

Minutes of the thirty-ninth meeting of the Lower Bann Advisory Committee held on Thursday 15th September 2005 at 10.00am in Sperrin House, Magherafelt.

Present

Mr Victor Hamill
Commander Peter Campbell
Mr Denzyl Dinsmore
Cllr James O'Neill
Cllr Ian Milne
Cllr Mrs Olive Church
Cllr Malachy McCamphill
Mr Alan Foye
Mr James Smith
Mr Richard Thompson
Mr Jack Gault
Prof Dave Wilcock
Mr Edward Montgomery

In attendance

Mr Stephen Douglas (Waterways Ireland)
Mr Terry Eakin (EHS)
Mr Alec Foye (DCAL)
Mrs Joanne McMullan (Liaison Office)
Mr Seamus Burns (LNAC/LNP)
Ms Caroline Marshall (Liaison Officer)

1. Apologies

Apologies were received from Mr Rob Skelly, Mr Gregory Woulahan, Cllr R D Stewart, Mr Robin Ruddock, Mr Robert Anderson, Mr John Moore, Mr David Agnew, Mr Nick Mack and Mr Newell McCreight.

2. Chairman's Remarks

Victor Hamill welcomed all new members. In particular he welcomed Cllr O'Neill back to the Committee and apologised for any confusion caused relating to his representation.

The Chairman drew members' attentions to the Register of Interest form and highlighted that this should be completed and returned to Sperrin House. The details will be used to highlight the appropriate members to contact in relation to particular issues.

3. Minutes of last meeting – 9th June 2005

Following the removal of Terry Eakin's name from the apology list, it was agreed that the minutes were a true record of the meeting of 9th June 2005.

4. Matters arising from last meeting

Members discussed the following matters from the previous meeting:

a. Water Quality Statistics

Members received the maps highlighting the GQA Biological and Chemical and Fresh Water Fish Directive classifications attributed to the Lower River Bann in 2003 and 2004. A table highlighting Water Service's programme for upgrade of the Waste Water Treatment Works (WWTW) in the Lower Bann catchment was tabled. Copies are available from Sperrin House.

The following points were highlighted during the ensuing discussion:

- There were sections on the system where the water quality remained a concern. This was particularly evident on the Ballymoney River, Bellaghy Burn and at Toome.
- The information from Water Service highlighted that:
 - a £7million contract had been awarded for a new WWTW for Ballymoney, to be completed by Nov 2007.
 - A £2million contract has been awarded for Bellaghy WWTW, with work to be completed by late 2006 and
 - That the Toome WWTW is currently being upgraded, with a completion date of mid 2006.
- Members welcomed the upgrades to the WWTW in the system, but noted that, whilst the chemical classification of a downstream watercourse would be almost immediate, there would be a lag between the completion of the capital works at WWTW and the potential improvement in the biological classification.
- There was no current performance indicated for the Drumahiskey, Bendooragh, Balnamore, Drumahelis, Macin, Seacon, Coldagh WWTW. It was agreed that Caroline should seek clarification regarding this omission and report back.

Action 40: Clarification to be sought from Water Service as to the ‘current performance’ of the WWTW at Drumahiskey etc.

- The Lower Bann is the main artery for water flowing from 38% of NI and the route for salmon and eel passage and therefore more parameters than water quality should be considered.
- There was considerable merit in determining water quality classification as a result of continuous monitoring, rather than a single, point source sample.
- Developments are being allowed to be put in place when local WWTW are not capable of processing the additional waste.

Members agreed that a Water Quality Working Group should be set up to highlight issues for discussion at the next joint LN/LB Advisory Committee in early December.

Action 41: Water Quality Working Group to be set up to consider issue for subsequent meeting with Water Service, Water Management Unit etc.

Members agreed that the next joint meeting of the Lough Neagh and Lower Bann Advisory Committees should focus on water quality.

