

## Lower Foyle Catchment Stakeholder Group

# Note of Meeting

Tuesday 24<sup>th</sup> May 2011

**Venue:** Roe Valley Hospital, Limavady

### Attendees:

Alvin Wilson (Chairman, NIEA)  
Joanne Livingstone (NIEA)  
Conrad McCormick (NIEA)  
Mark Horton (BREA)  
Alan Keys (BREA)  
Jim Haughey (UAF)  
Mairead Clarke (NIEA)  
Simon Gummer (NIEA)  
Michael McAlary (NIW)  
Angela Torrens (NIW)  
Alison McMullan (NIW)  
Gareth Greer (Rivers Agency)  
Hugh Hastings (Strathfoyle Community Group)  
Eamon Mullan (Loughs Agency Forum)  
Kenneth Dougherty (Roe Angling Assoc)  
Marius McCloskey (Roe Angling Assoc)  
Thomas Simpson (Roe Angling Assoc)  
Dean Martin (Roe Angling Assoc)  
Christine Doherty (DCC & SDC Biodiversity Officer)  
Marcus Austin (Natural Heritage)  
Norman Henderson (NIEA)  
William Ross (Dromboughil Community Assoc)  
Edward Tully (IPRI)  
Norman Rowe (Causeway Coast Kayak Assoc)

### Apologies

John McCartney (Loughs Agency)  
Art Nivan (Loughs Agency)  
Warren Boal (Jacobs)  
Noel Melanaphy (FS)  
Sean Convery (FWAG)  
Stuart Freeman (Planning Service)  
Edward Montgomery (Bann System Ltd)  
William O'Neill (Burn Dennet Anglers)  
Alan Morrow (DARD)  
Deaglan McBride (Road Service)  
Martin Kerr (EPA)

### 1) Welcome and Introduction

Alvin Wilson welcomed everyone to the meeting and the action points from the last meeting held on 18 Oct 2010 were addressed.

### 2) Minutes of previous meeting

These were agreed to be an accurate account and are available on NIEA website on the following link:

[http://www.ni-environment.gov.uk/waterhome/wfd/public\\_partic\\_3/catchment\\_stakeholder\\_groups/lower\\_foyle.htm](http://www.ni-environment.gov.uk/waterhome/wfd/public_partic_3/catchment_stakeholder_groups/lower_foyle.htm)

### 3) Matters arising from previous minutes

**Table 1:** Oct 2010 action point updates and summary of the action points from this meeting.

Ref	Action Point	Action	Update
AP1	1	<p>No incidents have been reported to the NIEA Pollution Hotline 0800 807060.</p> <p>The site is currently being upgraded but isn't due to finish until July 2011. As a result of this work, the process water will be substantially recirculated on site which in turn should significantly reduce the amount being discharged to the Faughan. However, the discharge pipe at the Faughan will still be available for emergency discharges</p> <p><b>AP1: Provide update on progress at next meeting.</b></p>	<p>JL informed the group that the upgrade was on schedule and due to be completed June this year, any problems noted should still be reported to the pollution Hotline number 0800 807060.</p> <p>AMcM added that the plant is working 24hrs now and this will reduce discharges to the River Faughan. The upgrade works will reduce the level of emergency discharges and NIW plan to recycle the water to the head of the plant.</p>
AP 2	2	<p>CS reported that the x-compliance data on individual farm breaches would not be published on the website. The x-compliance data from 2009 is not yet available.</p> <p><b>AP2: Provide update on x-compliance figures and breaches at next meeting.</b></p>	<p>JL informed the group that of the 385 planned cross-compliance visits there were 118 breaches across 73 businesses. A further 98 businesses were breached through referrals to a total of 140 breaches.</p> <p>JH questioned how these could still be so high. It was agreed that a break-down on severity of the breaches was required to interpret this data correctly.</p> <p><b>AP1: Provide an overall situation update on cross-compliance results.</b></p>
	3	<p>NIEA to provide update on progress for river bailiffs to take samples for pollution investigations.</p> <p>Legal advice has been sought from</p>	<p>The group was given a brief up date on the Anglers Monitoring Initiative (AMI) were anglers and others have been trained in the identification of invertebrates and carry out routine</p>

