

Meeting Record of the

Carlingford & Mourne Catchment Stakeholder Group Meeting

21 October 2009

WIN Business Park, Newry

Attendees:

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| 1. Judith Bankhead (JB) | Rivers Agency |
| 2. George Berry (GB) | Local Resident |
| 3. John Best (JB) | Ulster Farmers Union |
| 4. Eddie Carvill (EC) | Fairgreen Oysters |
| 5. David Clarke (DC) | Loughs Agency |
| 6. Dymphna Gallagher (DG) | Northern Ireland Water (NIW) |
| 7. Norman Henderson (NH) | Regional Operations, NIEA |
| 8. Alan Kilgore (AK) | Kilkeel AC and UAF |
| 9. Peter Lynch (PL) | DCAL Fisheries |
| 10. Eileen Mallon (EM) | NIEA, Water Management Unit |
| 11. Bridgeen Magorrian (BM) | NIEA, Water Management Unit |
| 12. Alan Morrow (AM) | DARD Countryside Management Branch |
| 13. Kevin Murdock (KM) | Local Landowner |
| 14. Kevin McGrady (KMCG) | NIEA, Water Management Unit |
| 15. Oliver McGualey (OMcG) | Camlough AC & Inland Waterways Association |
| 16. Jonathan McKee (JMCK) | Rivers Agency, DARD |
| 17. Helen Nutt (HN) | North Eastern Catchment Officer, NIEA |
| 18. Helena Rafferty (He.R) | Newcastle Sustainable Planning Group |
| 19. Gordon Smyth (GS) | Northern Ireland Water (NIW) |
| 20. Ian Watts (IW) | Shimna Angling Club |
| 21. Jim Watts (JW) | Senior Water Quality Inspector, NIEA |

1. Introduction

HN welcomed those attending and invited everyone to introduce themselves in turn. The minutes of the previous meeting were agreed. NH proposed that action points and a note of topics of discussion would be produced as a record of the meeting instead of minutes. It was agreed that the minutes should be somewhat fuller than just a list of action points. The group also requested that these would be made available as soon as possible after the meeting. NH said that NIEA were keen to welcome nominations from the group attendees for an independent chair. He said that draft Terms of Reference were available and feedback on these would be appreciated. No nominations for independent chair were made.

2. Report on action points from last meeting (Eileen Mallon, NIEA)

Action 1: Stakeholders with further concerns regarding the Bathing Water in Newcastle to contact HN to enable comments to be passed to PEPG.

Response: Ongoing – any further issues to be forwarded to HN

Action 2: EM and HN to ensure that feedback to the dRBMP Consultation questions is recorded as an official response from the Carlingford and Mourne Catchment Stakeholder Group.

Response: Action complete. Over 1000 comments were received. A document detailing how these comments have been incorporated into the final RBMP's will soon be available on the NIEA website.

Action 1: EM to email the link to this site to all CSG members.

Update: Responses to the comments raised in relation to the draft River Basin Management Plans can be found on the NIEA website. The link to this site has been emailed to all CSG members.

www.ni-environment.gov.uk/water-home/wfd/public_partic_3.htm

Action 3: EM to contact RMcC regarding invasive species problems at Lough Shark, McCourt's and the Newry River.

Response: EM contacted RMcC and relevant information and contacts provided.

Action 4: Outstanding requests for presentations e.g. RIPPLE to be considered for future CSG agenda.

Response: RIPPLE presentation postponed to another meeting due to full agenda.

Action 5: Councils to be contacted and encouraged to attend CSG meetings.

Response: Chief Executive and Chairs of each Council Environmental Committee have been invited.

Discussion

AK highlighted to the group the hazards associated with controlling invasive species such as the recent legal case involving Banbridge Council's control of Giant

Hogweed and injury to a child.

EM informed the group that NIEA were developing an invasive species Strategy which would include issues such as invasive species control and liability. EM directed anyone who wanted further information to www.invasivespeciesireland.com

OMcG enquired if the inland waterways association could become a rivers trust. EM replied that there were a number of benefits in becoming a member of the Association of River Trusts such as sharing of methods, resources and consultation service etc.

