



Northern Ireland  
Assembly

Committee for Agriculture and Rural  
Development

# OFFICIAL REPORT (Hansard)

Lough Neagh Cross-departmental Working  
Group Report

24 June 2014

# NORTHERN IRELAND ASSEMBLY

## Committee for Agriculture and Rural Development

### Lough Neagh Cross-departmental Working Group Report

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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  
Mr William Irwin  
Mr Declan McAleer  
Miss Michelle McIlveen  
Mr Oliver McMullan

**Witnesses:**

Mrs Pauline Keegan	Department of Agriculture and Rural Development
Mr Ray McClurg	Department of Agriculture and Rural Development
Mr John Waddell	Department of Agriculture and Rural Development

**The Chairperson:** I welcome to the Committee Pauline Keegan, grade 5, assistant secretary; John Waddell, deputy principal; and Ray McClurg, deputy principal. It is very good to have you here to discuss the long-awaited published Lough Neagh cross-departmental working group (CDWG) report. Members have already had an opportunity to read your briefing papers. I ask that you take no more than 10 minutes to brief the Committee on any additional information that you may have. Following the briefing, we will seek questions from members. Are you happy enough to proceed? Who is leading off?

**Mrs Pauline Keegan (Department of Agriculture and Rural Development):** It will be me, Chairman.

**The Chairperson:** OK, Pauline.

**Mrs Keegan:** I will just take a couple of minutes to set the scene. I know that there will be questions, and that is when we can get into the meat of it.

Chairman, you will recall that, at their meeting on 3 May 2012, the Executive agreed to the formation of a DARD-led cross-departmental working group that would carry out a high-level scoping study to investigate the potential for bringing Lough Neagh into public ownership and agreed that the Minister would report back to the Executive. The draft report of the Lough Neagh CDWG was provided to the Minister in December 2012. In advance of that, I know that members of the working group attended the Committee on 4 December 2012. At that meeting, the Committee was advised that the report had not been finalised and that recommendations had not been decided upon prior to receiving the Committee's views. Some aspects of the report findings were discussed, for example, the outcome of the informal consultation undertaken and issues around the security for abstraction of water.

You will also recall that the draft report referred to funding from DCAL to the Lough Neagh Partnership to examine and make proposals for a revised, more representative management structure for Lough Neagh. The partnership commissioned the Venturei Network during 2013 to make recommendations on a new overarching management structure for the lough involving central and local government and the community surrounding the lough. A report was completed in summer 2013 and sent to Minister Ní Chuilín. Minister O'Neill met Minister Ní Chuilín to discuss the findings of that work towards the end of 2013 and asked DARD officials to clearly reference the recommendations from that work into the CDWG report. In particular, Chairman, you will have noted annex 7 to the report, which sets out the partnership's vision of a management structure. Officials made the changes and reconvened the CDWG on 24 February 2014 to agree them.

In its discussions, the CDWG has reiterated support for a robust management structure for the lough which is capable of taking decisions about its own future. While the report acknowledges that government purchase of Lough Neagh may not be feasible at this time, it also acknowledges that any new structure for the lough should be able to assess how the public sector might effectively manage its potential, taking into account central and local government views, available resources and any proposed functions for the lough, for example, with regard to tourism, as well as the economic and social revitalisation that might result from an effective management structure that is able to encapsulate both operational and strategic activity.

On 1 May 2014, the Executive agreed to Minister O'Neill's recommendation to them that the CDWG should be formally reconvened to consider and agree proposals to the Minister for a public management structure for Lough Neagh. That is to be completed within a period of six months from Executive agreement, which allows for an adequate period, we hope, of consultation with local government and the rural communities surrounding the lough.

Officials have begun that process with stakeholders. We are happy to report on that today. If individual Committee members or the Committee itself wish to be involved in that process, we will of course arrange that. I am also beginning a round of discussions with the chief executives designate of the new councils and will discuss the lough with those that now have an area bordering Lough Neagh. Several councils will be in that position.

Chairman, that is just a brief run through to set the context, almost as an aide-memoire for members. We are happy to take questions.

**The Chairperson:** Thank you very much, Pauline. I really appreciate your being concise and to the point. Thank you very much for that. Annex 7 outlines the DCAL report's recommendations, the process recommendations and the implementation plan. I would concur as someone who was very sceptical about government ownership of Lough Neagh when we do so much badly around it. I do not know that we ever needed to own it; we just need to manage it better alongside all of the other stakeholders. Option 4 is basically a flow chart or graph showing how things would operate. It is very easy to write it out on a piece of paper. In practice, it is always that much harder.

I have a couple of issues with a management or partnership group. Whilst you have all of those stakeholders, and it becomes everybody's responsibility, how can we be assured that it will not mean that it becomes nobody's responsibility and is basically just froth and bubbles? How do we also stop the flip side of that — basically what we have at the minute — which is that we have silos that operate independently and do their own thing badly? How do we get the middle ground and get an effective group that will actually deliver for Northern Ireland what could be a jewel in the crown for the country?

