

Meeting Record of the
**Upper Neagh Bann
Catchment Stakeholder Group Meeting**

18 May 2011, The Navan Centre, Armagh

Attendees:

Louise Brennan, LB, Monaghan County Council
Kieron Callaghan, KC, NIEA
Denice Corbett, DC, Ballysaggart Environmental Group
Mark Edgar, ME, Dungannon and South Tyrone borough Council
Alan Ettie, AE, Banbridge Angling Club
Stephen Foster, SF, NIEA
Dymphna Gallagher, DG, NIW
Andrea Graham, AG, NIEA
George Grant, GG
Kevin Henderson, KH, NIW
Norman Henderson, NH, NIEA
Mark Horton, MH, BREA
Brian Hutchinson, BH
Niall Jennings, NJ
Brian MacDomhnaill, BM, National Federation of Group Water Schemes
Eileen Mallon, EM, (Minutes), NIEA
Tommy Marshall, TM, Torrent Trout Fish Farm
Mark McAlister, MMcA, Fish Farm
Alison McCaw, AMcC, NIEA
Kevin McGrady, KMcG, NIEA
Niall McKee, NMcK, Armagh and district angling club
Ian Needham, IN, NIEA
Gabriel Nelson, GN, (Chair) NIEA
Siobhan Sherry, SS, NIEA
Ian Simpson, IS, Ulster Farmers Union
Joan Simpson, JS
Conor Symington, CS, NIEA

1. Introduction – Gabriel Nelson (Chair)

GN welcomed those attending and outlined the meeting agenda.

2. Report on action points from last meeting - Eileen Mallon

Action 1: Robbie Marshall (RM) to be provided with copy of NIEA, DCAL memorandum of understanding when available.

Response: The DCAL & NIEA memorandum of understanding has been finalised and a copy will be issued to RM as requested when formally signed.

Action 2: NIEA to provide low severity incidents breakdown at future meetings.

Response: This action has been incorporated into this and all future CSG meetings where appropriate.

Action 3: NIEA to provide clarification on the possible mechanisms of cost recovery of river habitat restoration following pollution incidents from construction of the A4.

Response: NH provided verbal clarification stating that it was accepted that silt pollution seriously affected nearby rivers, including fish habitat, during the construction of the A4; which is why NIEA is prosecuting the companies involved in the construction project. Where an actual fish kill has occurred the costs are relatively easy to quantify, as there are well-established methods for calculating these costs based on the numbers of fish killed.

Cost recovery is more challenging where, as in this case, the costs are more of ongoing damage to fish habitat than an actual fish kill; where the methodology for costing the damage is much less clear cut. To cost the damage it would be necessary to have historical data on the state of the fish habitat before and then to have detailed data on the state of the habitat during and after the road construction project. NIEA would suggest meeting with UAF and local anglers to discuss how we can precisely quantify the damage to the habitat, as a first step towards setting and recovering costs.

There are several prosecution cases ongoing for pollution incidents which occurred during the construction of the A4, and these are separately progressing at different stages through the court process. As these cases are in the court system at present it would not be appropriate for NIEA to comment in detail on the suspected polluters or the circumstances of each case. However NIEA is confident of a satisfactory outcome.

It may also be of interest that, following a similar pollution incident during the construction of the A1 near Newry, the contractor Lagan Ferroviaal was recently convicted and fined.

3. Update on the Ballinderry and Blackwater Local Management Areas (LMA) Plans – Eileen Mallon, NIEA

EM outlined progress made on implementing the Ballinderry LMA plan. Actions completed included biological surveys, targeted river walks, hydromorphological surveys, a water resources assessment, supportive actions for the RIPPLE (River Involving People, Places and Leading by Example) river management plan, provision of pollution hotline signage, etc. EM also highlighted examples of action plan implementation in other LMAs such as the Salmon in the Classroom project and NI wide implementation examples such as continued support for River Trusts and the Water Environment Community Awards. The group were then asked to assist in the development and implementation of the Blackwater LMA by working with NIEA and sharing details of issues, events and projects of relevance to water quality within the Blackwater catchment.

