LMA focus will move on a yearly basis. The action was recorded as complete.

**Item 4. Art Niven (AN) – Catchment Case Study – Water Framework Directive Freshwater Fish Monitoring Programme - Loughs Agency**

4.1 AN gave an overview of the work carried out by Loughs Agency as part of the Water Framework Directive Freshwater Fish Monitoring Programme requirements. GT detailed the number, source and severity of pollution incidents since the last meeting.

4.2 JH asked if the current LA classification results were considered representative for other parts of the catchment. AN explained, that it was difficult to say, until the sites were assessed. Gareth Greer (GG) suggested that semi-qualitative data could be used. AN agreed and this was being considered. John Kane (JK) noted that past projects produced data on the trends.

**Action 6 – JK, AN – Further discuss past monitoring data and results to build picture for the area.**

4.3 LBH raised concerns over maintenance and operation of fish counters on the Owenkillew River and asked what percentage of time they operated. AN explained that the counters are one audit level and that this other work formed a large part of fish monitoring. LBH highlighted that from a social and recreation point of view, the counters are an important WFD issue and suggested that LA establish a working group to look at validation of the counters. AN advised that there were four fish counters in place.

4.4 NM asked if there were hopes to complete the entire Loughs Agency waters matrix. AN described that the assessment is a labour and time intensive programme of work which will take some time to complete.

4.5 SC then gave a brief summary presentation on community involvement supporting the Creevan Burn project.

The presentations are both available on the link below:

[http://www.ni-environment.gov.uk/water-home/wfd/public\\_partic\\_3/catchment\\_stakeholder\\_groups/upper\\_foyle.htm](http://www.ni-environment.gov.uk/water-home/wfd/public_partic_3/catchment_stakeholder_groups/upper_foyle.htm)

## **Item 5. Gavin Turner (GT) – Regional update on pollution incidents and investigations in the Upper Foyle Catchment.**

5.1 GT detailed the number, source and severity of pollution incidents since the last meeting. The presentation is available on the link below:

[http://www.ni-environment.gov.uk/water-home/wfd/public\\_partic\\_3/catchment\\_stakeholder\\_groups/upper\\_foyle.htm](http://www.ni-environment.gov.uk/water-home/wfd/public_partic_3/catchment_stakeholder_groups/upper_foyle.htm)

5.2 There was a discussion on the apparent discrepancy between the quoted 144 domestic approvals and the number of new houses in the area as it was felt that the figure seemed very low. GT explained that the consenting process for domestic consents and the planning process were two separate entities and that while it was good practice to have a domestic consent it was not a requirement at the planning stage. It was pointed out that when a site is being sold the requirement changes. Norman Henderson (NH) indicated that lenders ask for this consent and NIEA are aware of un-consented sites and a project is now underway to map this. GT explained that his team have a good working relationship with building control in Omagh who notify the WQIs of sites requiring consent. PA mentioned that this had been raised at the Stakeholder Forum and that it was encouraging that NIEA had now a strategy to quantify the problem and this was beginning to take shape.

5.3 There was a discussion around the issue of silt entering waterbodies from housing development sites, particularly at the site clearance stage. Examples of sediment problems which had impacted on high quality waters were discussed. SC pointed out that mitigation measures would not need to be very elaborate to reduce the impact. AW told the group that he had met with Planning Service to raise these issues with them. GG suggested that it would be helpful to map sediment loading after a flooding episode in order to establish the points of impact.

**Action 7 – AW – Discuss further the impact of site development and the potential impact with Planning Service.**

**Action 8 – GG to discuss with WMU the potential for mapping sediment loading after a flooding episode in order to establish the points of impact.**

5.4 SC raised concerns about CSOs and untreated sewage in Omagh town at low water conditions (at Drumragh and Camowen). GT stated that there was a direct reporting line to NIW for such problems and depending on the severity of the incident; the WQIs take action once the incident is reported. In recent times their office had experienced a good response and feedback from NIW and described how recent problems had resulted from debris in the sewers.

## **Item 6. Alvin Wilson - Introduction to the development of Local Management Area (LMA) Action Plans.**

6.1 AW described the workshop approach to follow. The Owenkillew items prepared to lead the discussions included a 'reasons for status' map, feedback form for the LMA and a large OSNI map of the Owenkillew LMA. The group were encouraged to participate in discussions raising issues and sharing local knowledge with NIEA.

6.2 AW explained that the draft Action Plan of possible measures had been collated and individuals were invited to look at progress. AW emphasised that stakeholder and local input was very important in the development of the Action Plan.

6.3 PA emphasised that there needed to be a fluid relationship between the CSG and the LMA and asked how DB would collect the required local knowledge from the individuals. AW explained that this was an ongoing process. DB explained that, to date, successful meetings had been completed with several CSG members and was keen to continue to get contacts and meet with others who had local knowledge. PA asked the group to consider on how to better take this forward.

6.4 LBH asked how the monitoring sites were chosen. AW explained that factors such as safe access influence monitoring point locations. Some waterbodies have more than one point and a main one on the main conjunction.

6.5 LBH enquired about the morphology assessments. AW clarified that morphology assessments do not influence the overall class. The natural levels of copper in the Owenkillew LMA were discussed.

6.6 PA briefly covered the presence of freshwater pearl mussel in the Owenkillew LMA and the difficulties surrounding this species and measures to improve.

6.7 Members discussed issues they were aware of in the Owenkillew LMA and they were recorded on the maps and feedback forms.

## **Item 7. AOB**

7.1 PA raised the design of the feedback forms, format of the meeting and future topics for consideration by the group.

**Action 9 – All – Feedback to DB on meeting format and future topics for discussion.**

7.2 PA mentioned attendance at the CSG meetings and noted that representation from the farming community was limited. It was felt that the views of DARD CMB and landowners to agree practical solutions and measures were critical to the process. VS explained that CMB staff are keen to meet on a more regular basis with their clients, however current financial restrictions were curtailing meetings. PA asked the group to consider how, in practical terms, landowners could be encouraged to take part. Robert Scott (RS) suggested that one potential route may be through the local Ulster Farmers Union (UFU). Presentations on the LMAs and water quality may be valuable in raising the awareness and participation of this sector.

**Action 10 – AW to initiate contact with Ulster Farmers Union to discuss potential for awareness raising presentation for UFU members.**

## **Item 8. Close**

PA drew the meeting to a close and thanked everyone for attending and for their valuable input. The next meeting was agreed for Tuesday 26<sup>th</sup> October 2010.

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](http://www.ni-environment.gov.uk)