

**Minutes of the forty-second meeting of the Lower Bann Advisory Committee held on Thursday 15 June 2006 at 2.00pm in the O'Neill Arms Hotel, Toome**

**Present**

Mr Victor Hamill (Chairman)  
Mr Edward Montgomery  
Mr Mike Kingston  
Mr Jim Simpson  
Mr Jack Gault  
Mr Denzyl Dinsmore  
Mr Robbie Marshall  
Cllr Olive Church  
Mr James Smyth  
Mr Gregory Woulahan  
Mr David Agnew

**In attendance**

Caroline Marshall (Liaison Officer)  
Mr Stephen Douglas (Waterways Ireland)  
Mr Terry Eakin (EHS)  
Ms Kathleen Conlon (DCAL)

*Prior to this meeting, LBAC members joined members from the LNAC and the LN/LB Management Committee to receive an update on the EU Eel Review. The notes of this meeting are at the end of these minutes.*

**1 Apologies**

Apologies were received from Alderman Hubert Nicholl, Commander Peter Campbell, Mr Alan Foye and Mr John Moore.

**2 Chairman's Business**

- (a) The Chairman welcomed Mr Robbie Marshall, as the Ulster Angling Federation representative, to the Committee.
- (b) The Chairman informed the members that Mrs Joanne McMullan, Administration Officer, had returned from maternity leave.

**3 Minutes of last meeting – 9 March 2006**

The minutes were agreed as a true record.

**4 Matters arising from last meeting**

**(a) Binevenagh AONB**

Caroline Marshall informed members that their comments from the last meeting had been forwarded to EHS. EHS had replied to highlight that the suggested areas of boundary extension were not valid under the criteria. It was agreed that criteria should be requested.

**ACTION 78: Criteria for land to merit AONB designated to be sought/clarified.**

Members were also updated that the make up of the AONB Management Committee had not yet been decided upon and that it was likely that the

Causeway Coast & Glens Heritage Trust would be lead body in setting up the Management Committee.

**(b) Fallen Stock**

Caroline Marshall updated members that she had received a more comprehensive letter from DARD regarding this matter and that this along with the initial information received from DARD had been forwarded to the riparian Councils. Thus far, only Ballymena Borough Council had replied highlighting its willingness to assist in removal of fallen stock. The council was congratulated on its proactive approach.

Members were also informed that the issue had also been discussed at the Lough Neagh & Lower Bann Management Committee and that it was thought that an information leaflet for all stakeholders would be useful. It was suggested that the leaflet should contain information on fencing and bank erosion.

**Action 79: Information to be prepared on fallen animals and bank erosion for distribution to stakeholders.**

**(c) Hutchinson's Quay**

Members were informed of the conditions highlighted in the planning permission for this development and were also informed that it had failed to reach the asking price at public auction. The developer has since been in contact to highlight that he no longer wishes to sell and wishes to build angling stands for disabled anglers. He was advised to put his intentions in writing and that the LBAC would consider them and make comment. During open discussion it was agreed that this was the correct approach, Bann System expressed and interest in attending any meeting, the navigation channel was only 30 feet from the bank and that 20 stands on the opposite side of the River were rarely used.

**Action 80: Working Group to be set up to visit and comment on the angling stand proposal.**

**(d) Water Level Management & Hydrology Study**

Members were update with regard to the Water Level Management Seminar that took place on 11 April 2006. Minutes were tabled. It was a joint meeting between the two Advisory Committees and feedback was very positive. Mr Henry Thompson, Rivers Agency and Mr Bjorn Elsaesser, RPS Consulting both made presentations. Mr Thompson gave an overview into the management of the system in Toome, Portna and The Cutts. Mr Elsaesser gave an overview of the methodology and outcomes of the Hydrological Study. He highlighted the following conclusions of the study:

- Significantly improved understanding of the system's behaviour – allowing scenario tests & justification of regulatory actions

- Improved water level gauging and on-line level and flow data processing will improve ability to operate within the statutory ranges – as far as nature permits!
- Gate operation of more than once a day does not improve the statistics on keeping LN within statutory limits, in Lough if water level trigger is used
- River inflow information will provide additional information and support the level control decision
- Flood forecasting using forecasted precipitation is not recommended at this stage, as rainfall forecast too unreliable.

