

# **59<sup>th</sup> MEETING OF THE FOYLE CARLINGFORD AND IRISH LIGHTS COMMISSION**

**Wednesday 25<sup>th</sup> November 2009 @ 11am**

**Loughs Agency Headquarters, Prehen**

## **Attendees**

### **Present**

Tarlach O'Crosain (Chairman)  
Joe Miller  
Thomas Sloan  
Denis Haughey  
Brendan Byrne  
John Byrne  
Winston Patterson  
Enda Bonner  
John Mulcahy

### **In Attendance - Loughs Agency**

Derick Anderson – CEO  
John McCartney – Director of Conservation and Protection  
Barry Fox – Director of Aquaculture and Shellfisheries  
John Pollock – Director of Corporate Services  
Gerard Mills – Director of Development  
Laura French (Minutes)

### **1. Apologies**

Jacqui McConville (Vice Chair)  
Alan McCulla  
Jim Wilson

### **2. Minutes of the Previous Meeting**

The minutes of the previous meeting were agreed.

Proposed Joe Miller  
Seconded Thomas Sloan

### **3. Reserved Minutes**

The proposed reserved minutes were approved.

Proposed Thomas Sloan  
Seconded Joe Miller

#### **4. Matters Arising**

None

#### **5. CEO Report**

CEO opened the meeting by welcoming all to the meeting and passing his condolences and the condolences of the Board to the Chairman who, since the last meeting, had lost his father and two aunts.

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CEO reported to the Board that the Agency were still having difficulty getting the 2009 Business Plan passed. The Board expressed their concerns and were of the opinion that if a resolution was not forthcoming from the Department of Finance before the end of the year then the Agency should go directly to the Minister of Finance. The Board noted the imminent approval of the 2009 Business Plan and expressed concern at the delay in the planning with regard to their responsibilities for good corporate governance.

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#### **6. Directors Report**

The Board were provided with updates from the Senior Management Team each giving a brief overview on their respective areas.

##### **Corporate Services**

John Pollock, Director of Corporate Services provided the Board with the following short report;

##### Finance

Final grant in aid for 2009 requested from both Sponsoring Departments. As directed by the Departments of Finance the Agency's indicative budget for 2009 was re-profiled. The guidance required the Agency to make a minimum saving of 3% in 2009 and 3% in 2010 based on the 2009 allocation. However the Agency has identified 10.6% savings over the 2 year period. 2009 expenditure is on target taking into the revised budget and a further £300k of a saving has been identified within the salaries

budget and has been formally surrendered to both Sponsor Departments.

#### Audit

2007 Financial Statements (end 31<sup>st</sup> Dec 07) have been finalised and formally submitted by the CEO to the C&Ags (North and South) for certification. Audit Committee Meetings held on 27<sup>th</sup> March and 22<sup>nd</sup> April 2009 and it is planned to hold a further meeting before the end of November. The Internal Audit which commenced in August 2009 is expected to report shortly. Findings will be raised at the next audit committee meeting. NIAO and C&AG Dublin Audit on 2008 accounts commenced on 20<sup>th</sup> April 2009. Their draft report is expected shortly and the findings will be tabled for discussion by the Board and audit subcommittee. Further On-board training for the board 2<sup>nd</sup> December 2009.

#### Corporate Governance

Risk Management workshop held in February 2009 and Risk Register and profile updated further meeting to be arranged before the end of November 2009.

#### NSMC

NSMC Sectoral meeting held in Dublin 18<sup>th</sup> November 2009. Next meeting early 2010 date and venue to be agreed.

#### Staffing Recruitment / Vacancies

Staffing loading review on hold pending outcome of CEO paper. There are no staff vacancies at present.

#### Annual Report

NSMC clearance of the 2007 & 2008 annual reports now received to be laid at the Assembly and Oireachtas as soon as the accounts signed off.

#### Business Plan 2010

Draft of 2010 Business Plan underway.

#### Pensions

Discussions ongoing with DFP. Meeting to be arranged with HM Cabinet Office and Revenues North and South.

