

Belfast Lough & Lagan Catchment Stakeholder Group

Minutes

13 March 2008



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Belfast Lough and Lagan Catchment Stakeholder Group

7pm Thursday 13th March 2008
Crawfordsburn Country Park, Helen's Bay

Attendees:

Dave Foster	Head of Water Management Unit, EHS (Chair)
Mark Livingstone	Emergency Pollution Officer, EHS
Davy Miller	Senior Water Quality Inspector, EHS
Richard Morrow	Water Quality Sampler, EHS (Note-taker)
Helen Nutt	North Eastern Catchment Officer, EHS (Note-taker)
Philip Allen	Friends of the Earth
David Archer	
Judith Bankhead	Conservation Officer, Rivers Agency
Jim Bradley	Belfast Hills Partnership
Cathy Burns	Lagan Canal Trust Manager, Craigavon Borough Council
John Campbell	Holywood Flyfishers Club (& Royal County Down Yacht Club)
Daniel Clarke	Lagan Valley Regional Park
Brian Daly	Fisheries, DCAL
Raymond Dougal	Dougold Mussels
Jim Henning	Lagan Branch, Inland Waterways Association of Ireland
Gary Houston	Iveagh Angling Club
Uel Irwin	AES Kilroot Power Station
James Kelly	Rivers Agency
Ruth Kelly	Colin Glen Trust
Brendan Kerr	Natural Living Assets
Jonathan Kerr	
Stephen Kirk	Three Mile Water Conservation Angling Association
Orla Maguire	Biodiversity Officer, Belfast City Council
Marcus Malley	Craigavon Conservation Officer, Craigavon Borough Council
David McCrum	Northern Ireland Water
Donal McLoughlin	Lisburn City Council
Brian Murphy	Council for Nature Conservation and Countryside (CNCC)
Tyrone Nelson	Reserve Manager Bog Meadows, Ulster Wildlife Trust (UWT)
Delphine Pouligny	Cross Border Aquaculture Initiative (CBAIT)
Ian Spratt	Belfast Harbour Authority
Alan Veitch	Tullywest Fish Farm

1. Welcome and introductions

Dave Foster opened the meeting and welcomed all.

Those in attendance were invited to introduce themselves to group. Round room introductions.

Dave Foster, Head of Water Management Unit, EHS presentation; "Belfast Lough & Lagan Catchment Stakeholder Group - Welcome"

Floor opened for questions/comments.

2. The role and functioning of the group and EHS

2.1 John Campbell raised concerns over odours in Belfast Lough from a sailing perspective. He also raised concerns about under-representation of sailing clubs at the meeting.

Helen Nutt clarified that invitations to attend the group had been sent to about 150 individuals and that invitations had been sent to representatives from about 10 sailing clubs in the catchment. Sailing clubs were welcome to attend and would be invited again to future meetings. She asked that she be made aware of any organisations who

attendees would like to have on the group and that she would ensure they were invited to future meetings.

