

Minutes of the forty-second meeting of the Lough Neagh Advisory Committee held on Thursday, 15 June at 10.00am in The O'Neill Arms Hotel, Toome.

Present

Mr Brian Cassells (Chairman)
Mr John Scovell
Cllr Mary Baker
Cllr Walter Greer
Dr Arthur Mitchell
Mr James Smyth
Mr C W Dickinson
Mr Conor Moore
Mr Archie Gibson
Mr Billy Mullen
Mr Conor Jordan
Mr Denzyl Dinsmore
Mrs Elizabeth Meharg
Cllr Francis Molloy
Mr Connor Corr
Cllr Norman Badger

In Attendance (Liaison Office)

Ms Caroline Marshall (Liaison Officer)
Mr Seamus Burns (Biodiversity Officer)
Mrs Joanne McMullan (Admin Officer)

In Attendance (LN & LB Management Committee)

Mr Gerry Darby (Lough Neagh Partnership)
Ms Kathleen Conlon (DCAL)
Mr Darrell Stanley (EHS)
Mr James Simpson (LBAC)
Mr Joseph Gillespie (Waterways Ireland)
Mr Liam Glavin (Cookstown District Council)
Mr Ian Enlander (EHS)
Mr Sam Hanna (LBAC)
Mrs Rosemary Mulholland (Craigavon Borough Council)
Mr Charlie Monaghan (Lough Neagh Partnership)

1 Apologies

Apologies were received from Mr Alan Ball, Mr Stephen Foster, Alderman Basil McCrea, Alderman Sydney Anderson, Alderman Cecil Calvert, Cllr Danny Kinahan, Ms Claire Kinkead, Alderman Stephen Moutray and Prof Brian Wood.

2 Chairman's Business

- (a) Brian Cassells welcomed everybody to the meeting in particular those representatives from the Management Committee who were in attendance for the sand extraction presentation. He explained that there were a few technical problems with Gordon Best's presentation and that this would be moved back in the agenda to take place at approximately 11.15am.
- (b) Members were informed that Alan Kirkpatrick was the new represent of the Ulster Angling Federation.
- (c) The Chairman welcomed Joanne McMullan, Administration Officer back from maternity leave.

3 Minutes of last meeting – 1 March 2006

The minutes were agreed as a true record.

4 Matters Arising from last meeting

The following matters were considered:

(a) Water Level Management & Hydrological Study

Caroline Marshall updated members about the Water Level Management Seminar that took place on 11 April 2006. 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:

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

A Q&A session took place. Notes of the meeting are available from Sperrin House. 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 Prof Wood, Billy Mullen and representatives from environment, agriculture and commercial interests (LNCo-op/Bann System etc) should also be represented. Hopefully a draft paper will be available for discussion at the next LNAC meeting.

ACTION 69: Caroline Marshall to bring together a working group to justify the need for a review of the Lough Neagh operational water levels.

Grace Glasgow; RPS Consulting also presented the background to the Rivers Agency – Flood Management Policy Review. 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.

(b) Development in Wetlands – reply from Planning Service

At the last meeting, it had been agreed that a letter should be sent to the Planning Service highlighting the concerns over the development on wetland sites and to seek clarification of the policies used to protect the Wetlands. A reply was received from the Planning Service and was

circulated to the committee. It was felt that the reply was disappointing and did not address the concerns raised by the committee. It was agreed that the Planning Service should be invited to the next committee meeting and be asked to give a presentation with specific reference to the management of development in the South Lough Neagh Wetlands and the current review of PPS2 (Planning and Nature Conservation).

ACTION 70: Planning Service to be invited to next meeting to give a presentation on policies used to protect the wetlands in particular those of South Lough Neagh and on the review of PPS2 .

(c) Liability of Advisory Committee Members

A letter had been received from Graham Seymour, Director of Natural Heritage, EHS regarding the liability of Advisory Committee members. His letter, indicating that the liability rested with the bodies implementing advice, did not take into consideration advice given to members of the public by the Advisory Committees. Mr Archie Gibson raised the point that if a committee member was brought into an action it was unfair that they would financially responsible for their defence. He proposed that a letter should be written to Graham Seymour requesting assurance that if this ever did happen, EHS would indemnify committee members and cover any related costs.