Action 2: EM to provide OMcG with information on the Association of River Trusts.

3. Catchment Officer (Eileen Mallon) and Regional Manager's (Jim Watts) Update (Presentation 1 & 2)

EM emphasised the importance of engaging with stakeholders and outlined examples of how NIEA was working successfully to improve water quality and address stakeholder concerns via, targeted catchment action plans, supporting the development of River Trusts etc

Jim Watts, Senior Water Quality Officer informed the meeting that since the last Carlingford & Mourne Catchment 108 reports of water pollution within the catchment had been investigated. These incidents could be broken down into the following sources: Industrial – 17, NIWL – 12, Agriculture – 8, Domestic – 4, Other – 11.

NB. The 'other' category includes mostly unsubstantiated incidents and incidents reported which were as a result of natural causes.

- A farmer was successfully prosecuted for discharging slurry into a tributary of the Bessbrook River in Mayobridge. The case was due to be heard in Newry Court on 19th October and has been adjourned to Monday 16th November.
- NIWL were in court in relation to a discharge of sewage from Rathfriland WWTW. This case was heard in Newry Court on 11th June and NIWL were given a conditional discharge for 2 years.
- Another NIWL case concerning a discharge of sewage into the Berry Stream in Kilkeel was due to be heard in Newry Court on 19th October and has been adjourned to Monday 16th November.

JW said that there were four other cases in the Mourne and Carlingford area at various stages of completion through the prosecution process. JW informed the meeting that the local staff had recently investigated and cleaned up a spill of red diesel in the Killeavy area. The oil was contained within a short stretch of waterway using booms and absorbent and prevented it from reaching Camlough Lake.

JW said that two statutory samples with view to prosecution had been collected from discharges from various sources since the last meeting:

- On 11th February a statutory sample was collected with view to prosecution from a discharge of sewage from a pumping station in the Crossmaglen area
- On 21st September a statutory sample plus several investigatory samples were collected with view to prosecution in the Upper Shimna Area. This was following a major fish kill, which killed over 200 juvenile trout and salmon. A potential source of the polluting discharge has been identified.

JW said that the Pollution Prevention Team had been carrying out inspections in the Carnbane Industrial Estate. They had completed most visits and should be finished by next week. Potential risks were identified and reduced or negated. There has been a very noticeable reduction in reports of pollution incidents from this industrial estate by members of the public since the survey started, particularly with regard to oil spills.

In relation to NIWL facilities, JW informed the meeting that Castlewellan Sewage Treatment Works has now been transformed to a sewage pumping station. The sewage is now being pumped to a new, much more modern and larger treatment facility in Annsborough. The work on retention tank at Burren pumping station in Newcastle was almost complete which should help reduce the frequency and severity of sewage pollution incidents from this facility. Maghera Sewage Treatment Works has also been upgraded, which should result in a better quality of effluent being discharged to the adjacent river. Clough Sewage Treatment Works is currently undergoing an upgrade.

Discussion

GB raised concern over disruption to his domestic water supply which may have been related to the actions of contractors. He emphasised his disappointment with the poor quality of water and the service he received from the NIW waterline. DG from NIW apologised for the poor service from waterline which she agreed to investigate. She also offered to investigate the disruption issues he had raised again. She had previously spoken to the NIW network staff including Declan Mathers. DG suggested that the matter would be best dealt with outside of the meeting.

Action 3: NIW to address water supply and customer service concerns raised by GB.

Update: GB's complaint is being dealt with through the Consumer Council for Northern Ireland (CCNI) office with assistance from NIW.

He.R asked for clarification regarding the completion and operation of the Burren pumping station. He.R expressed frustration of the lack of communication and information from NIW. She referred to Action point 2.1 from the previous minutes i.e. *NIW CSG group members (DG/MMcK/CMcC) to ensure interested local*

stakeholders are provided with the opportunity to be involved in consultation process regarding NIW works in the Newcastle area. Local stakeholders and in particular the Newcastle Sustainable Community Forum (NSCF) were not consulted with as agreed.

GS from NIW stated he had attended and spoken at previous NSCF meetings and he would be happy to speak to the group again.