- 2.2 Philip Allen asked if and how issues raised at meetings would be resolved by EHS. Dave Foster said that that would depend on the nature of the issue/question. If possible and where relevant, EHS would continually aim to improve environmental issues. Issues agreed by the majority at meetings as being a priority for the catchment, would be taken seriously.
- 2.3 Donal McLoughlin asked where the Nitrates Directive fitted into the role of EHS. Dave Foster said that there is a specific team within EHS dealing with the Nitrates Directive and they pursue issues related to this legislation along with other Common Agricultural Policy issues through Cross Compliance.
- 2.4 Delphine Pouligny asked if shellfish beds in Belfast Lough were not mentioned in the presentation because they are not designated sites. Dave Foster clarified that issues relating to both the Shellfish Waters Directive and the Shellfish Hygiene Directive were covered by the Marine Section within EHS. He said that a review of Shellfish Waters designations was being carried out within the Environmental Policy Group in the Department of Environment and that this would be published soon.
- 2.5 Brendan Kerr asked how the recent pollution incident at Six Mile Water could have been prevented and asked who EHS are answerable to. Mark Livingstone said that EHS have both a pollution response and pollution prevention remit. Industrial sites like those at Mallusk are risk assessed regarding pollution prevention. High risk industries are given advice by EHS as to how to minimise their impacts and what they would need to address. If this advice is not adhered to it would be enforced. Mallusk Industrial Estate is almost completely culverted making sources of pollution particularly difficult to locate. There is a 24-hour telephone hotline (0800 807060) where people can report incidents of pollution and he encouraged people to use this. EHS have a target to be at all high severity incidents within 2hrs of reporting in office hours at 4hrs at all other times. The EHS Pollution response to the Mallusk incident was less than thirty minutes but unfortunately the damage had already been done and 12 miles of river was affected. Dave Foster said that EHS sits within central Government and that as civil servants EHS are therefore answerable to the Minister of Environment. EHS take advice from other agencies and bodies like the Council for Nature Conservation and Countryside (CNCC) as to what EHS priorities should be. He said that the Review of Environmental Governance NI (REGNI) was being debated, and that a decision as to whether there should be an independent environment agency in Northern Ireland would be announced over the next few months.
- 2.6 Stephen Kirk asked if angling club river bailiffs would be allowed to take water samples themselves which could then be used for prosecution against polluters. Mark Livingstone said that a river bailiff had taken a sample at the recent Six Mile Water pollution incident and that although it would be analysed to support the case that the sample alone wouldn't stand up in court. He said that the issue of using non EHS staff to collect samples was riddled with difficulties but that river bailiffs have produced witness statements to help prosecution cases. Uel Irwin emphasised the importance of collecting viable samples and that neutral containers must be used to avoid tainting, not lemonade bottles etc. Dave Foster agreed that the technicalities of lifting samples was important but that the avenue of using non EHS samplers should be explored. Brendan Kerr asked if EHS could train river bailiffs to collect samples.

Mark Livingstone said that Water Quality Inspectors and river bailiffs do work together in pollution investigations however the issues of sampling by river bailiffs was problematical but one for further discussion.

Dave Foster said that the enthusiasm of people to get involved in tracing pollution was appreciated, but the importance of samples being collected by an independent body, with no bias was emphasised. He agreed that the legality of samples is awkward but that the current situation could be improved.

ACTION: Dave Foster/ Mark Livingstone to raise issue with DCAL for consideration.

- 2.7 Raymond Dougal asked if there was a link between the Water Framework Directive and EHS.

Dave Foster said that all teams within Water Management Unit are involved with Water Framework Directive (WFD) implementation. All are part of the Department of Environment family and work together to implement the Directive and the local legislation that has been written specifically to address the Directive's requirements in Northern Ireland. All Government Departments have signed up to the Water Framework Directive.

3. Pollution issues

Davy Miller, Senior Water Quality Inspector, EHS presentation; "Pollution Incident Response Belfast Lough and River Lagan Catchment Stakeholders Group"

Floor opened for questions/comments.

- 3.1 Stephen Kirk asked if it should be expected that a mass of slurry spreading would be carried out across the country after the opening of the closed period on 1st February. He raised concerns as to what the effects of this amount of spreading at one time would be on our water courses.

Dave Foster hoped that this would not be the case and said that although the closed period would have ended that there were still other regulations in place to restrict polluting effects like slurry runoff into waterways.

Mark Livingstone said that all pollution incidents from improper slurry application etc. should be reported via the pollution hotline (0800 807060).

John Campbell asked whether the amount of slurry being spread could be restricted.

Dave Foster said that yes farmers had been given advice on the intensity of applications that were permitted and that heavy spreads should be reported to EHS through the pollution hotline so that breaches could be investigated.

Stephen Kirk expressed concern that the regulation of agricultural activities was not thorough enough.

Mark Livingstone said that farmers were highly regulated with substantial amounts of agricultural regulations/legislation. He said that EHS was able to cover all aspects of agricultural pollution incidents through their Cross Compliance and pollution remits.