ACTION 71: Letter to be sent to Mr Graham Seymour requesting that EHS would indemnify members if they were ever to be involved in legal action against them.

(d) Update on additional issues can be found in the Liaison Officer's Report

No one raised any comments on the additional issues.

5. Lough Neagh Management Strategy

Caroline Marshall informed members that it was necessary to review the content of the Management Strategy and to devise ways of encouraging implementation of the recommendations. It was agreed that a small working group would be formed to outline the way forward

ACTION 72: Caroline Marshall to set up a working group to steer a review and encourage implementation of the recommendations in the Lough Neagh Management Strategy

6. Lough Neagh & Lower Bann Management Committee Meeting

Darrel Stanley from EHS, updated members on issues discussed at the LN/LB Management Committee, including the following:-

- Fallen animals
- Water Drafts
- EU Eel Review
- Funding for next Advisory Committee
- Travel Expenses
- Environmental Governance

Billy Mullen commented on the issue of travel expenses. He still felt that it was very unfair that members were not compensated for their travel. He also could not understand why the Management Committee needed legal advice regarding the issue. He was not satisfied with the Management Committees response. James Smyth raised the point that this might be one of the reasons why it is difficult to get volunteers for sub committees.

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

Billy Mullen also raised the issue of a Navigational Authority for Lough Neagh. He felt that the government was dragging its heels regarding the issue and that it was very difficult to make progress with water based recreational development in the absence of a navigation authority. The issues of markers and dredging were also discussed. It was agreed that the Safety & Navigation Working Group should meet to discuss a review of markers on the Lough

ACTION 73: Safety and Navigation Working Group to meet and discuss markers and dredging on Lough Neagh

7. Liaison Officer Report – June 2006

(a) Lough Neagh Navigational Authority Study

Caroline Marshall updated members highlighting that no progress had been made on the preparation of an economic appraisal on the establishment of a navigation authority and indicated that DCAL is in the process of justifying the expenditure of the funding for the preparation of the economic appraisal. Members agreed that valuable time was being lost and that a letter should be sent to the Minister to request a meeting to highlight the need for a navigation authority for Lough Neagh.

ACTION 74: Letter to be sent to DCAL Minister requesting a meeting to discuss the need for a navigation authority for Lough Neagh.

Caroline also highlighted that following further clarification from EHS, it would now be necessary to carry out an Environmental Impact Assessment on the establishment of a navigation authority. Kathleen Conlon explained to members why an assessment was now necessary. Members raised concerns about the length of time it would take to prepare such an assessment.

Members again discussed the issues of markers and dredging needed on the Lough. It was also highlighted that jetties were being lost to public use because groups were finding it hard to raise the finance needed for the insurance premium.

(b) PPS14 – Sustainable Development in the Countryside

Caroline Marshall reminded members that comments had been drafted, circulated, amended and lodged with reference to this consultation, but that a clause had been added to reserve the right to provide an addendum and possibly exclude individual members from the comments

Following a lengthy discussion, members agreed on the following points:

- There was a real need to provide dwellings in rural areas to provide for healthy rural communities.
- There was a need for statutory agencies to implement, monitor and enforce existing legislation.
- There was a real need to control the massive amount of speculative development that has the potential to undermine rural life..
- Statutory agencies should require and promote the use of modern technology to treat human waste when rural dwellings can not be connected to mains sewerage.
- Government Departments should be practicing what they preach and implementing best practice themselves (e.g.WWTW)
- The submission should be amended to include the above points.

ACTION 75: Caroline Marshall to amend/update PPS 14 response.

(c) Draft Sustainable Recreation Framework

Caroline Marshall gave an overview to the background of this document and outlined the general principles. All members welcomed the document and agreed to the general principles. Given the time constraints in relation to having a full discussion, members agreed that a separate meeting should be called and that Judith Annett should be asked to present her recommendations.