		<p>Departmental Solicitors Office (DSO) on this. DSO opinion is that this is not legally feasible, because statutory samples for prosecution have to be taken under a Water Order warrant but only staff employed by the Dept can be warranted. This rules out anglers being warranted under the WO, and so also rules out their taking samples under WO powers. An alternative was that angling bailiffs could have taken samples under their Fisheries Act warrant, for NIEA to use in WO cases. Again however, DSO ruled that it is not legally possible for anglers warranted under one piece of legislation (Fisheries Act) to take samples for use in prosecutions under a different piece of legislation (Water Order).</p>	<p>sampling each month at a specific site along the Ballinderry River. Mark Horton, (BREA) the guest speaker, spoke in more detail about the AMI during his presentation.</p> <p>JH raised concern that the issue of bailiffs lifting stat samples was not addressed properly and that NIEA need to see what needs to be done to change the legalisation to allow bailiffs to be fully involved in prosecution cases.</p> <p><b>AP 2: NIEA to reconsider the issue and determine if the legislation can be changed to allow Bailiffs to take stat samples.</b></p>
AP4	4	<p><b>The Roe Hydro scheme</b></p> <p>The Belfast Telegraph carried an article (w/b 27 Sep) relating to Civil Service Departmental budgetary bids made to the Department of Finance &amp; Personnel.</p> <p>The article referenced unsuccessful bids by a number of Departments including the DOE bid for funding to complete the proposed RVCP hydro restoration. The information was based on Departments' September monitoring round bids.</p> <p>This outcome should not be interpreted as having a bearing on the Agency's commitment to complete the restoration as the Agency continues to explore various funding options. This outcome should not be interpreted as having a bearing on the Agency's commitment to complete the restoration as the Agency continues to explore various funding options.</p> <p>As per the 18 May 2010 update, an EIA addendum has now been completed and is scheduled for submission to Planning Service at the end of October.</p>	<p>A Planning submission addendum (EIA) was submitted to PS on 23 November 2010.</p> <p>NIEA met with Roe anglers and UAF at Roe Valley CP on 11 February 2011 to undertake a site walk through and inspection. Anglers were invited to forward their comments following the meeting.</p> <p>Work to repair the mill race has commenced following completion of enabling works. There has been ongoing liaison with landowners to ensure their requirements are met in terms of flood prevention of adjacent land and ensuring animal access to drinking water.</p> <p>An invitation to Roe anglers and UAF has been extended by NIEA to attend a liaison meeting on 27 May at the RVCP Visitor's centre. The CPD project manager has agreed to give an outline of the repair programme, with time set aside to answer any queries.</p>

**3.1** JH questioned how the new Dungiven membrane filter WWTW was working and if this was an appropriate replacement type for these works.

MMcA explained that the Dungiven WWTW was not a membrane filter system but was an RBC plant (Rotational Biological Connector) and it was working well. He explained that a membrane treatment system was a top of the range treatment

procedure. He added that he has two membrane systems in his area, Irvinestown and Pomeroy and both of these work very well and consent standards are readily met. All initial teething problems at the new Dungiven plant had been resolved and the WWTW in Dungiven was now working well. MC added that the works was inspected recently and was performing well and there had been no problems noted in the River Roe at the outfall from the new treatment plant.

- 3.2** JH noted that the Glenmornan failed for Diazinon (used in sheep-dip) and asked what was being done about this.

JL explained that this was part of the investigation and implementation on the Burn Denet & Foyle LMA which would be included in the presentation later on. In summary, as part of the investigation in the Glenmornan waterbody, 4 investigative walks were identified. During these walks 7 farms were identified with minor pollution issues, visited and given advice on pollution prevention and on the problems identified in the catchment. A further 7 farms with sheep-dips were visited and examined and the land authorized for the disposal of spend dip was also checked to ensure suitability. A further 31 farms were targeted in this LMA for cross-compliance visits. On March 15th 2011 NIEA held a Pesticide Awareness workshop in conjunction with Ulster Farmers Union, DARD, CAFRE and NIW. The key speaker was Dr Bob Breach who is the chairman of the Voluntary Initiative in England. Key recommendations from the workshop included the set up of 2 focus catchments, one rural and one urban, and targeting them with existing literature from the Voluntary Initiative. This will be delivered through a Pesticides Steering Group comprising of NIEA, Ulster Farmers Union, DARD, CAFRE and NIW.

