



Northern Ireland
Assembly

Committee for Agriculture and Rural
Development

OFFICIAL REPORT (Hansard)

Reservoirs Bill: Ulster Angling Federation

11 March 2014

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Members present for all or part of the proceedings:

Mr Paul Frew (Chairperson)
Mr Joe Byrne (Deputy Chairperson)
Mr Thomas Buchanan
Mrs Jo-Anne Dobson
Mr William Irwin
Mr Oliver McMullan
Mr Ian Milne
Mr Robin Swann

Witnesses:

Mr Jim Haughey	Ulster Angling Federation
Mr Robbie Marshall	Ulster Angling Federation

The Chairperson: From the Ulster Angling Federation I welcome Robbie Marshall, development officer, and Jim Haughey, chairman. Gentlemen, you are very welcome. You had the benefit of hearing the previous presentation. Members will have had a chance to read your briefing paper. If you could stay in and around the 10-minute mark in addressing the Committee, that would be very welcome. Robbie, are you starting off?

Mr Robbie Marshall (Ulster Angling Federation): Yes, Mr Chairman. Ladies and gentlemen of the Committee, thank you very much for inviting us along today. As you have already heard, this issue is giving some of our members quite a bit of cause for concern. I will just go over my briefing paper.

The Ulster Angling Federation is the representative body for game angling associations in Northern Ireland. We have a membership of some 60 associations, with a total individual membership of some 7,000 anglers. The federation represents anglers in discussions with public bodies, government and NGOs. We have been in existence since 1930. We are represented on a wide range of committees to ensure that the concerns of anglers are heard. Our member angling associations are very concerned about the effects of this proposal on their reservoirs.

It is important for tourism and local clubs that we allow existing fish populations to prosper. You will all be aware of the report that PricewaterhouseCoopers did for DCAL in July 2007 on the social and economic value of angling in Northern Ireland. It states quite clearly that it is worth some £40 million per annum to the Northern Ireland economy, mostly from game angling, and supports 780 full-time equivalent jobs. The provision of good water quality and satisfactory fish stocks is absolutely vital for our fisheries and tourism and to maintain and enhance these jobs and economic benefits. The following comments are made in that light.

The publication of the first state of the environment report for Northern Ireland in 2008 and the introduction of annual Northern Ireland environmental statistics reports in 2009 means that we now have an extensive set of indicators on the Northern Ireland environment. The following are extracts from the “conclusions and key challenges” section of the most recent state of the environment report, which was prepared by government in 2013.

"As a result we are better able to assess the effectiveness of environmental policies over the longer term and to base decisions on how we manage and protect our environment, on appropriate evidence ... The challenge of sustainable rural land use remains but it is too soon to judge the impacts of planning policy changes and agri-environment schemes. However, it is clear from new evidence from the marine environment, from biodiversity indicators and the status of our waters that key ecosystems remain under threat. A fully integrated approach to the management of our land and water environment is needed ... To address these challenges we need to recognise the full value of the services our environment provides in achieving a healthy economy, prosperity and well-being in all our decision-making. The key principles underpinning the way forward are already widely recognised: working to achieve resilient, diverse ecosystems capable of providing vital services while absorbing pressures and responding to change; valuing and managing natural resources to support economic and social prosperity; protecting the quality of life by reducing pollution, protecting heritage and promoting sustainable land use."

With all this in mind, we need careful consideration of the proposed Reservoirs Bill. The federation is not opposed to the Bill. In fact, we welcome it as it brings us into line with the rest of the UK and places a greater focus on human life. We have some 140 reservoirs, of which some are council-owed, some belong to Northern Ireland Water, and approximately 28% are privately owned, including by some of our members.

The federation has grave concerns about the cost of obtaining a panel engineers report — it could be in the region of £10,000 — because most clubs, as you have already heard, will not have the financial resources to pay such a bill. There is a real danger, therefore, that these types of reservoirs will be lost as an amenity. I refer back to the state of the environment report, which talks about:

"valuing and managing natural resources to support economic and social prosperity ... developing innovative solutions that protect and enhance our environment".