- 3.2 Brian Murphy said that the majority of slurry spreading was carried out by contractors in Northern Ireland and that training for them should be encouraged.

Mark Livingstone said that the ultimate responsibility for pollution resulting from slurry application lay with the controller of the land, usually the farmer.

Dave Foster said that EHS were working with DARD to improve the issue. Under Cross Compliance, if a farmer was breaching any of his responsibilities then penalties would be delivered through the relevant EU legislation e.g. Nitrates Directive. Farmers would therefore lose a percentage of their single farm payment. Negligent contractors would soon be pulled into line as their reputation would be at stake and farmers would vote with their feet if penalties were delivered to them as a result of poor working methods.

ACTION: Dave Foster to raise suggestion of appropriate training for contractors with DARD.

- 3.3 John Campbell asked if farmers were made aware of their responsibilities and if they were keeping up with the legislation.
Dave Foster said that EHS were pro-active in raising awareness with farmers of their environmental responsibilities and that they were working closely with DARD to do this. Farmers have been sent a lot of paperwork regarding their responsibilities. The level of understanding amongst farmers was improving but EHS were always aiming to increase knowledge. There have been a number of training events held by DARD, EHS, Ulster Farmers' Union etc. where the issues have been raised and EHS had been attending the majority of the agricultural shows to raise awareness of the effects of pollution and how it could be avoided (Balmoral show etc.).
Uel Irwin said that farmers were very aware of their responsibilities. He said that the Ulster Farmers' Union were well represented on the Stakeholders Forum and that they were working hard to resolve the issues.
- 3.4 Donal McLoughlin asked if the Nitrates Directive legislation had been fully phased yet.
Dave Foster said that implementation was currently being phased in, e.g. there were now requirements for slurry to be applied directly downwards to the ground to reduce volatilisation.
Mark Livingstone said that where farmers did have sufficient storage facilities they were required to meet the legislation relating to the closed period. He said there were still farms trying to build storage facilities to allow them to meet this obligation, with derogation until December 2008 in place.
Dave Foster said that poultry manure incineration had been recommended as part of the solution for poultry farmers to meet the legislation but that it would take time to implement the legislation fully.
- 3.5 Gary Houston asked how the restrictions on spreading waste would affect the dairy industry, cheese factories etc.
Dave Foster said that this issue was currently being led by the Waste Management side of EHS but that he would ask for an update on their progress with it. He said that a number of incidents had been addressed lately but asked that if there were specific problems that had not been resolved that these be reported to EHS through the pollution hotline number (0800 807060).
Gary Houston said that access and tracing was a problem in many areas and that in some instances there was a tanker on site every 10 minutes.
ACTION: Dave Foster to get an update from EHS Waste and Contaminated Land colleagues on issue.
- 3.6 Ruth Kelly said that there was a problem with cross connections in housing estates in the Colin Glen area and that sewage and grey water was entering the Colin Glen River that flows through the forest as a result.
Davy Miller said that he was aware of issue and that the problem of cross connections/sullage water inputs as point source pollution was currently being pursued by EHS through a sullage working group that had been recently set up. EHS were planning to make the public aware of the issue and give advice as to how these problems could be fixed so that they could gain their help in resolving the problem. Davy Miller said that at a local level it could appear to be a significant problem however the impacts were not always particularly great. It could be an extremely labour and cost intensive issue to resolve. He said that because it was generally perceived as being of a low severity nature that it was difficult to find out where problems were and that there were few reports of such problems from the public.
Dave Foster said that EHS had been looking into raising public awareness of the problem and that they were considering producing and disseminating leaflets similar to those produced by Thames Water, Bristol Living Streams and Environment Agency in England in areas where there were problems.
Donal McLoughlin suggested that the pipes used for surface and foul water should be different colours/sizes to differentiate their use and prevent misconnections and that

this had been discussed a few years ago when there had been problems with a development in Glengormley.

Davy Miller said that if it is a builder who has caused the problem that it was sometimes easier to resolve the issue directly with them. EHS acknowledged that building control should include sullage water issues but that this was not currently the case.