**4) Conrad McCormick (acting Regional Manager) gave a presentation on the regional update on pollution incidents and investigations in the Lower Foyle Catchment.**

CMcC gave a presentation on the local water management issues arising since the last meeting in October. He detailed the number and severity of pollution incidents in each Local Management Area and provided a breakdown of the source of the pollution in each area. He also informed the group of the recent publication of the 'State of the Seas Report' and the 'Bathing Waters Report' both of which are available on the website. His full presentation is available on the link below:  
[www.nienvironment.gov.uk/water/WFD/public\\_partic/catchment\\_stakeholder\\_goups.htm](http://www.nienvironment.gov.uk/water/WFD/public_partic/catchment_stakeholder_goups.htm)

**4.1** HH asked for details on the 15 pollution incidents investigated in the Faughan Catchment. CMcC to forward this information

**AP 3: CMcC to forward details of the 15 pollution incidents on the Faughan to HH.**

**4.2** JH expressed concern about proposals for 5 or 6 small works in the Magilligan area to be amalgamated and discharged to the Roe Estuary. UAF do not want any sewage discharges to the Roe estuary and would prefer any proposed discharge to be taken to the sea, off Magilligan.

MMcA explained that he was attending a meeting the next morning to discuss this issue, however the capital cost of discharges to sea would be substantially higher. The proposal is for a new treatment plant in the Magilligan area. If the discharge goes to the Roe then the level of treatment required would be much higher so the costs of both options will be carefully looked at by NIW.

JH asked if the UAF and Loughs Agency could be consulted before any decision was made. It was pointed out that the River Roe has an ASSI designation and therefore sewage discharges to the estuary would not be appropriate.

**AP 4: MMcA to consult with the UAF and Loughs Agency on whether the discharge from the amalgamated small works in Magilligan discharges to the Roe Estuary or is taken to sea.**

**5) Joanne Livingstone (Lower Foyle Catchment Management Officer) gave a presentation on the Implementation of the Burn Dennet & Foyle LMA**

JL gave an update on the publication of the Burn Dennet & Foyle LMA and discussed the implementation of the plan to date. Copies of a report on the implementation of the plan were available and the group was asked to contact JL to include any projects or on-going work within the LMA that should be included in the implementation report. The full presentation is available on the following link: [www.nienvironment.gov.uk/water/WFD/public\\_partic/catchment\\_stakeholder\\_goups.htm](http://www.nienvironment.gov.uk/water/WFD/public_partic/catchment_stakeholder_goups.htm)

**5.1** JH expressed concern that the published action plans were very generic and had no local relevance although he appreciated that a lot of work was going on within the LMAs there is no accountability in the actual plans. JL explained that the report on the implementation of the action plan should allow the local link from the published action plans to the work that was on going on the ground.

**5.2** There was a discussion on the eradication of invasive species along river banks and concern was expressed that the management controls are not considered sufficient as there is no enforcement. MH described action taken in the Ballinderry River in trial areas.

**6) Mark Horton (Ballinderry River Enhancement Association (BREA)) gave two very informative presentations on the 'Angling Monitoring Initiative' which is currently being piloted on the Ballinderry River and the second presentation was on experiences in setting up a new 'Rivers Trust'.**

**6.1** WR asked how exactly the samples were taken. MH explained the samples were taken using the AMI protocol which involves a 3 minute kick sample and a 1 minute stone search which is similar to the NIEA monitoring protocol except that NIEA identify to a more specific level.

**6.2** TS asked how some of the issues e.g. planning issues, shown in the second presentation were resolved just because of it being a 'Trust'. MH explained that it is easier to resolve these issues when there is full community support behind the concern voiced and not just 'one' voice.