ACTION 76: Caroline Marshall to arrange Working Group meeting with Judith Annett to discuss the Draft Sustainable Recreation Framework.

(d) Other items from Report as raised by members

Apart from highlighting that work should continue on the ownership of Lough Neagh's resources, there were no other issues raised.

8. AOB

There was no further business.

9. Sand Extraction on Lough Neagh – Impacts, Research and Policy Gaps.

During his presentation, Gordon Best of the Quarry Producers Association presented the following information:

- (a) Lough Neagh provides ¼ of NI's sand needs.
- (b) All LN sand traders have ISO 14001 for complying with environmental good practice and are working hard to reduce any negative environmental impacts.
- (c) There is no information on the amount of sand coming into the Lough from the feeder Rivers.
- (d) Sand is not taken from the gravel spawning beds of fish.
- (e) Sand trade is contributing a substantial amount of finance into the local economy.
- (f) The sediment spits resulting from the run off from the land based sites are providing habitats for relevant species.

- (g) Sand traders pay an aggregates levy, which is used for environmental projects.
- (h) QPANI has a biodiversity officer working to raise the profile of its environmental work, implement good practice at all extraction sites, develop biodiversity projects etc.
- (i) QPANI is working with EHS in surveying and highlighting the impacts of sediment run off at the land based sites. The study has highlighted that there are localised impact on benthic fauna and positive impacts on the wider environment.

The following were the main issues raised during the question and answer session.

- i. The sustainability of the industry. QPANI want to see a Planning Policy Statement in relation to Minerals to outline future sources and address sustainability issues.
- ii. QPANI has made a submission under PPS 14, for the protection of reserves of minerals.
- iii. There is little research as to the impact of the industry on the life cycle of fish/eels. It was highlighted that fish spawn on gravel and that this stage of their life cycle is likely to be unaffected. QPANI would like to carry out environmental research in partnership with EHS and the local universities, but this has not yet taken place.
- iv. EHS has done some work on the potential impacts of the industry on the features of the Special Protection Area and have concluded that there are no significant impacts.
- v. Some work has been carried out into the uses of the silt that is separated from the sand. Potential uses include peat substitute and building homes for sand martins. Waterways Ireland indicated that it has problems disposing of dredged silt.
- vi. QPANI is of the opinion that if a study is initiated into environmental impacts, all activities on the Lough should be part of the study.

The Chairman thanked Mr Best for his presentation and contribution to the meeting.

10. Date and venue of next meeting

The next meeting of the LNAC will take place on **13 September 2006** at 10.00am in the new centre at Washing Bay (location to be confirmed).

Actions from Lough Neagh Advisory Committee meeting held on 15 June 2006.

	Action
69.	Caroline Marshall to bring together a working group to review water control levels and submit a justification paper to the Rivers Agency.
70.	Committee to invite the Planning Service to the next meeting to give a presentation on policies used to protect the wetlands in particular those of South Lough Neagh.
71.	Letter to be sent to Mr Graham Seymour requesting that EHS would indemnify members if they were ever to be involved in legal action against them.
72.	Caroline Marshall to set up a working group to steer a review and encourage implementation of the recommendations in the Lough Neagh Management Strategy
73.	Safety and Navigation Working Group to meet and discuss markers and dredging on Lough Neagh
74.	Letter to be sent to DCAL Minister requesting a meeting to discuss the need for a navigation authority for Lough Neagh.
75.	Caroline Marshall to amend/update PPS 14 response
76.	Caroline Marshall to arrange meeting with Judith Annett to discuss the Draft Sustainable Recreation Framework.

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

The following people from the LBAC and LN/LB Management Committee joined the meeting for this session.

Mr Mike Kingston
Mr Victor Hamill
Mr Gregory Woulahan
Cllr Olive Church
Mr Robbie Marshall
Mr Stephen Douglas
Mr Pat Close
Mr Sam Hanna
Mr Edwards Montgomery
Mr Jack Gault
Mr David Agnew

Members of the LBAC 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.

LNAC/ meeting/min/42-150606