#### Accommodation

Greencastle accommodation partnership with community association still being considered.

#### Advisory Forum

Next meeting 27<sup>th</sup> January 2010

### **Conservation and Protection**

John McCartney, Director of Conservation and Protection provided the Board with the following report;

While the 2009 angling and commercial salmon fishing seasons have ended, due to the later runs of salmon and the general economic downturn, Conservation and Protection staff are still dealing with salmon poaching in the Foyle area. Some salmon are on the spawning beds and if the river levels drop sufficiently staff will begin anti lamping patrols and redd counting in the headwaters.

Coarse fishing has been limited by the heavy rain and high water levels. The Agency has taken an initiative on Newry Canal and stocked it with over 5000 juvenile bream, a species that was identified as under stress in the recent stock surveys.

Enforcement in the Oyster fishery has been busy, however it is pleasing to report that the fishermen have been cooperating with the Agency and for the most part have been compliant with the regulatory controls.

In October the Agency hosted a one day workshop on hydro electric power. The workshop was very well attended by Government Agencies from both Ireland and Northern Ireland, as well as a significant input from angling clubs and Nongovernmental organisations.

#### Health and Safety

The Agency Health and Safety Committee have focused on staff training and have proposed courses in Managing safely, fire awareness and conflict resolution. An independent consultant has been employed by the Agency to ensure compliance with the relevant legislation and in particular with the need for consistent activity and site risk assessments.

#### Fish Counters

As previously reported the independent review and validation project for the Agency counters made a number of recommendations for alteration and upgrade of the counters. This process is now underway with on site works being undertaken.

### **Comparative Summary fish counter data**

	<b>2005 January to October</b>	<b>2006 January to October</b>	<b>2007 January to October</b>	<b>2008 January to October</b>	<b>2009 January to October</b>
Faughan	<b>3497</b>	<b>3358</b>	<b>1025</b>	<b>533</b>	<b>765</b>
Finn	<b>8529</b>	<b>5703</b>	<b>3236</b>	<b>2046</b>	<b>2107</b>
Sion Mills	<b>9162</b>	<b>9130</b>	<b>3503</b>	<b>3517</b>	<b>7608</b>
Roe	<b>2809</b>	<b>1213</b>	<b>4868</b>	<b>4257</b>	<b>2699</b>
Corrick	<b>1267</b>	206	<b>173</b>	<b>170</b>	<b>1319</b>
Newry	Not available	Not available	Not available	<b>226</b>	<b>183</b>
Omagh	Not available	Not available	103	<b>136</b>	<b>238</b>

### Enforcement Actions

In 2009 so far, Agency staff have dealt with 102 rod related offences, and seizures. Agency protection staffs have also seized 130 illegal nets, including 2 full drift net, 2 vehicles, 7 boats and 4 bags of Oysters as well as various other items.

Staff have dealt with 52 pollution incidents, and taken 9 sets of statutory samples.

### Environmental Issues

A fire took place at a tyre depot in Campsie, Co Londonderry on Sunday 4 October 2009. Northern Ireland Fire and Rescue Service attended the fire, and due to its size and various complications a Multi Agency Group was formed and attended by numerous Agencies including the Loughs Agency.

The fire and subsequent fire water raised concerns about pollution of waterways, air and land. The Loughs Agency attended the initial incident and assisted with pollution containment.

The Agency has also been involved in the follow up monitoring of the waterways and aquatic environmental receptors including shellfish. To date no contamination of shellfish has been

detected, the Agency and its partners are awaiting further analytical results on water and sediment.

Agency staff continue to be heavily involved with a number of issues, including those relating to the Water Framework Directive and a series of contentious licence and planning applications. In order to give consistent and good scientific advice Agency staff are developing a series of environmental guidelines. The previous adoption by the of the “Guidelines on the Planning, Design, Construction & Operation of Small-Scale Hydro-Electric Schemes and Fisheries.” published by Central Fisheries Board and the Department of Communications, Energy and Natural Resources has given the Agency a strong endorsement for the protection of fisheries interests. Conservation and Protection staff would now like the Board to formally adopt the internal document entitled “Guidelines for Fisheries Protection during Development Works.”