Action 42: Water Service, Water Management Unit, Rivers Agency etc to be asked to next joint Advisory Committee meeting to discuss water quality and level management issues.

b. Navigation Markers at the Cutts

Caroline drew members’ attention to the minutes of the Safety & Navigation Working Group of 8th August 2005 and by way of brief background, highlighted the following: Waterways Ireland placed additional markers to highlight the navigation channel downstream of the Cutts. Bann Rowing Club has serious concerns about the

additional markers in the designated rowing section of the River and in particular with one of these additional markers.

After discussion, members agreed with the recommendations of the SNWK as outlined below and recommend that WI and BRC implement the recommendations as appropriate:

- i. The upstream end of the shoal must be marked for navigational safety reasons.
- ii. The visibility of the marker should be raised and it should inflict minimal damage if there is a collision.
- iii. Waterways Ireland should research options to raise the visibility and ‘soften’ any impact with the marker and report back to the SNWG.
- iv. The written navigational signage at the Sandleford channel cross-over point should be reviewed and the sign replaced as soon as possible by Waterways Ireland.
- v. Waterways Ireland should consult with the LBAC with regard to future navigational issues.
- vi. Waterways Ireland should mark the navigation arch of the Sandleford Bridge with both an arrow and by painting the pillars red and white.
- vii. Waterways Ireland should give consideration to the erection of bank signage that would inform rowers, of the oncoming in-river signage. (Furlong/graded marker system).
- viii. Bann Rowing Club should make members aware of the relevant implications of the Collision at Sea Regulations, and in particular of the need to give way to powered craft in a restricted navigation channel.

Action 43: Recommendations for actions regarding the markers at the Cutts to be forwarded to relevant parties.

c. Water Based Activity Public meetings

Members were informed that two public meetings had taken place in Portglenone and Coleraine in June. It had been agreed to postpone the Ballymoney meeting until next year. Both of the meetings were poorly attended although those who were there gave useful comment and feedback. There was a question as to whether public meetings were the best way of engaging with individual users and user groups. The general consensus was that public meetings were useful as they gave a more representative view. It was felt that maybe the timing of the meetings had impacted on the attendance and it was agreed that further meetings should be held in the earlier part of the year, before the start of the season.

Caroline outlined general issues raised and informed the members that a dedicated working group would be convened to discuss these issues further and report back. Issues raised included: the need for dredging, wardening, improved security at marinas, need for byelaws, possible changes to recreation zones, marking of the Sandelford Bridge, etc.

A short discussion took place about wardens and Caroline informed members that the Lower Bann Partnership in conjunction with a Ballyshannon group had applied for

Interreg Funding which could allow for the employment of wardens for Drumaheglis and Newferry.

d. Lower Bann Management Strategy

Caroline informed members that the Lower Bann Advisory Committee is charged with preparing a management strategy for the Lower Bann, similar to the Lough Neagh Management Strategy. A working group had already met to talk about the process involved. It was agreed that the strategy should be prepared in-house, rather than by consultants, and there may be a need to employ someone. The Lower Bann Partnership has already secured some funding for this project and it is hoped that the gap in funding may be covered by EHS.

The strategy preparation would be similar to that used by the Lough Neagh Advisory Committee and it may be necessary at some stage to engage consultants to carry out public consultations. Caroline informed members that the whole process would take about two years.

Terry Eakin informed the committee that the EHS grant programme would hopefully be opened again at the beginning of next year and that an application could be submitted. He agreed to check if applications could be made now.

Action 44: Terry Eakin to check if EHS funding can be applied for now.

A discussion took place about the structure of the group that would be charged with taking this further.

e. Other Issues raised

Mr James Smyth indicated that, with reference to the article in Eel Express in August 2004 on the Portna Eel Traps, the article was biased against the Lough Neagh Fishermen's Co-operative. Committee members noted his comment.

Presentation on the Lough Neagh Wetland Biodiversity Action Plan.