You have already heard from our club members that young people, people from disadvantaged backgrounds and disabled anglers are all involved in these clubs. They support the local community. With this in mind, there is a real need for government to provide a grant scheme to allow the clubs to comply with the new legislation. Otherwise, you may find that clubs will declare themselves bankrupt and walk away from the reservoir, leaving government to pick up the bill anyway.

Going back to a point that was made earlier, I come from a financial background and know that, if a company is limited by guarantee, as most of our clubs are, they will not be liable: they will just fold. All fees associated with the legislation need to be waived in the case of clubs, which are providing an amenity for local and tourist anglers. The following is an extract from the recent strategic review of angling, which has just been completed. One of the issues it highlighted was the development of derelict waters for angling under the Fisheries Act (Northern Ireland) 1966:

"Derelict Waters may offer the potential to increase opportunities for angling where there is a shortage of opportunities to meet the needs of local communities, which, it was suggested, is particularly acute around Belfast."

We could add to this with the Bill. Again, any loss of amenity where shortage exists is not acceptable.

The current proposal is that a structure with the capacity to hold 10,000 cubic metres or more above the natural level of the surrounding land will be regarded as a controlled reservoir. There may be an argument to raise that to 15,000 cubic metres, which would allow some reservoirs to opt out of the legislation. In addition, the Department has not been able to provide the formula that has been applied for the escapement of 10,000 cubic metres above natural land level. A certain amount will be retained where there has been a natural lake previously with no dam wall.

That concludes my presentation. Mr Haughey wants to say a few words.

Mr Jim Haughey (Ulster Angling Federation): A couple of issues have arisen since Robbie wrote our submission. The first one concerns clauses 17 and 22 of the Bill, which deal with the assessment of risk. I have spent a lifetime in the construction industry, where risk assessment has made a great deal of difference in reducing death and injury on building sites, which is most welcome. It was surprising to me, therefore, to see that there seems to be confusion, mainly in clause 22, between risk and hazard.

When any risk assessment is being carried out, risk and hazard are two completely separate entities. The risk is the chance of something happening and the hazard is the outcome or the result of the event. Clause 22, however, seems to confuse the two. It is probably the result of the Department wanting to end up with an abbreviated designation of high-, medium- or low-risk reservoirs but, in doing so, it rather confuses the issue. The example you quoted earlier, Chairperson, about the Boulder dam is a very good one, because the risk of the Boulder dam breaking is probably infinitesimally low, but the hazard resulting were it to break would be astronomically high. Clause 22 does not really bring that out, but that is a technical thing.

The second point is that we have concerns about the implementation of the Bill in relation to water. At the moment, for example, Northern Ireland Water is implementing a procedure whereby it leases its reservoirs out to various people, and it is the mother and father of chaotic nightmares. I cannot begin to tell you the mess that has been made of it. It has caused untold problems for several of our clubs and we have quite a concern. We do not have a big argument with the principles of the Bill, as you have heard, but we are really very concerned about implementation as a result of what has happened with Northern Ireland Water.

Finally, I want to make a quick comment on the question of decommissioning and what happens if some of these clubs fold and areas of land or water are left more or less derelict. There is a debate in the Chamber at 5.00 pm today about the millions of tons of illegal waste that have been dumped at the side of the River Faughan in County Londonderry. It appears that nobody is responsible for that, so the question of responsibility is a live issue.

The Chairperson: Thank you very much, Robbie and Jim. Clause 22 may well be technical but you have got to the heart of the Bill, which is the measurement of risk and hazard. Measuring that and performing under that pressure is the nub of the matter.

We have a controlled reservoir with a capacity of 10,000 cubic metres, but the point you make in your presentation is that, if it is a natural lake built on with a dam and the dam were to fail, the flood water is an artificial mass of water. Should there not be another measurement whereby you measure the scale and size of the reservoir and take away the natural lake?

Mr Marshall: Only the escaped amount should be measured, because that is the only bit that can do any damage.

The Chairperson: That in itself will add to the scale and to the risk to the population downstream. Do you agree with that?

Mr Marshall: Yes.

