

Lower Foyle Catchment Stakeholder Group

## Note of Meeting

Tuesday 18<sup>th</sup> Oct 2010

**Venue:** Roe Valley Hospital, Limavady

### Attendees:

Alvin Wilson (Chairman)  
Caroline Steele (NIEA)  
Alan Warwick (NIEA)  
Simon Gummer (NIEA)  
Conrad McCormick (NIEA)  
Joanne Livingstone (NIEA)  
Michael McAlary (NIW)  
Hayden McMullan (NIW)  
Noel Melanaphy (FS)  
Hugh Hastings (Strathfoyle Community Group)  
Gerard McCleave (Ilex)  
Paddy McCrudden (Rivers Agency)  
Eamon Mullan (Roe Anglers)  
Kenneth Dougherty (Roe Anglers)  
Marius McCloskey (Roe Anglers)  
Chris McDaid (Faughan Anglers)  
Christine Doherty (Biodiversity Officer)  
Warren Boal (Jacobs)

### Apologies

John McCartney (Loughs Agency)  
Art Nivan (Loughs Agency)  
Gareth Greer (Rivers Agency)  
Marcus Austin (Natural Heritage)  
Sean Convey (FWAG)  
Robert McCloy (UFU)  
Stuart Freeman (Planning Service)  
HEJ Montgomery (Bann System)  
William O'Neill (Burn Dennet Anglers)

## 1. Welcome and Introduction

Alvin Wilson welcomed everyone to the meeting and invited all present to introduce themselves. The action points from the last meeting held on 18 May 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/water-home/wfd/public\\_partic\\_3/catchment\\_stakeholder\\_groups/lower\\_foyle.htm](http://www.ni-environment.gov.uk/water-home/wfd/public_partic_3/catchment_stakeholder_groups/lower_foyle.htm)

## 3. Matters arising

**Table 1:** November 2009 action point updates and summary of the action points from this meeting.

Ref	Action Point	Action	Update
AP1	1	<p>JMcC explained there was a problem with the velocity of discharge exiting the pipe and mobilising sediments in the river. Also to point out the high velocity maybe in breach of new Lough Agency's regulations.</p> <p>MMcA asked does the consent stipulate flow.</p> <p><b>AP 1 MMcA (NIW) to contact JMcC (LA) re Flow concerns at the work. AW to be kept informed.</b></p>	<p>No incidents have be 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>
AP 2	2	<p><b>AP 2 CS to contact Agri Regs team re availability of farm breach information.</b></p>	<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>

AP 3	3	<p>NIEA to provide update on progress for river bailiffs to take samples for pollution investigations.</p> <p>NH reported that progress was still being made in this area and it is hoped to be rolled out across NI. Couple of aspects still to be clarified:</p> <ul style="list-style-type: none"> <li>• Legal Issues</li> <li>• Health &amp; Safety Concern</li> <li>• Training for angling clubs involved.</li> </ul>	<p>Legal advice has been sought from 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>In summary therefore, it's not legally possible for anglers and the public to lift stat samples. It was however agreed that a Private Water Plan would be agreed between NIEA and the water bailiffs. Details of this still need to be provided. NIEA has agreed to develop this plan and provide training.</p> <p>On a more positive note however, there's lots that anglers can do to help our cases:</p> <ul style="list-style-type: none"> <li>• Report incidents PROMPTLY through the 24-hour Pollution Hotline (0800 807060) – the quicker NIEA are on site the better the chances of us getting good samples and evidence.</li> <li>• Gather other evidence (e.g. photos of discharges, pollution effects, dead fish etc) which will support evidence our staff gather.</li> <li>• Provide supporting witness statements for our prosecution files based on anglers' expert local knowledge of the river and/or what they saw.</li> </ul>
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AP 4	4	Provide update on the Roe Hydro -scheme	<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.</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>NIEA will honour a commitment to landowners to repair the millrace which is leaking water onto adjacent land. Stakeholders were advised by the Agency in September 2009 of this intended approach. Work has commenced with the Central Procurement Directorate to deliver this work.</p> <p><b>AP4 Provide progress update at next meeting.</b></p>
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4. **Gerard McCleave**, Director of Strategy & Regeneration, Ilex, gave a presentation on the Draft Regeneration Plan for Derry~Londonderry. Gerard described the dynamic Regeneration Plan that “will transform every area of our lives for decades to come, improving our economy, strengthening social and community life and shaping the physical world around us”. The full presentation is available on the website at [http://www.ni-environment.gov.uk/water-home/wfd/public\\_partic\\_3/catchment\\_stakeholder\\_groups/lower\\_foyle.htm](http://www.ni-environment.gov.uk/water-home/wfd/public_partic_3/catchment_stakeholder_groups/lower_foyle.htm)