RPS made the following recommendations:

- Sluice gate operation should be upgraded by motorisation.
- A new gauge should be added upstream of Portna to allow for improved water level management at the Portna gates.
- New gauges should be added on Lough Neagh (Antrim and Ardboe) to increase robustness of water level monitoring information.
- The additional inflow and outflow data should be used in management decisions
- Coleraine Area office should be the hub of data flow information.

A Q&A session then took place. The main outcome of the seminar was that members felt that it was now quite timely to have a review of the operational levels and that the Advisory Committees should prepare a justification paper for Rivers Agency outlining the need for such a review. It was agreed that a working group should be set up to discuss the issue and that David Agnew, along with LNAC reps and representatives from environment and agriculture should attend. Hopefully a draft paper will be available for discussion at the next LNAC meeting.

**ACTION 81: Working group to be established to justify the need for a review of the Lough Neagh operational water levels.**

During discussion, members highlighted the following:

- Lough Beg was completely inundated during May and it is very likely that the first broods of breeding waders will be destroyed.
- The need to implement a sequential gate opening at Portna should be fed back formally to Rivers Agency.

**Action 82: Letter to be written to Rivers Agency to highlight the need for appropriate gate opening to facilitate eel and salmon passage.**

- The sensitivity in keeping the water level within statute/operating levels has gone.

- Landowners now have a legal obligation to keep habitats in favourable condition and actions of Rivers Agency in opening the gates to manage water levels could result in habitats going out of favourable condition. It was agreed that the Management Committee should be asked to comment on this situation.

**ACTION: 83: Management Committee to be asked to comment on the discrepancy between Rivers Agency's and landowners responsibilities in maintaining water levels and favourable habitats respectively.**

- Gate openings could have an impact at the River's edge and may have a detrimental impact on angling. Bann System would not want to see a fundamental change in management.

It was agreed that all this information needs to be fed into the justification report for the need for an overall review of the management of water levels on the Lough and River.

Caroline also informed members that Grace Glasgow; RPS Consulting also presented the background to the Rivers Agency – Flood Management Policy Review at the Water Levels Seminar and that the issues highlighted by members at the Seminar were summarised, circulated for comments, amended as necessary and forwarded to RPS. The final submission is available from Sperrin House.

## **5 Lough Neagh & Lower Bann Management Committee**

Caroline Marshall updated members on the following issues, discussed at the LN/LB Management Committee:-

- (a) **Liability Insurance**  
Graham Seymour has agreed to come back with further information regarding possible liability attached to the production of the revised Lower River Bann Navigation Notes and User's Code leaflet.
- (b) **Fallen stock**  
It was agreed that a leaflet for riparian landowners would be most useful.
- (c) **LBP Applications**  
The Management Committee supported the Advisory Committees approach in submitting the applications to the LBP.
- (d) **Eel Review**  
It was agreed that David Houston DCAL would give a presentation.
- (e) **Funding for next Advisory Committee**  
The Advisory Committees will have to make applications to EHS and DCAL for future funding.
- (f) **Travel Expenses**

Members will not receive travel expenses for attendance at Advisory Committee meetings.

**(g) Review of Environmental Governance**

It was agreed that the Committees should comment on the Review of Environmental Governance, details of which can be found on:

<http://www.doeni.gov.uk/lgd/localgovreform/>  
[www.doeni.gov.uk/uploads/iregtor.doc](http://www.doeni.gov.uk/uploads/iregtor.doc)

## **6 Liaison Officer's Report June 2006**

**(a) Lower Bann Partnership – update & LBAC projects**

Members were informed that 16 applications had been lodged in the first round, that at least £150k would be available for the next round of projects and that the applications would be assessed asap and Letters of Offer issued in the summer. Members were informed that match funding was being sought for the projects developed and submitted by the Advisory Committee.