The Chairperson: Do you also agree that the soundness of the structure should be part of the measurement and the assessment in deciding whether a reservoir should be designated as low, high or medium risk?

Mr Haughey: Yes, we have no argument with any of that. It is just the detail of the amounts expressed.

Mr Marshall: The problem is that we do not know at this stage which reservoirs sit in which group. I sat on the stakeholder group that went through the Bill. Originally, there were to be only two designations, but we managed to get a third brought in. We do not know where some of the reservoirs sit in respect of whether they are low, medium or high risk. Obviously, the more reservoirs that we can get into the low-risk group, the better, because that will virtually take them out of the legislation, and only a minimum amount of work will need to be done.

I am not sure about Antrim but, in Armagh's case, you heard quite clearly that a club cannot find £5,000 or £10,000 to get a report from the panel of engineers, which is a minimum requirement for a

high-risk reservoir. I already know of two reservoirs that have been bulldozed because people are so scared of this legislation.

The Chairperson: Are you able to get that information to the Committee?

Mr Marshall: No. I am telling you what people have done because they know that this is coming up the track to them. If they put a bulldozer through one of the walls of the reservoir and let the thing go, that it is finished with, as far as they are concerned. It does not concern them any more; it is gone. So, you are in danger of losing that environment and all those amenities between Antrim and Armagh for nearly 1,000 anglers. You heard in my presentation that the most recent angling review highlighted that there are not enough amenities, and this could make the matter a lot worse.

Mrs Dobson: Robbie, as you say, you were part of the stakeholder group set up by the Department. From the minutes of that group's meetings, I see that you raised a point about the costs associated with reservoir safety being prohibitive, given the lack of financial resources, which you very eloquently outlined. Will you outline the concerns in a bit more detail? You are obviously very passionate about this; that comes across.

Mr Marshall: Most clubs are charities, and the number of members that they have depends on the amount of water that they own. I am a member of the Ballynure club, which is situated above Antrim. We had to close our books at 80 anglers because we could not accommodate any more. We actually fish in other places, two of which may be closed over the Reservoirs Bill. So there are limited funds. We are not exclusive. We try to include everybody in the community and bring people into angling clubs, but we can only bring in so many, depending on what we have. There is a limited amount of money, and there is no money anywhere else. To ask members for £200 or £300 each is just not realistic, because you are talking about old-age pensioners, junior anglers and the main members.

Mrs Dobson: In your briefing paper, you suggest that there is an argument for raising the capacity to 15,000 cubic metres. Did you put that to the Department at your stakeholder meetings? If so, what was its view on that?

Mr Marshall: I mentioned it at the stakeholder meetings. I think that 10,000 cubic metres was seen as the correct amount for the Bill because that is in line with the rest of the UK.

Mrs Dobson: So you did raise it?

Mr Marshall: I did, yes.

Mr Swann: Thanks, gentlemen, for your presentation. Robbie, you said that you were part of the stakeholder group. Were you listened to?

Mr Marshall: I felt that I was listened to in some ways, Robin, because they brought in the provision whereby grant moneys could be available. That was one of the big things for me because I knew in my heart of hearts that we would lose everything if there was no grant money. I was pleased to see that part brought in.

Mr Swann: Do you mean the fact that there could be grant money?

Mr Marshall: Yes, at least that there could be.

Mr Swann: It does not say that there will be.

Mr Marshall: It is as obvious as the nose on my face that, if there is not, we will lose all those amenities.

Mr Swann: How many clubs would be designated in that way?

Mr Marshall: I am only aware of the Antrim and Armagh clubs, which were here today. There are angling syndicates that are not necessarily members of the federation but have other reservoirs. They may have, I dare say, a wee bit more money because they are syndicates and are sort of a closed shop. I do not think that applies to very many clubs. When I put out my request, we were only able to

ascertain without doubt that Antrim and Armagh were owners. From that point of view, there may not be that big a bill for government.