Action 1: All to contact EM on eileen.mallon@doeni.gov.uk or 028 9263 3442 with issues, events and projects of relevance to water quality within the Blackwater catchment.

4. Delivering Action for the Ballinderry through Partnership Working - Mark Horton, Ballinderry River Enhancement Association

MH emphasised the importance of effective partnership working in the development and implementation of actions which meet both the objective of the LMA Plans and the RIPPLE river management plan. Mark then presented details of two examples of partnership working. Firstly, the Riverfly project or Angler Monitoring Initiative, which is based on local volunteers monitoring invertebrates on a monthly basis at a given site in relation to a NIEA set trigger level. NIEA then provide an investigative/pollution response in the event of a trigger level breach. When fully operational 24 trained volunteers will record 30 sites throughout the Ballinderry catchment. It is envisaged the information record will compliment NIEA monitoring. Secondly, the Obstacle to Fish Migration project which involved the assessment of 34 obstacles to several fish species and recommendations to refine the assessment process.

Discussion

BM asked what happened in a situation where an impassable object was encountered. MH explained that different approaches needed to be taken for different fish species to increase ease of passage. Devin's Weir, which is the first weir in the Ballinderry system, is completely impassable to fish. The impact of making previously impassable obstacles passable on the ecology of the river needs to be taken into account. The SNIFFER (Scottish and Northern Ireland Forum For Environmental Research) Screening Tool for Assessing the Porosity of Barriers to Fish Passage should provide a lot more information on these issues. DC enquired if the obstacles to fish migration project was to be rolled out. It was explained that a simplified obstacle

assessment form had been developed and was available to any interested parties.

Action 2: All – those interested in assisting in the assessment of obstacles to fish migration to contact EM for copies of the assessment form.

GN stated that River continuity and fish passage were key requirements of the Water Framework Directive. The production of an inventory of obstacles to fish migration was a key component of the LMA action plans. The evidence gathering process was ongoing, and this would lead to a prioritised list of barriers to 'fix'. Following this NIEA would look to secure sufficient funding to complete this action. The evidence needs to be gathered to prove the benefit in investing in this type of work.

CS asked about the impact of the non-native *Gammarus* species i.e. *Gammarus pulex* in the Ballinderry. MH explained that Jamie Dick from Queen's University, Belfast has completed a lot of work on this species. *G. pulex* is not native to NI but is native in mainland Britain. It had been thought to have been introduced to Britain as a fish food. It leaves Lough Neagh around March-April time and travels up river eating any invertebrate life in its path, which can result in a monoculture of invertebrates in the river. It's a mass migration which also results in sediment disturbance, which can turn the water a 'milky tea' colour. *Gammarus pulex* is distinct from the native *Gammarus duebeni* by its kidney shaped eyes. The sheer biomass of *G. pulex* is a good food source for fish but is not good for the invertebrate populations and variety.

GN added that a lot of work on the species had been completed by Boy Foy on the Colebrooke River. In this area the water quality was found to be good but the invertebrate life was poor due to the biomass of *G. pulex*. The importance of using both biological and chemical water quality monitoring information to achieve a more complete picture of water quality was emphasised.

MMcA enquired if landowners were informed that river walks etc were being conducted on their land and what insurance cover was held by those carrying out this work. MH replied that BREA asked the landowner for permission to access their land where possible and that BREA held company insurance which covered their staffs work. GN stated the NIEA position was more complex in that landowner permission was obtained in some circumstances but NIEA staff did have right of access in situations such as pollution incidents. The fieldwork activities of staff were covered by Northern Ireland Civil Service departmental insurance.

MMcA asked if good status was achieved for all waterbodies would NIEA be happy. GN replied that the WFD sets out what is meant by good status and if this was achieved in a cost effective manner then yes. However GN explained that the goal of good status was a shared goal rather than an agency one. It was acknowledged due to the very nature of our environment there would always be challenges with between the environment and its use.