Mark Livingstone said that a cross connections/sullage group had being set up in EHS and that they would be looking in to how these problems could be best addressed.

ACTION: Helen Nutt to forward copies of the currently available English Cross-connections awareness raising leaflets to Ruth Kelly.

4. The way forward for the group

Helen Nutt, North Eastern Catchment Officer, EHS presentation; "The role of the Catchment Officer and the way forward for the group"

Floor opened for questions/comments

4.1 The panel was asked if the Projects Aiming to Improve aquatic Resources (PAIRS) register applied to only water quality or to other environmental issues such as habitats etc.

Helen Nutt said that information on projects improving water quality and habitats would be welcomed.

Dave Foster said that EHS were trying to leave the scope of the register as wide as possible so a comprehensive register could be produced.

The panel was asked what assistance would be available from EHS for such projects.

Mark Livingstone said that EHS would be able to provide people with expertise and direct them towards possible routes of funding.

Dave Foster said that EHS could not unfortunately permit grant aid but could direct groups towards possible funders. He said that EHS were aiming to make links with groups and to help them carry out improvement projects.

ACTION: All relevant parties who wish to participate to complete PAIRS form and return to Helen Nutt (Helen.Nutt@doeni.gov.uk).

4.2 The panel was asked if EHS was able to cope with the extra workload.

Dave Foster said that the number of field staff had increased over the last year but that obviously there would never be enough. EHS would endeavour to make links with external bodies for progress and resource allocation was being continually reviewed.

The panel was asked if pollution problems would be pursued quickly.

Davy Miller said that the call out time targets used by EHS depended upon the severity of the pollution incident. Higher severity incidents would be prioritised over those with lower impacts. The field staff aims are to respond to incidents initially assessed as:

High or Medium Severity, within 2 hrs (reported during normal working hours)

High or Medium Severity, within 4 hrs (reported outside normal working hours)

Low Severity incidents, within 1 working day

4.3 Philip Allen asked whether ground water was monitored by EHS.

Dave Foster said that yes ground water monitoring was carried out by EHS. He said that there were a number of bore holes across the province to monitor ground water levels and that details of this area of work could be found on the EHS website.

The panel was asked whether ground water associated with illegal dumps was also monitored.

Dave Foster said that the EHS, Waste Management Unit dealt with this issue and that where there were particular water pollution problems from dumping activities that these should be reported to EHS through the pollution hotline (0800 807060). He said that there had been some well publicised cases with waste from across the border being illegally dumped in Northern Ireland and that EHS had an agreement in principle from the Republic of Ireland Department of Environment that this would be removed and taken back across the border to be disposed of properly. Dave Foster said that he

recognised that not all illegal dumping occurred as a result of cross border activities and that there had been prosecutions of both cross border and local illegal dumping operators.

Donal McLoughlin asked who cleaned up the mess if the polluter would not and how long it would take for prosecutions to get to court.

Dave Foster said that it typically took 9-12 months before a case would get to court and that EHS would carry out the clean up if a polluter were to refuse.

The panel was asked where the line was between the Waste Management Unit and Water Management Unit in such cases.

Mark Livingstone said that prosecution for such incidents would be taken using both party's sets of legislation where possible, and that a joint effort was used where pollution incidents crossed the line.

Dave Foster reiterated that the Water and Waste Management Units worked closely together to tackle such issues.