Mr Haughey: There is a potential difficulty on the horizon in that, even though the angling clubs may not own the reservoir, the risk is from the knock-on effect. For example, Banbridge council owns Corbet lough, but it is run on a kind of loose subcontract arrangement by Banbridge Angling Club. The council owns the reservoir, and Banbridge Angling Club runs and polices it. However, if Banbridge council is hit with some large cost to keep that reservoir going, it may feel that it either has to offload that cost onto the club or else shut the doors. The fact that the club does not own the reservoir does not necessarily take the problem away.

Mr Marshall: I have been told — I do not know whether this is right or not — that it will take approximately £2.5 million to sort out Camlough lake outside Newry, which is owned by Newry council. Where will it find that?

Mr Byrne: Like others, I welcome the presentation. It is good to see an organisation that has done a strong analysis of the issue. Jim, you referred to risk and hazard and going up to 15,000 cubic metres of water. Where has the Department or Rivers Agency got this wrong in not fully addressing the risk and hazard?

Mr Haughey: I am not so sure that they have not addressed it; it is just that it has not been well expressed. For instance, one of the boys said earlier that one of the reservoirs had been designated as high risk because there was one house downstream of the dam. That does not really tell you anything about the situation. The dam wall could be good for maybe another 200 years but, because there is a house downstream that might be affected by a deluge, it has been designated as high risk. That is not to do with the risk but with the hazard. As I said, it is a conceptual matter. It confuses the information that is available and, therefore, perhaps confuses what needs to be done about it.

Mr Byrne: Would you welcome a reassessment of all those reservoirs in the context of assessing the risk and also of assessing the potential hazard or damage if a risk became real and a wall were breached?

Mr Haughey: Yes, very much so. That definitely needs to be done. There is a need to separate the risk from the hazard. I expect that to be a desktop operation; I do not expect people to have to go out and visit sites or anything. I am sure that all the information is available. It is just a question of how it is expressed.

Mr Byrne: Finally, is the Reservoirs Bill needed at all? You are a man who can assess risk.

Mr Haughey: Well, I am sure you have all heard the old phrase, "If it is not broken, why are we fixing it?". As I understand it, there was a minor breach of a dam wall a few years ago in Northern Ireland. Somebody mentioned to me that, before that, the last one was in 1902. To be blunt, we do not oppose the Bill and we do not oppose precautionary measures being taken, but, when get down to brass tacks, are we faced with a lot of reservoirs that are about to collapse? I am not sure that the case has been made that we are. We do not oppose the Bill. We accept its principles and if that is the way it has to be, that is fine.

The Chairperson: Taking aside the high-, low- and medium-risk allocation for controlled reservoirs, the operating requirements for a high- or medium-risk reservoir could be quite burdensome. You are looking at having to visit a high-risk reservoir at least twice a year. Have you any thoughts on whether that is appropriate or proportionate to the risk?

Mr Haughey: Again, that is where the confusion between risk and hazard comes in. If a civil engineer inspects a dam and says, "That dam is in perfect condition. She is not going anywhere for 100 years", do you really need to inspect it twice a year? However, if the dam is largely silt and there are a few cracks, obviously there will be no arguments. That is where the play-off between risk and hazard comes in.

The Chairperson: How would you ever get that down in legislation?

Mr Haughey: It is a matter that the civil engineers deal with day and daily. There is a good example if you look through the window beside me. If a contractor goes to work at the site outside this window,

he will not set foot on it until he has carried out a set of comprehensive risk assessments. Different risk assessments will be carried out for different aspects of the work, and each one will say whether the risk is high, medium or low and whether the hazard is high, medium or low, although some of them can get more complicated than that. That will determine how the contractor goes about that work. For instance, if there are adequate protection barriers along the top of the ridge outside, the risk of somebody falling is low, but the hazard, if he falls off and hits the bottom, is high.

That is the sort of work that members of the like of the Institution of Civil Engineers do every day. It may well be that the way that it is expressed in the Bill is to simplify matters and make life a bit easier. I felt that the information flow and the way in which that is presented lacked clarity and, as a result, did not aid decision-making.