The draft Regeneration Plan is available from [www.illex-urc.com](http://www.illex-urc.com) and comments are required by 9<sup>th</sup> December 2010.

Q: The comment was made that care needs to be given to the smaller streams and tributaries that enter the Foyle through the city so that these areas do not end up culverted due to all the redevelopment.

A: GMCC highlighted how important it is for members of the group to respond to the public consultation for this reason.

Q: The comment was made that sustainability is key and take when people value the river as an asset it will lead to a better environment.

Q: GMcC was asked if the master plan for the Fort George site of building 200 riverside apartments would be the really value the locals

A: GMcC explained that the master plan only intended to build on 28% of the site as the rest was going to be left as open space but the master plan would have to be reviewed in light of the current economic climate.

Q: It was commented that successful regeneration is a catalyst for further regeneration.

Q: GMcC was asked how he suggested that the Pennyburn issue could be addressed in the plan

A: GMcC commented that the area had improved. MMcA added that NIW have made a significant capital investment in this area and that will lead to improvements in water quality.

Q: Concern was expressed that a lot of the emphasis was being placed on the University of Ulster at Magee and this is worrying considering the fact that there are proposals to draw all 3 of the University of Ulster Campas' to Belfast.

A: GMcC explained that they have been given reassurances from the University that the Campus at Magee would not be moving.

#### **5. Alan Warwick (AW) – Regional update on pollution incidents and investigations in the Lower Foyle Catchment.**

AW gave a presentation on the local water management issues arising since the last meeting in May. 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. The presentation is available on the link below:

[www.ni-environment.gov.uk/water/WFD/public\\_partic/catchment\\_stakeholder\\_goups.htm](http://www.ni-environment.gov.uk/water/WFD/public_partic/catchment_stakeholder_goups.htm)

Q. AW was asked if the run-off from the fire at the recent waste site entered the river Faughan.

A. AW responded that it did and that a prosecution case was being put together.

C. NIW was commented for the capital investment being made in this area and AW noted that pollution incidents from NIW was down by 2/3 from this time last year. MMcA confirmed that Dungiven WWTW would be replaced starting before Christmas.

## **6. Caroline Steele (CS) – Implementation of the Burn Dennet & Foyle Local Management Area Action Plan.**

CS gave an update of the progress of the development of the action plan and proposed implementation of the actions identified. The main actions identified include further investigations, education & awareness, continued monitoring and assessment and regulation. The main pressures identified in the Burn Dennet are agricultural, septic tanks, industry and quarries. The Glenmornan River is failing due to the detection of diazinon which is found in sheep-dip

The full presentation is available on the link below:

[www.ni-environment.gov.uk/water/WFD/public\\_partic/catchment\\_stakeholder\\_goups.htm](http://www.ni-environment.gov.uk/water/WFD/public_partic/catchment_stakeholder_goups.htm)

As part of the action plan to raise awareness, there will be 15 Pollution Hotline signs available to be put up in each LMA. There is also a £1000 community award for local stakeholders to propose a project to improve water quality within the LMA. More details of this award will be available in November when the application packs are published.

## **7. Close**

AW thanked everyone for attending and for their input.

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