**Mrs Keegan:** Those are very good points, Chairman. You are absolutely right. That is why we want to take time over the next couple of months to talk to the various interests around the lough. That will include the councils, as I have said, which, I know, have an interest in this and have already indicated that. As you will know, the Lough Neagh Partnership has existed for some time. In fact, several years ago, it was funded by DARD and actually did quite good work. There is no doubt about that.

You are quite right: there is a risk that perhaps nobody takes ownership. This is why we want to talk to the various people involved about the types of management structures that have perhaps worked to date. We want to give them some information on that. For example, there is the Strangford Lough and Lecale Partnership, which works very well. It comprises an advisory committee of stakeholders, and the executive authorities sit on that also. It relies heavily on local input and cooperation. It is there to represent local and specialist interests and to promote the strategic and coordinated interests of the environment, but it is also there to bring together wide-ranging expertise and experience. That

is working extremely well, and we will want to look at that and see whether it is a model that we could follow.

There are, of course, other models. There is the Mourne Heritage Trust, which some members will be aware of. It started off as a model with membership from central and local government and local stakeholders, but we think that central government no longer sits on it. It is a company limited by guarantee that looks after the interests of the Mournes, and it tries to draw in funding and everything else. There are also a few places in England that have similar models such as the one for the Norfolk and Suffolk Broads. There are various places that we could look at.

We want to get all the folk together, but, as you said, it could become a talking shop. We have to get them together, but we then have to work our way through it and see what the outcome is. We have to decide how we might access funding, what that might mean and, if we get funding, what we are going to do with it. We will also have to look at how we make sure that we deal with perhaps the rural development programme, when it comes out, and how it fits in with DETI's tourism strategy and the economic development strategy. We also have to consider how it will fit in with particular councils' community planning strategy, as community planning is going to be very important over the next couple of years as a form of partnership for all organisations.

At the moment, we are not, I suppose, coming up with any conclusions. Essentially, we are listening and suggesting a few models. For example, we could have some sort of community-led body such as a cooperative. That has not been done before and would be unique, but that may be the sort of thing that we want to look at. We might want to ask the councils whether it was something that they could lead. They could take on strategic and operational functions around the lough and bring everybody else on, or we might look at the trust model of the Mourne Heritage Trust. So, we are not going out with any conclusions, but, basically, we are saying that there is a will to make it work. If we are going to make it work, it will have to be a structure that has some terms of reference, and we will look at how the funding can be drawn in and how central and local government can work with it. We are not going out with any sort of closed mind in this period.

That said, we do not have an awful lot of time, and we want to try to do it over the summer. We would like to get the working group up and running, perhaps in September, and come back to it and you with some recommendations, if that is what you want.

You are right: we do not want it to be a talking shop, and we do not want to continue with the silo approach that people have criticised. We want to try to get something that actually works. If you read the report, you will see that the members are very committed to trying to get that out of it. Sorry, that was perhaps a long-winded answer.

**The Chairperson:** No, you are OK. With regards to the strategic partnership group at the very top, all those things need a lead Department. What accountability will be in place so that the lead Department can hold the innards of that Department and the other Departments that have a say and factor into Lough Neagh to account? How will that lead Department cut across Departments, scrutinise them and hold them to account?

**Mrs Keegan:** I suppose that the fact that the Executive as a whole have said that they want to pursue it is a good thing. It has Executive agreement and approval. That is a good starting point for us.

**The Chairperson:** Is there a model out there that allows one Department to hold another to account?

**Mrs Keegan:** Not particularly, Chairman. As I said, there were representatives from central government on the Mourne Heritage Trust, but my understanding is that there are not now. OK, that maybe a model in some ways but not a particularly complete model in others, and we would have to look at it. DARD takes the lead responsibility because of the rural nature of what we are doing and because it has various programmes that fit in, so we would have to have those discussions. That is the purpose of having the cross-departmental working group. Sitting on that are the representatives of the Departments that have an interest in this. Again, there is no point in having people around the table if they have to go back and report to their Ministers, obviously, and say what the discussions are and maybe summarise the direction of travel. So there is going to have to be some sort of trust established.

I should also say, Chairman, just to be clear, that option 4 that is at the back of this is really, I suppose, a suggestion in some ways. As you know, it has come from the Lough Neagh Partnership. It may not be where we go, but it gives us a very good starting point.

**The Chairperson:** OK. Thank you very much.

**Mr Byrne:** I welcome the update and the presentation, and I think it is good that the issue is being dealt with in a more focused and practical way. An economic assessment should have been done on the potential of the lough from a tourism perspective, the eel fisheries, and also having a better and more sustainable environment, where algae growth would be controlled and not allowed to damage the water quality for fish or otherwise. Have you any recommendations in that regard, or is it all hingeing on the type of new structure that might have to emanate before any concrete decisions can be made?

**Mrs Keegan:** The various Departments that sit on the cross-departmental working group and have an interest in this have already said quite clearly that they can carry out the functions that they need to at the moment, and can continue to do so. What we are trying to do is say, "That is good". It comes back to the Chairman's point about not working in silos if we can possibly avoid it. That sort of work continues. What we are trying to do is get some sort of cohesive structure that brings all that together. Can the functions that should be carried out on the lough be carried out better? We want to have a look at that and see how it can work and then see what else we can do and how we can genuinely look at tourism and economic development. That sort of function will carry on, but we are trying to see whether we can make that more cohesive in what happens and, maybe, how things link with each other.