## **Development**

Gerard Mills, Director of Development provided the Board with the following report;

### Other Funding Bids Submitted and In Progress

#### Submitted

Ayrshire / Causeway Coast and Glens Heritage Trust (CCGHT) / Loughs Agency One Environment One Future:

A strategic tri-partite transnational project to develop cross border collaboration between the public sector, communities and other stakeholders in understanding and managing sustainably the processes that shape local environments in Scotland, Northern Ireland and Ireland.

Value £1.9 M.

Employment of 5 staff (3 Scotland, 1 CCGHT and 1 Loughs Agency).

Outcome is likely to be announced by Early 2010.

#### SCENE/Queens University Belfast Project

Bid has been made and submitted to SEUPB by 10<sup>th</sup> of July 2009 - Outcome is likely to be announced by Early 2010. The inaugural Steering Group is due to be held in December 2009 to initiate planning for the project.

#### Northern Ireland Tourist Board

3 applications

1 for phase 3 of Riverwatch

1 for fishability – a series of river-condition providers using IT

1 for compelling a visit using commissioned video footage to promote the North West and the South East.

Phase 3 of Riverwatch and the 'Compelling a Visit' projects are at economic appraisal stage which means they have been successful in the first round of funding.

### In Progress

#### Heritage Lottery

##### The Living Loughs Project

Project focus is to employ 2 project officers to specifically focus on embedding the development of habitats within the region with the communities that live throughout it for a period of three years (as a minimum). The persons will drive community based events that celebrate the natural and cultural heritage of 'The Living Loughs' and will show people of all ages the importance of conserving and protecting the river system as well as how to use and enjoy it responsibly.

Value £370k

#### Angling Academy

This is now underway with the key aim of the pilot to provide development in structured format with 6 fisheries to deliver to a minimum of 10 groups of NON anglers by December 2009 an evaluation report will follow and if successful it is hoped to provide this on an ongoing basis.

#### Staffing Interreg Marine Tourism Strategy

Paper has now gone to Department of Finance and Personnel for consideration.

#### National Coarse Fishing Federation Ireland

Managers report for Board to Consider.

#### Newry and Mourne District Council

Canal Stocking carried out on the 9<sup>th</sup> of November 2009 with Newry and Mourne District Council as part of a 3 year development plan for Newry Ship Canal.

#### Mill Bay and Narrow Water Projects

Projects developed with Mourne Heritage Trust / Northern Ireland Tourist Board / Newry and Mourne District Council and Agency are

now through Tender stage with Central Procurement Division. The estimated value of the two projects overall is circa £225,000 and will be the first of the projects identified as part of the Mourne Coastal Route.

Reports on progress will follow.

#### Utrecht and British Fly Tying Fair

Promotional events took place on weekend of 6<sup>th</sup> of November 2009 – evaluation reports will follow.

#### Omeath and Carlingford Tidy Towns

Attached development plans – the Agency is currently working with Louth County Council and the local community to determine elements that the Agency can support.

### **Aquaculture and Shellfisheries**

Barry Fox, Director of Aquaculture and Shellfisheries provided the Board with the following short report;

#### The Foyle Area (Control of Oyster Fishing) (Amendment) Regulations 2009

Following the Agency's attendance at the Agriculture and Rural Development Committee meeting in Stormont on the 22<sup>nd</sup> September 2009, the Agency was asked by the Chairman (Ian Paisley Jnr) to further consult with stakeholders in relation to the proposed amendments to the Control of Oyster Fishing Regulations 2008 to try and find an agreed way forward. The Agency held a meeting at our Headquarters on the 2<sup>nd</sup> November 2009. There was a very poor attendance at this meeting. I have attached the minutes of this meeting for your information.