A short discussion regarding the Angler Monitoring Initiative project took place. GN emphasised this was a project of particular interest to NIEA and there was scope for wider application. The project has been successful in mainland GB and presents opportunities for government bodies to work with volunteers and not least to increase the number of people with a presence on our rivers.

5. Operational Actions - Regional Managers Update by Ian Needham, NIEA

IN opened by encouraging those attending who may have any specific pollution related issues or topics they would like discussed or presented at future meetings to feedback these through to EM.

IN outlined a number of prosecution cases and the fines levied through the courts.

IN gave a summary of the pollution incidents for the area since the last meeting. Details of the incidents were outlined by source and severity.

Since the last Upper Neagh Bann CGG meeting a total of 208 were investigated i.e. 21 incidents in the Glenavy, 64 in Upper Bann, 84 in the Blackwater and 39 in the Ballinderry catchments.

IN reinforced the importance of reporting pollution incidents as soon as possible after they have been identified.

IN presented a case study to the group regarding illegal fuel laundering and its impact on the environment. Ian's team had investigated the pollution potential of cat litter that had been used to filter road diesel which had been dumped in woodland. The investigation showed that even after a year of weathering the hydro-carbon content of the contaminated litter was 10% on the surface increasing to around 22% hydro-carbon in the centre of the dumped pile. The cost of disposing of high hydro-carbon waste is substantial. Council landfills only accept waste with 1% hydro-carbon or less. IN emphasised the importance of reporting any suspicious fuel laundering activity to HM Revenue and Customs and or NIEA to assist in closing illegal operations and protect the environment.

Action 3: All to report any suspicious fuel laundering activity to the following 24 hour free phone hotlines:

HM Revenue and Customs – Customs Confidential 0800 59 5000

NIEA pollution hotline 0800 80 60 70

Discussion

DC enquired what treatments were available to reduce blue-green algae on nutrient enriched loughs and whose responsibility was it to deal with this problem. IN commented that in terms of responsibility if there was an active source of nutrient input to the lake, the source would need to be traced, investigated and appropriate action taken to reduce or cease the input. A discussion took place regarding the use of copper sulphate. In the past NIW used copper sulphate treatment in some lake drinking water abstractions but this practice is no longer permitted. The use of straw bale technology can be

effective. BM added that experience from the National Source Protection Pilot Project, found that the nutrients were so embedded in the lake sediments that it would take around 50 years for the lake to clean itself. The use of ultrasound was discussed. Solar panel powered ultrasound units have been produced by a range of commercial firms. However ultrasound is only effective for the treatment of some algae, and concern was raised that ultrasound treatment broke down algae but resulted in the production of toxins. DG stated that new drinking water treatment plants were effective in dealing with algae in water sources. BM stated that a number of Group Water Schemes in ROI plan to use ultrasound technology which is not overly expensive. He suggested when a pilot was established he may be able to provide more information.

DC voiced concern that the pollution experienced in the construction of the A4 would reoccur in the construction of the A5. NH assured the group that NIEA were working closely with those involved in the new A5 project and lessons learned from the A4 would be taken on board.

BM remarked that IN's presentation on fuel laundering had been very interesting and asked how many pollution related fuel laundering convictions would be there be per year. The group was informed that numbers could range from 12-20 per year. IN stated that a 15m³ area of contaminated cat litter would cost around £20k to clean up. IN stated that if anyone did see any indications of fuel laundering activity to contact HM Revenue and Customs and or NIEA. ME asked how these illegal operators sourced the significant amount of cat litter that were needed in the process. A short discussion took place on gathering intelligence and tracing purchases of cat litter and increasing the public's awareness of the environmental impact of laundered fuel.

6. Close

GN thanked all for attending. The meeting closed at 9:10pm.

The date of the next meeting is Thursday 10th of November.