**(b) Tesco Development**

Caroline drew members attention to the copy of the letter sent with the agenda and informed members that she and Victor Hamill had met with Gwyneth Cockcroft of Tesco to the discuss the proposed redevelopment at the Coleraine River front site in terms of likely impact on the River. Caroline drew members' attention to the follow up letter as sent to Tesco, highlighting potential issues. During discussion, it was highlighted that Waterways Ireland and The Honourable the Irish Society should be consulted/comment on the development. The protocol behind the Advisory Committee liaising directly with developers was discussed.

**(c) Coleraine Harbour Developments**

Members were informed that consultants preparing an environmental impact assessment (EIA) on the potential building a Biofuel plant at the harbour had sought a meeting with the LBAC and that a small working group met with the consultants and highlighted issues that should be considered in the EIA. These issues were then forwarded to the consultants. Caroline summarised the process and chemicals used in the preparation of biofuel and highlighted that the LBAC would have an opportunity to comment at the planning application stage. During discussion, members highlighted that a formal application would be submitted in the next two weeks, the need for substantial bunding of the site and safe bund cleaning processes would need to be fully investigated and that the statutory environmental legislation would need to be addressed. It was agreed that a watching brief should be maintained on the EIA preparation.

**ACTION 84: Watching Brief to be maintained on the preparation of the EIA for the harbour Biodiesel plant.**

(d) **Drumaheglis Marina**

Members were informed that some LBAC members had attended meetings with Waterways Ireland and Ballymoney Borough Council to highlight the need for strategic management of Drumaheglis water sports zone. Whilst the meeting was very productive, it is unlikely that additional management measures will be implemented for this season. A paper is being prepared by the Officers of Ballymoney BC for Council consideration.

(e) **PPS 14 and other consultations**

Members discussed the submission made with regard to PPS 14 - Sustainable Development in the Countryside and highlighted the following:

- Planning permission should stipulate the type/standard of septic tank that should be put in place with a development,
- Maintaining a septic tank can be expensive, that the new water company is likely to charge for tank emptying and that this could aggravate the pollution problem.
- There is likely to be a judicial review in relation to the introduction of PPS 14.

Members agreed that a watching brief should be maintained on PPS 14.

**ACTION 85: Watching brief to be maintained on PPS 14.**

Members' attention was drawn to the other live consultations mentioned in the LOR - June 2006 at item 30

(f) **LN Sustainable Recreations Framework**

Members were informed of the context of the Sustainable Recreation Framework and the implications for Lough Beg, which is within the Lough Neagh Wetlands and within the jurisdiction of the Lower Bann Advisory Committee. Following discussion, members agreed with the overall statement and the individual recommendations as highlighted in the document and detailed below:

***General Statement***

**Lough Beg is of such outstanding ecological importance that certain recreational development cannot be justified in this area.**

**Recommendations:**

- Powered watersports and high speed craft should be discouraged in Lough Beg: passage of recreational boats should be restricted to the navigation channel, and speed limited. In the case of the canoe trail canoes should make passage in a way that afford a safe and sheltered passage but advice should be provided to enable paddlers to create minimum disturbance. Wildfowling and Pike angling boats should follow a code of practice developed with representatives of users as part of the implementation of this framework. There should be monitoring of the jet ski zone at Newferry to ensure that passage is not made into Lough Beg at high speed by jet skis

- Year-round speed restrictions should be introduced through use of byelaws and launching conditions
- Area Plans should ensure that recreational infrastructure is kept away from the sensitive shoreline habitats
- In view of the importance of Lough Beg for dabbling duck in winter, consideration should be given to the extension of the no-shooting zones and to the establishment of true refuges
- Specialist activities such as bird-watching, boat based angling or canoeing can be developed, but should be managed to reduce and minimise disturbance, in spring when nesting birds are present and in winter when large concentrations of waterfowl are present.