The Agency has taken the view that in light of the poor communication between stakeholder groups and the Agency it would be in the interest of the fishery to propose a Regulation that would restrict the weight of oyster that a buyer can send to market. This would be introduced alongside the increased ring size. There are other areas that require attention due to the introduction of a Regulation restricting buyers and I would hope to furnish a draft regulation dealing with these issues and present it to the Board at our next meeting.

#### Oyster Fishing Season 2009/2010



The 09/10 oyster fishing season opened on Monday 21<sup>st</sup> September 2009. 38 fishermen have been licensed for this season's fishery so far. This number is down on last year's licence figures. The fishery has produced approximately 40 tonnes of marketable oyster up until Friday 16<sup>th</sup> October 2009.

### SEA

The Agency is currently developing options for the Implementation Plan with Faber Maunsell, AECOM. Public Information days will be held in the Canal Court Hotel, Newry and the Agency's Headquarters on the 7<sup>th</sup> and 8<sup>th</sup> December 2009 respectively. The Environmental Report and Implementation Plan will be available in Late February following consultation. I would like to take this opportunity to record my thanks to Dr Declan Lawlor on the delivery of appropriate assessments (Consideration of Plans and Projects affecting European Sites). This work will inform the development of the options and final environmental report produced from the Strategic Environmental Assessment

### Monitoring Vessel

The MMV Ostrea is currently at berth in Lisahally Docks. Installation of the safety equipment and some minor fittings is ongoing. The Trolling valve gear boxes and new props have been ordered and the vessel will be in full operation for the New Year.

## **7. Angling Fair 2010**

Gerard Mills, Director of Development advised the Board that following on from the last Board meeting the Development Subcommittee of the Board had met and discussed the options paper for the 2010 Angling Fair. The minutes of the meeting were provided to the Board. Gerard added that since that meeting the venue suggested by the Board, Baronscourt, had been investigated and had been deemed unsuitable due to access and parking. A number of options were discussed by the Board including using the YMCA in Drumahoe as the venue and also moving the 2010 Angling Fair to Carlingford. The timing of the Fair was also discussed. The Board asked if the Agency could go ahead with the Fair in Drumahoe at the same time of year. CEO expressed concern that last year's Fair had been planned a lot further in advance than this. It was suggested that as it was the same venue it may not take as long to plan so for the Agency to go ahead on these grounds.

Proposed Denis Haughey  
Seconded Joe Miller

## **8. NSMC**

CEO provided the Board with the papers from the last NSMC and gave a short overview of the meeting which was attended by himself, Rachel Scott and Seamus Cullinan. CEO added that Rachel would make her presentation to the Board at the end of today's meeting.

## **9. Board Communications**

John Pollock advised Board members that those members who had requested laptops could collect their laptops at the end of the meeting. John added that in an effort to reduce the amount of paper issued to Board members, Board papers would now be emailed out and posted out in disc format. Board members would then be required to bring their laptops and discs with them to Board meetings to view papers.

## **10. Interreg Progress Report**

Gerard Mill's, Director of Development provided the Board with a paper of information on the above.

## **11. Halloween and Utrecht Evaluations**

Gerard Mill's, Director of Development provided the Board with a paper of information on the above two events.

## **12. World Freshwater Angling Championship Report**

Gerard Mill's, Director of Development provided the Board with a paper of information on the above.

## **13. Tidy Towns**

Gerard Mill's, Director of Development provided the Board with a paper of information on the above and sought their approval.

Proposed Brendan Byrne

Seconded Denis Haughey

**14. Demonstration of Freshwater Web Viewer by Rachel Scott**

Rachel Scott, GIS Officer with Loughs Agency gave a short presentation to the Board on the above.

**15. A.O.B**

NI Ombudsman Office

CEO advised the Board that the Agency had received 3 complaints during 2009 from the Northern Ireland Ombudsman's Office in relation to the Hardship Package. CEO added that the Agency had responded to these 3 complaints and had received 1 response back from the Ombudsman's office and were waiting on the other 2 responses.

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**16. Date and Venue of Next Meeting**

The next meeting of the Board will be held on Wednesday 20<sup>th</sup> January at Loughs Agency Offices, Carlingford.