**6.3** TS expressed concern about the on-going problem with gravel being extracted from the Roe. He explained that unless the person removing the gravel was caught doing it then Loughs Agency/NIEA could not enforce the return this gravel. JH asked if it was Rivers Agency that had removed the gravel. GG explained that Rivers Agency would not be removing good gravel from the river, only a dry shoal or a build up of silt. TS asked how a 'Trust' would resolve an issue like this. MH explained that when you have a 'Trust' you have many more interested parties feeling ownership of the river and as such a much stronger voice. He added how important it is to develop good contacts within the Organisations so that you have one person that you deal with on a regular basis who is aware of the issues. WR added that gravel abstraction can be permitted through landowner deeds or can be licensed from

Loughs Agency. TS said that this activity was no longer licensable. WR said he was issued with a licence from Loughs Agency last year to remove gravel from the Roe.

**6.4** AK added that the AMI was a mixture of volunteers, old and young, male and female, anglers, professionals, retired teachers and many others. He also said that the Ballinderry Trust is also fully fledged members of both the Ulster Angling Federation (UAF) and the Association of River Trusts (ART). He recommended the Angling Clubs should consider joining the UAF if not already members.

## **7) AOB**

**7.1** JH raised concerns on the issues below:

**a)** Local Management Action Plans (LMAs). This was raised and discussed earlier in the meeting.

**b)** Membrane Filter WWTW. This issue was discussed earlier in the meeting with regard to Dungiven membrane filter WWTW.

**c)** Road Service – JH raised concern that at a recent meeting with the consultants and Road Service on the A6 L'derry to Dungiven Dualling, that the RS representative was unaware of the pollution issues which occurred on the A4 at Aughnacloy and appeared dismissive of the seriousness of the situation. JL explained that as part of the lessons learnt from the A4 that NIEA (Natural Heritage, Built Heritage and Water Management Unit) and Loughs Agency have set up a 'Major Clients Interface Meeting' chaired by Mark Livingstone to ensure that Road Service and the consultants are clear of their responsibilities with regard to the prevention of pollution to water courses. JH said he was aware of this and welcomed the initiative but was still concerned by RS attitude.

**d)** Rivers Agency – JH raised concern that the wording in the RBMP was not strong enough with regards to what RA could do in terms river restoration and expressed concern on recent work on the Moyola River and lack of consultation with the angling clubs. GG intervened to say that RA did not have a remit for river restoration work but carry out restoration when doing other river channel work or in association with DCAL. The work on the Moyola is currently being looked into. RA are carrying out a lot of restoration work in the Ballinamallard and this will be presented at the Erne Melvin CSG meeting. RA work closely with DCAL/Loughs Agency and NIEA in river restoration schemes.

TS raised concern that there is a lot of bank erosion on the Roe and that RA are not doing anything about this. GG explained that RAs remit is flood prevention and unless the erosion is occurring on a flood bank then it would not be within their remit to fix bank erosion.

TS complained that they were not aware of the RA maintenance works on the Roe this year and GG explained that RA have an MOU with DCAL and Loughs Agency to consult with individual Angling Clubs on the work programme so this is not the responsibility of RA.

GG offered to do a presentation at the next meeting to clarify the role and remit of RA.

**AP 5: GG to give presentation on the remit of RA at the next meeting.**

## **8) Close**

AW thanked everyone for attending and closed the meeting. The date of the next meeting has been arranged for **Tuesday 22<sup>nd</sup> November 2011.**

**Table 2: Action Points arising from meeting:**

	AP1: Provide an overall situation update on cross-compliance results.	
	AP 2: NIEA to reconsider the issue and determine how the changed to allow Bailiffs to take stat samples.	
	AP 3: CMcC to forward details of the 15 pollution incidents on the Faughan to HH.	
	AP 4: MMcA to consult with the UAF and Loughs Agency on whether the discharge from the amalgamated small works in Magilligan discharges to the Roe Estuary or is taken to sea.	
	AP 5: GG to give presentation on the remit of RA at the next meeting.	