The work on the Burren pumping station had been planned 2 or 3 years ago and GS offered to provide the group the relevant information on this.

He.R requested to be kept informed of developments so they could see the overall plan for Newcastle and not just piecemeal information. She also raised concerns that it had been agreed that no new connections be permitted but this had not been the case. It was explained that this still held but planning applications that had already been approved or had decisions pending would be permitted.

HN said that she could not provide the information that He.R was looking for at the meeting. She offered to coordinate a meeting, if parties were willing, between NIW, NIEA (Water Utilities Regulation Group) and relevant local stakeholders. NIW stated they would be happy to attend.

GS also offered to report back to the CSG with an update with progress on the Newcastle plan as appropriate. DG also advised that any interested parties could also respond to the PC10 consultation before the 6 November.

Action 4: HN to coordinate a meeting with NIW, NIEA and local stakeholders within a reasonable timescale.

Action 5: GS to present an update on NIW Newcastle plans at a future CSG as appropriate.

A discussion took place regarding the recent pollution incident on the Shimna River. NIW and NIEA had both released press statements in relation to the pollution incidents. NIEA had taken statutory samples and were fairly confident of the source and cause. DG stated Fofanny Water Treatment Works made an emergency discharge from 5am to 7am, due to a generator failure. The discharge was stopped at 7am as soon as personnel were on site. The discharge was necessary to enable the drinking water supply to continue. Mitigating measures have been put in place to ensure it would not happen again.

IW read a statement on behalf of the Shimna Angling Club (attached as a scanned document). The statement expressed concerns regarding Fofanny Water Treatment Works and the importance of the Shimna River. The Club had been given assurances in the past that there would be zero chance of any pollution reaching the Shimna during construction or plant operation.

The club have asked the local MLA for a site meeting and assurances that there would be no further discharges.

NH explained that during construction there had been 2 prosecutions and the recent incident was likely to result in legal action and the local angling clubs have the option to seek redress.

It was stated that Foffany WTW was designed to the highest levels with all equipment duplicated with a zero discharge assurances given. However, as evident, problems have occurred early on and concerns were raised regarding its future performance. The group was reminded that the Shimna had been recently designated as an Area of Special Scientific Interest (ASSI) and that protection of the river was therefore particularly pertinent.

GS stated NIW would be happy to provide details of the problem and the mitigating measures to the CSG when appropriate.

Action 6: NIW to provide details of the Foffany WTW incident and the mitigating measures to the CSG when appropriate.

A discussion took place regarding the level of fines levied on polluters. Concern was expressed that fines were too small. NH emphasised that NIEA's role was to present the facts as diligently as possible and the level of fines were dependent on the judiciary's decision. The Ulster Angling Federation had made direct approaches to the judiciary to increase the level of penalties given. In general the level of fines have increased overall over the last few years. JW stated the maximum fine that could be imposed was £20k and the highest fine levied in this area was £15k. AM added that the fine imposed by the court was only part of the penalty in some cases, as farmers for example could also be breached as part of cross compliance and may have their Single Farm Payment reduced. NIEA said that they also recover their costs for time, equipment, sample analysis etc related to the pollution incident and that this cost would be covered by the polluter in addition to any fines levied.

EC raised concern of flooding and discharge of polluted storm water to the White Water River which adversely affects oyster quality and prevents the exporting of the oysters by producers. The flooding has been ongoing for over 5 years. Gravel removal from the riparian zone has resulted in 2 houses being flooded which had never been flooded before. AK stated he had informed Planning Service of the risk of building on the floodplain but this had been ignored. Gravel had been moved by Rivers Agency and the landowner, and scrub had been removed. JB from Rivers Agency stated work was ongoing with inspection of the agricultural flood banks which are designed protect farmland rather than property. Scrub material has been cleared back to increase the capacity of the secondary channel in the lower reaches.

Action 7: Rivers Agency to contact EC to discuss concerns raised regarding the White Water River.