Seamus Burns, Lough Neagh Wetlands Biodiversity and Environment Officer gave a short presentation regarding his role. He will be involved in the preparation of a Local Biodiversity Action Plan for the Lough Neagh Wetlands, including Lough Beg. This document, steered by the LNAC, will highlight actions to help conserve species that are important nationally, regionally and locally. Seamus will also be involved in assisting to develop and implement biodiversity projects within the Wetlands. His post will last for three years. Copies of Seamus's presentation are available from Sperrin House. Seamus also provides advice to the Lough Neagh Partnership on environmental projects.

5. Liaison Officer's Report September 2005

a) Lower Bann Partnership update and LBAC directors (item 13)

Caroline informed members that staff adverts are to be placed in the paper and that the preferred office location had been chosen. It is hoped that with the appointment of

staff it will free up time for Caroline as she has been acting in a secretarial capacity for the Partnership. £750k has been secured from DARD for environmental, economic and recreational projects. Caroline explained more about a joint Interreg bid with Ballyshannon for recreational infrastructure, training and wardening. She also informed members of the potential for lodging a bid for European funding to improve access to inland navigation from sea, but that this had to be dropped mainly due to the tight timescale. The Partnership had written to the Councils which border the river requesting funding for administration. To date replies had been received from Magherafelt District Council, Ballymena Borough Council and Coleraine Borough Council agreeing to contribute to administration costs. Replies were still outstanding from Ballymoney Borough Council and Antrim Borough Council.

b) Agreeing LBAC Directors on LBP

Members were informed that the Lower Bann Partnership AGM would take place in November and that it was necessary to agree the potential 'LBAC directors' prior to this meeting. It was agreed that the Directors already serving should remain as should John Moore as the built heritage 'advisor'. James Smyth proposed that Victor Hamill should be the fifth director, this was seconded by Cllr Church and all members agreed.

c) Test of Likely Significance for Water abstraction (item 9)

Caroline explained the background to members. This issue is mainly pertinent to Lough Neagh and a working group had already met with a member of Water Service to discuss the implications. The members agreed that it had an impact on fishing and navigation and also affected the discharge of water into the Lower Bann. Caroline informed members that a test of Likely Significance would be carried out if Water Service planned to abstract additional water from the Lower Bann for storage in Ballinrees. It was brought to the members' attention that Martin Bates of the River Agency had now retired and Henry Thompson had taken over his post. It was agreed that Victor Hamill and Caroline should meet with Mr Thompson

Action 45: Victor Hamill and Caroline Marshall to meet with Henry Thompson, Rivers Agency

d) Mountsandel Planning Appeal

Victor Hamill informed members that the developer has been granted an appeal in reference to the rejection of their planning application for 14 dwellings on the last remaining open site next to the Mesolithic site at Mountsandel. The LBAC can make representation at this appeal and has been asked to prepare a statement of case prior to the appeal. After discussion, it was agreed that the Management Committee would be the appropriate organisation to take this issue forward and that legal representation would be most appropriate. It was agreed that the LBAC should prepare a background document for the Management Committee. If deemed appropriate, it was highlighted that the LBAC should join forces with other objectors at the appeal hearing.

Action 46: Advisory Committee to produce a background document on the Mountsandel planning issue for discussion at the Management Committee.

e) Rescue Protocol for River

Victor Hamill explained the procedure. If anyone is in difficulty you ring 999 and ask for the coastguard who then co-ordinate the response with other emergency services. Members agreed that there was a need to make the public more aware of this procedure.

Action 47: LO to prepare press release regarding Rescue Protocol of the River.

f) Water Framework Directive Forum – agenda items (item 33)

Caroline explained the background of the WFD Stakeholders Forum and informed the committee that the next meeting would be held in October. At the Lough Neagh Advisory Committee meeting members had been made aware that there was no incentive for people in Northern Ireland to reduce the amount of water that they used. There was a discussion about the ownership of Lough Neagh, the need for a catchment management approach and the economics of abstraction. Caroline agreed to keep the members informed of issues.

g) IWAI Conference (item 43)