**7 Any Other Business**

Members discussed the possibility of having an overlapping session of the LNAC and LBAC meetings but agreed that this would be much too complicated to implement.

**8 Date and venue of next meeting**

The next meeting of the LBAC was scheduled for **14 September 2006** at 10.00am. It was agreed that the possibility of meeting/taking a trip on the new River bus is to be explored.

**Actions from Lower Bann Advisory Committee meeting held on 15th June 2006.**

<b>Action</b>	
<b>78</b>	<b>Criteria for land to merit AONB designated to be sought/clarified</b>
<b>79</b>	<b>Information to be prepared on fallen animals and bank erosion for distribution to stakeholders.</b>
<b>80</b>	<b>Working Group to be set up to visit and comment on the angling stand proposal</b>
<b>81</b>	<b>Working group to be established to justify the need for a review of the Lough Neagh operational water levels</b>
<b>82</b>	<b>Letter to be written to Rivers Agency to highlight the need for appropriate gate opening to facilitate eel and salmon passage.</b>
<b>83</b>	<b>Management Committee to be asked to comment on the discrepancy between Rivers Agency's and landowners responsibilities in maintaining water levels and favourable habitats respectively.</b>
<b>84</b>	<b>Watching Brief to be maintained on the preparation of the EIA for the harbour Biodiesel plant.</b>
<b>85</b>	<b>Watching brief to be maintained on PPS 14.</b>



**EU Eel Review Overview - Question and Answer Session given by Mr David Houston, DCAL**

**15<sup>th</sup> June, O’Neill Arms Hotel, Toome**

**Present**

<b>LBAC Members</b>	<b>LNAB, LN/LBMC, etc</b>
Mr Victor Hamill (Chairman)	Ms Caroline Marshall
Mr Edward Montgomery	Mrs Joanne McMullan
Mr Mike Kingston	Mr Stephen Douglas
Mr Jim Simpson	Mr Terry Eakin
Mr Jack Gault	Ms Kathleen Conlon
Mr Denzyl Dinsmore	Clr Mary Baker
Mr Robbie Marshall	Clr Walter Greer
Clr Olive Church	Dr Arthur Mitchell
Mr James Smyth	Mr C W Dickinson
Mr Gregory Woulahan	Mr Conor Moore
Mr Mike Kingston	Mr Darrell Stanley
Mr Pat Close	Mr Archie Gibson
Mr Sam Hanna	Mr Billy Mullen
Mr David Agnew	Mr Joseph Gillespie
Mr Brian Cassells (Chairman)	Mr Conor Jordan
Mr John Scovell	Mr Liam Glavin
	Mr Ian Enlander
	Mrs Elizabeth Meharg
	Clr Francis Molloy
	Mrs Rosemary Mulholland
	Mr Connor Corr
	Mr Charlie Monaghan

Members of the LBAC, LNAC and LN&LB Management Committee were welcomed. The Chairman introduced Mr David Houston and highlighted that he was not giving a presentation, but providing background and answering questions.

Mr Houston highlighted the following:

It is generally recognised that the European eel stock is in a parlous state, with 99% reduction in juvenile numbers in recent decades. Fishing at current levels across Europe cannot be maintained without a serious threat to the overall sustainability of the stock. Accordingly the North Atlantic eel stock is considered by the international scientific authority (ICES) to be outside safe biological limits. It is difficult to pin point a reason why the population has crashed, but it is believed that habitat degradation, over fishing, poor water quality, disease etc could contribute.

A **draft EU Regulation**, as opposed a Directive, which requires Member States themselves to regulate, has been issued in an attempt to address the problem. This regulation requires DCAL to introduce the following measures:

- From the first to the fifteenth day of each month it will be prohibited to fish for, land or retain eels.
- Fishing can continue during the close period where Member States can reliably demonstrate that measures of similar effectiveness guaranteeing the 40% escapement target are already in place.
- Member States may submit a request for exemption which if acceptable will apply to 30 June 2007. A full scientific and technical justification is required.