4. Selection of Local Management Areas for Implementation of River Basin Management Plans – Bridgeen Magorrian (NIEA) (Presentation 3)

BM outlined the Local Management Areas (LMA) within the CSG area and the NIEA proposals on selection for implementation. It was proposed to select 9 out of the 26 LMAs in NI each year for detailed analysis i.e. 1 LMA per CSG. Each LMA would be assessed twice in each 6 year planning cycle. Each LMA was given an ecoscore which represents the overall risk of not achieving good water quality status by 2015. It was proposed that the highest risk LMA i.e. the LMA with the highest ecoscore would be targeted first i.e.

- South Down would be targeted in 2010 and 2013
- Carlingford & Mourne would be targeted in 2011 and 2015

Discussion

OMcG raised concern regarding the disappearance of Rudd from a number of catchments.

IW stated that part of the Shimna River is modified but all of it has been designated as an ASSI. The designation is to the wetter edge of the river but it was suggested that the whole catchment should have been designated an ASSI.

AK enquired about the target sets for raising water quality. BM explained that there was a general objective to raise quality by one class in every cycle. If the targets that have been set are not achieved then the reasons will have to be explained to the EU and fines may be imposed. Information sheets will be produced for each LMA giving details of the catchment's status, proposal of work to be carried out etc. In order to reach the targets set a Programme of Measures has been developed. The Programme of Measures identifies what measures are in place, what additional actions are required and which organisation(s) has responsibility for implementation. A cross departmental bid has been submitted to implement the programme. Funding will be subject to the current financial climate.

GB voiced concern regarding the extension of the industrial estate adjacent to the Clanrye River. It was explained that Rivers Agency and NIEA provide comment on planning applications such as this but that the ultimate decision on whether or not development goes ahead rests with Planning Service. There was a discussion about proposed changes to Planning Service.

He.R queried the protection given to the river corridor. It was discussed that agri-environment schemes such as the Countryside Management Scheme (CMS) encouraged landowners to fence off land adjacent to rivers and provide buffer zones. JB stated that the CMS had been closed for 2 years. AM replied that it was hoped that a Ministerial announcement of the scheme reopening would be made in early 2010. Currently 40% of NI is within the CMS and this would hopefully be increased. It was discussed that all farmers via cross compliance and Good Agriculture and Environmental Conditions had to adhere to practices such as spreading 10m away

from watercourses which helped improve water quality. AK asked if the CMS could be targeted at specific LMAs it was discussed that this could be looked at.

Action 8: BM to investigate targeting of the CMS to LMAs

5. Discussion on the future of the CSGs

NH encouraged those present to fill in the CSG feedback form. He said that the ownership of the CSG should ideally be by the local stakeholders. Independent chairs were encouraged and draft terms of reference for the chairs where made available to those attending. Ideas on improving the format of the meetings, encouraging attendance, producing better agendas etc where welcomed via the available feedback forms. The meeting was invited to suggest ideas for local presentations thought the Catchment Officers.

Action 9: Meeting attendees to return feedback forms and make suggestions for presentations at future catchment meetings to the Catchment Officers (HN & EM).

6. Close

NH thanked all for attending and participating in open discussion and exchange of views. The meeting closed at 9:15.

Summary of actions from the meeting:

Ref	Action	Update
1	EM to email the link to this site to all CSG members.	Responses to the comments raised in relation to the draft River Basin Management Plans can be found on the NIEA website. The link to this site has been emailed to all CSG members. www.ni-environment.gov.uk/water-home/wfd/public_partic_3.htm
2	EM to provide OMCG with information on the Association of River Trusts.	
3	NIW to address water supply and customer service concerns raised by GB.	GB's complaint is being dealt with through the Consumer Council for Northern Ireland (CCNI) office with assistance from NIW.
4	HN to coordinate a meeting with NIW, NIEA and local stakeholders within a reasonable timescale.	Government representatives have been approached for a suitable date.
5	GS to present an update on NIW Newcastle plans at a future CSG as appropriate.	

6	NIW to provide details of the Foffany WTW incident and the mitigating measures to the CSG when appropriate.	
7	Rivers Agency to contact EC to discuss concerns raised regarding the White Water River.	
8	BM to investigate targeting of the CMS to LMAs	
9	Meeting attendees to return feedback forms and make suggestions for presentations at future catchment meetings to the Catchment Officers (HN & EM).	

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