ACTION: Helen Nutt to forward information to Philip Allen on ground water monitoring. (http://www.ehsni.gov.uk/water/water_resources/groundwater.htm)

- 4.4 The panel was asked who was responsible for removing waste from canals.
Mark Livingstone said that several bodies were related to rivers and canals and that they had different responsibilities relating to their management. He said that no one body was wholly responsible but they did work closely so that if there were problems these should be reported and the relevant body would be contacted.
- 4.5 Raymond Dougal said that he had concerns over a grey area of regulation where rivers entered the sea. He said that there were a number of bodies involved in regulating shellfish production, Food Standards Agency (FSA), DARD and EHS. He said that runoff from the land and rivers caused bad test results which meant that shellfish farmers could not sell their produce and that they were paying the price for upstream pollution. Dave Foster said that he was aware that not all marine waters were designated under the Shellfish Waters Directive but that a review of Shellfish Waters designations was being carried out.
Delphine Pouligny asked if the concerns that had been raised could be highlighted to the review group.
Dave Foster said that he would pass on the concerns that had been raised to the DOE, Environmental Policy Group (EPG) who was carrying out the review.
ACTION: Dave Foster to make EPG aware of Raymond Dougal and Delphine Pouligny's Shellfish Waters concerns.
- 4.6 Brendan Kerr asked that other groups be empowered to help Government agencies to protect the environment.
Davy Miller said that many positive relationships had been established with groups such as angling clubs and Non Government Organisations (NGOs) and that the establishment of this Catchment Stakeholder Group would hopefully encourage more partnerships.
Uel Irwin said that empowerment worked well with larger independently assessed groups and that they had a good relationship with organisations like the Royal Society for the Protection of Birds (RSPB).
- 4.7 A number of attendees expressed concern that no representatives from Planning Service were present at the meeting and that their involvement in the group was important especially with regard to new development pressure on overloaded waste water infrastructure. With the Council boundary changes having been announced that day, this was likely to become an even more complicated and significant problem.
Helen Nutt said that a representative from Planning Service had been invited and that they would be invited again to future meetings of the group.

- 4.8 Dave Foster asked how those attending would like to progress with the Catchment Stakeholder Group.
Helen Nutt asked the floor if they would like her to encourage Planning Service to come to the next meeting and said she would pursue the possibility of having a brief presentation given by a representative at a future meeting if the group was keen.
Dave Foster said that he would raise the issue at the board meeting.
The floor agreed this would be a good idea.
Judith Bankhead said that she would be happy to clarify the role of Rivers Agency at a future meeting.
David McCrum indicated that NI Water may be able to provide someone to present at a future meeting and emphasised that NI Water did object to plans for new housing developments where the infrastructure would not be able to cope.
Dave Foster offered the use of the EHS offices in Lisburn as a venue for the next meeting in 6 months time.
The floor agreed that Lisburn would be a suitable location.
Helen Nutt invited all present to continue to use the pollution hotline to report incidents (0800 807060) and to contact her if they had any issues that they would like to discuss or any views to share on how the Belfast Lough and Lagan Catchment Stakeholder Group should progress.
ACTION: Helen Nutt/ Dave Foster to contact Planning Service for a representative to attend and present at future meetings.

5. Close

Dave Foster thanked all for attending and said that he had found it a useful meeting and that he hoped for continued progress.

Summary of actions from the meeting:

Ref	Action	Update
2.6	Dave Foster/ Mark Livingstone to raise issue of sampler training for river bailiffs with DCAL for consideration.	Contact has been made with DCAL. Awaiting suggested dates for meeting to resolve.
3.2	Dave Foster to raise suggestion of appropriate best practice training for farming contractors with DARD.	
3.5	Dave Foster to get an update from EHS Waste and Contaminated Land colleagues on issue of dairy waste disposal to land.	
3.6	Helen Nutt to forward copies of the currently available English Cross-connections awareness raising leaflets to Ruth Kelly.	Actioned: 28.03.08
4.1	All relevant parties who wish to participate to complete PAIRS form and return to Helen Nutt (Helen.Nutt@doeni.gov.uk).	A number of forms have been returned.
4.3	Helen Nutt to forward information to Philip Allen on ground water monitoring. (http://www.ehsni.gov.uk/water/water_resources/groundwater.htm)	Actioned: 16.03.08
4.5	Dave Foster to make EPG aware of Raymond Dougal and Delphine Pouligny's Shellfish Waters concerns.	EPG have been made aware.
4.8	Helen Nutt/ Dave Foster to contact Planning Service for a representative to attend and present at future meetings.	