DCAL's first priority is the conservation of the European eel stock as laid down by the Regulation. If eel stocks continue to decline there may be no commercial eel industry on Lough Neagh. The second priority is to ensure that the measures in place for the Neagh /Bann Basin are sufficient to meet the long term requirement to deliver 40% escapement of spawning eel stock. If this can be achieved within the existing regulatory and management regimes it is possible that the commercial fishing industry on the Lough can continue to exist at or close to the current level of commercial exploitation. The final priority is to persuade the EU to change the emergency measure in the draft Regulation as it is, in DCAL's view, not achievable and will not deliver the reduction in effort required.

DCAL is submitting a case for an exemption from the 15 day closure based on the current regulatory and management regime which DCAL considers meets the 40% escapement required.

The Eel Basin Management Plan is not a consultative document. Its content is governed and driven by the EU Regulation. There is no scope for negotiation or change to the Neagh/Bann Plan as its sole purpose is to show that there is already, based on existing regulations and practices, a 40% escapement of silver eels from the Neagh/Bann basin and that the 40% escapement can be maintained. If the current regulatory and management position is not able to deliver the 40% escapement, as is the case with virtually all eel fisheries across Europe, then more stringent restrictions will have to be introduced.

The scientific work done on the Lough, the fisheries catch data, the quota system and past restocking programmes, puts NI in a unique position to draw up an Eel Management Plan, which may be able to demonstrate that the 40% silver eel escapement required by the EU can be met.

If the Plan is accepted by the EU and other Member States, DCAL hopes that there will be little or no impact on the eel industry as it currently exists. However there is no guarantee that this will be the case as the detail of the final Regulation is still unknown and there is no guarantee that the EU will accept the Management Plan.

The draft Plan is a scientific analysis of the eel stock on catch statistics, habitat area and the scientific work conducted over the last 15-20 years. The other details in the Plan will relate to the current regulatory controls, the management controls required by the fishery owner and monitoring. The plan must be submitted by September 2006. DCAL is working through DEFRA.

The following was highlighted during the question and answer session.

- The EU is keen on restocking. At present, huge number of elvers are being caught and transported to the Far East. This is not sustainable.
- Eel farms do not release any silver eels, let alone 40%. If eel farms are to be allowed to purchase elvers, they should be required to prove 40% release of mature eels.
- The EU may ban the export of elvers from the EU.
- EU clarified that restocking is not eligible under FIFG scheme, but clarification is needed from DARD as to whether BSP and Peace funding can be used to purchase elvers. EU funding should not be used to give one Member State an advantage over any other State. It was agreed that a level playing field was needed throughout the EU.
- DCAL should ensure that the Lough Neagh situation receives priority and fair treatment and is not considered en mass with the rest of the DEFRA Plan. A blanket approach is not acceptable nor applicable.
- The Lough Erne situation is more difficult as it needs to adopt a trans-boundary approach as it straddles Member State borders.
- If there has been 40% of escapement from the LN system and not from all other systems, then LN has been subsidising other EU fisheries.
- There should be a positive impact on the market price if Lough Neagh is the only fishery without a closed period.
- The breeding stock is so low that it may take 30-40 years to recover.
- The Severn has lots of returning elvers, but little capacity up the system to grow these on to maturity. It could therefore be appropriate to allow the transport of Severn elvers to Lough Neagh to allow them to mature. In such a case, it may be appropriate to explore the allocation of grant assistance for elver purchase from the Severn for Lough Neagh.
- Provision for assisting elver and eel passage at Ballyshannon may be considered under the Fisheries Structural Funds.

In closing, the Chairman highlighted that members were now much more familiar with the background to the Eel Management Plan and thanked Mr Houston for his overview and valuable input.

Copies of communications from DCAL were tabled and are available from Sperrin House.

The meeting closed at 1.00pm.