The Chairperson: I can relate to what you say. I was in the electrical game for 20 years. There is range of costs: the cost of supervisor engineers; the cost of inspecting engineers; the costs of construction engineers, if needed; the cost of remedial repair works recommended by the engineers; and the cost of record keeping, fees for registration and appeals if someone wants to contest something etc. Can all those engineers — you will have an inspecting engineer and supervisor engineer — not be met by the same body of people or the same person? Is there a requirement for those differentials between engineers?

Mr Haughey: I hesitate to offer advice on that. That is something for the likes of the Institution of Civil Engineers.

The Chairperson: I ask that question because you could be creating a whole industry or a whole sphere of engineers. Is that something that worries you?

Mr Haughey: We do not want to be seen to be criticising the Bill because of our sectional interest. If there is a safety issue, we appreciate that there is a need for a procedure, and we would not presume to offer advice on how that should be carried out.

Mr Milne: You have done exactly the same thing as the people who gave the previous presentation. I can understand groups coming here and coming at it from their point of view. You said that two reservoirs were basically going to close up shop. There are 151 reservoirs. Is it possible that there might be no need for 140 of them and that they should be bulldozed and put out of the equation?

Mr Haughey: How do you express "no need"?

Mr Milne: That is what I am saying. If you say that two are going to do that, what do you mean? Is it going to cause any risk?

Mr Marshall: I said that two had been bulldozed because they were so scared of the legislation.

Mr Milne: Yes, that is what I am saying, but, if they are going to be bulldozed, and are bulldozed, they will not cause a risk.

Mr Marshall: No, those reservoirs probably did not cause a risk, but the point is that our angling clubs do not want to do that. They want to use the facility; they want to be able to use the facility. To them, that is not an option. There was mention of decommissioning, but we probably do not want that. We want to keep these facilities. Do not forget this: these facilities are not just for anglers; they contribute to the environment of Northern Ireland in a big way.

Mr Milne: I understand, but it is early in the game to determine whether privately owned reservoirs or charity-held reservoirs are going to be standing a tremendous amount of cost. There is provision within the Bill, I believe, to assist, if not completely assist, charities.

Mr Marshall: That would be very welcome, and that is what we need to see. There is no doubt in my mind that, if that does not happen, we are going to lose these amenities.

Mr Milne: Yes, and it is only right that you come here and put it across in the way that you have done. Well done.

The Chairperson: If the Bill goes through in the way it is and if there is no grant scheme in place — those are two massive "ifs" — and there is a threat that clubs could go to the wall, fold or decommission, could there be a role for a collective of responsible bodies, such as Rivers Agency, councils, all the angling clubs and your federation, to come together and pool resources to see whether they could get things at less cost? Do you think that that is practical? In reality, would it work? Do even the angling clubs work together in order to try to pool their resources to employ an engineer to bring their cost burden down? Is that something that would be operationally practical?

Mr Haughey: With my experience in the construction industry, I can say that the potential for savings would be limited. I say that because, if you are engaging consulting engineers to carry out a job of work, they will price it on the basis of what is required for that job. It will be on the basis of so many hours at such and such a rate, the writing up of reports, and so forth, and attending meetings. Consulting engineers will price that work based on what it takes. If a contract is let for all the reservoirs in Northern Ireland, for example, there is no doubt that consulting engineering companies would price that more cheaply than they would on an individual basis. Nevertheless, the potential for savings is always going to be limited.

The Chairperson: There are no more questions or comments. If any supplementary evidence or information comes to mind after the meeting, pass it on to us, and we will scrutinise it.

We are struggling to get private owners and syndicates, as was mentioned, to come forward to give their views on the Bill. It is something that we want to step into. Without that, we are blinded. The one thing that we cannot be when scrutinising the Bill is blinded on people's views.

Mr Marshall: I have passed on your invitation to two other bodies that, I thought, should be represented on 18 March.

The Chairperson: OK. That is all we can ask. If you can encourage people to come up, please do so, because it is in their best interests to be here.

Mr Marshall: I know that.

The Chairperson: The event is on 18 March at 5.30 pm in Stormont. That is the plug.

Mr Marshall: I have passed it on already.

The Chairperson: Thank you very much for your time, answers and presentation.