The IWAI Conference was brought to the attention of the committee and Victor Hamill encouraged members to take a copy of the free IWAI magazine. Cllr O'Neill made members aware that he and Cllr Milne will be attending the conference.

h) Draft Planning (EIA) (Amendment) Regulations 2005 (item 44)

Caroline informed the Committee that this document concentrated on recommendation to ensure that the public were involved in the preparation of Environmental Impact Assessments. She indicated that she would draft up and forward comments as appropriate

6. Any Other Business

a. Fallen Animals in Rivers

Cllr O'Neill explained the background to this item. He was concerned that no statutory organisation would take responsibility for removing fallen animals from water courses. Caroline updated members on the current legislation. After discussion, it was agreed that a letter should be written to DARD to request clarification.

Action 48: LO to write to DARD for clarification regarding obligations relating to the removal of fallen animals from water courses.

b. Hutchinson's Quay Development

Letter I/hutchq/111103 was tabled. Copies can be obtained from Sperrin House. Caroline explained the background to the issue and informed members that the LBAC had not lodged a formal objection to this planning application. Members were also

informed that Caroline had spoken to Mr McLarnon on various occasions and informed him that the LBAC was not a marketing and tourism development organisation. A site meeting had been organised between Mr McLarnon, Victor Hamill and Caroline but this had been cancelled due to Mr McLarnon's ill health. A discussion took place regarding the committee's role in giving advice regarding planning permission. Following further discussion of the issues raised in Mr McLarnon's letter of 27th July 2005, it was agreed that a reply should be sent addressing these with an offer to meet with Mr McLarnon. It was also agreed that clarification should be sought as to the status of Mr McLarnon's planning applications as there appeared to be confusion as to their status.

Action 49: LO to reply to issues raised in the letter from Mr McLarnon and offer another site meeting.

Action 50: LO to seek clarification s to the status of planning applications relating to the Hutchinson's Quay development.

c. Camus Jetty

In response to a question regarding the status of the Camus jetty, Mr Denzyl Dinsmore was informed that Coleraine Borough Council had passed the jetty to Waterways Ireland, who were considering various management options.

d. Estuary Water Ski Zone

Following a request for information on the possible retraction of this zone, Caroline informed members that the issue would be considered by the working group preparing the draft recommendations for management of water based activity.

7. Date and venue of next meeting – early December 2005

It was agreed that the next meeting would be a joint meeting with the Lough Neagh Advisory Committee and would discuss Water Quality and Water Level Management. It was agreed that a venue would be found that would be convenient to all members.

Action List from LBAC meeting held on 15th September 2005

| Action | | Implementer |
|--------|--|-------------------|
| 40 | Clarification to be sought from Water Service as to the 'current performance' of the WWTW at Drumahiskey etc | Caroline Marshall |
| 41 | Water Quality Working Group to be set up to consider issue for subsequent meeting with Water Service, Water Management Unit etc | Caroline Marshall |
| 42 | Water Service, Water Management Unit, Rivers Agency etc to be asked to next joint Advisory Committee meeting to discuss water quality and level management issues. | Caroline Marshall |

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| 43 | Recommendations for actions regarding the markers at the Cutts should be forwarded to relevant parties | Caroline Marshall |
| 44 | Terry Eakin to check if EHS funding application can be applied for now. | Terry Eakin |
| 45 | Victor Hamill and Caroline Marshall to meet with Henry Thompson, Rivers Agency | Caroline Marshall, Victor Hamill |
| 46 | Advisory Committee to prepare document on Mountsandel Planning issue for the Management Committee. | Advisory Committee |
| 47 | LO to prepare press release regarding Rescue Protocol of the River. | Caroline Marshall |
| 48 | LO to write to DARD for clarification regarding obligations relating to the removal of fallen animals from water courses. | Caroline Marshall |
| 49 | LO to reply to issues raised in the letter from Mr McLarnon and offer another site meeting. | Caroline Marshall |
| 50 | LO to seek clarification s to the status of planning applications relating to the Hutchinson's Quay development. | Caroline Marshall |

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