**Mr Byrne:** Pauline, I must say that the lough is a major asset for Northern Ireland —

**Mrs Keegan:** It is indeed.

**Mr Byrne:** — in terms of economic, tourism and navigation potential. A number of functions have been carried on that have been very worthwhile. Do these happen — not haphazardly — in an unstructured way, with no overarching authority or control?

**Mrs Keegan:** Various Departments have responsibilities for various things that happen in the lough. You mentioned the eel fisheries. DCAL has navigation responsibilities; DARD has responsibilities; DOE has the environmental side. So those responsibilities are carried out. As I said, at the moment the Departments feel that they are able to carry out their functions adequately and are able to do what they need to. That continues. However, as with everything else, there should be more joined-up working, if we can do it; more talking to each other; and more bringing in other interests perhaps. Vice Chair, we are talking about the councils and community interests. We should bring them in and sometimes they will act as a challenge function or say, "Have you thought of this?" or "Maybe that is a way forward". That is what we are trying to achieve with this. When we talk about an effective management structure, that is what we are trying to get to, if we can.

**Mr Irwin:** Sorry: I must apologise for not being here for your presentation. In relation to this, if the lough were taken into public ownership, I read that:

*"the ongoing costs of management and administration of the asset would fall to the public purse if the Lough were to be"*

taken into public ownership.

At this time, the lough is owned by the Earl of Shaftesbury? Who falls for all the running costs at the moment?

**Mrs Keegan:** There are about 60 owners.

**Mr Irwin:** Sixty?

**Mrs Keegan:** Yes. The Earl of Shaftesbury and the O'Neill family have the majority of it. The O'Neills own a part at the top of the lough, but Lord Shaftesbury owns the bed and the foreshore, so he owns the majority of it. However, there are other smaller owners. This has been one of the issues, I

suppose. There are so many owners. That is perhaps one of the difficulties that we would have to get through, round or past, if it were to go into public ownership.

You are quite right: there would likely be administrative costs and there could be some legal challenges from some of the owners if the lough were to go into public ownership. At the moment, we are saying that public ownership is perhaps something that does not look to be feasible because of those particular issues that you have, rightly, raised, but if we were to come together in some sort of strategic partnership, like the Strangford Lough and Lecale Partnership, we could look to see whether we could get past those difficulties and what sorts of things we could talk about. The owners will have something to say as well, and they will obviously be part of this. Is there some way that we can get through that? Let us talk about the difficulties and see what we can do. You are quite right to say that there would be administrative costs and various other issues.

**Mr Irwin:** If there are problems around the lough at the moment, who is responsible for them? Is it the owners?

**Mrs Keegan:** It depends on what the problem is.

**Mr Irwin:** That is what I thought; it would be quite vague, and I was not sure.

**Mrs Keegan:** It depends on what the problem is. The Departments that have the various functions carry those out —

**Mr Irwin:** Like abstraction of water and all the rest of it?

**Mrs Keegan:** Yes, and all that carries on. The owners have talked to us and have a good relationship with the Department. Sometimes, there are problems; there is no doubt that that comes up. However, people have been looking at this, and having a more structured coming together to talk to each other seems to be a good idea. We have not had any major problems in talking to the community since we have been involved in this. It is more that the community and the councils are saying that it is a great thing and that we could make it better, and they are asking how they can be a part of that.

**Mr Irwin:** There needs to be willingness by the owners at the moment to work with government.

**Mrs Keegan:** Yes, there absolutely would be, and I think that that willingness is probably there.

**The Chairperson:** I want to ask about the pie charts at annex 4. The first chart, titled 'Of the 20 concerns raised with regard to Water Abstraction/Quality', says that 35% said yes to public ownership and 45% said no. However, there is a large swathe of blue, representing 20% whose responses were caveated. The next chart, 'Of the 18 concerns raised in regard to Tourism', shows that 11% of the responses were caveated. What does that mean? Was it too much of a task to put them in either camp?

**Mrs Keegan:** I do not know, not having been involved in the publication of the report. There was, maybe, too much. In the first pie chart, the issue was whether public ownership would cause an issue with water abstraction. At the moment, obviously, it is looked after by the Departments, and maybe public ownership would change that. Those were some of the concerns that we got. The term "response caveated" is more than a "don't know", in some ways. I do not think it is supposed to be a "don't know"; I think it is saying, "on one hand and on the other hand". We could have a look at that.

**The Chairperson:** It would be worth having a look at it.

**Mrs Keegan:** I am sorry, Chairperson, we do not know any more than that. We were not on the original cross-departmental working group.

**The Chairperson:** It is very clear to my eyes that there is no appetite for public ownership of the lough. However, when I see "response caveated", I need to know more. I am sure that that is needed for the thoroughness of the report. For the working group to move on, surely that information is very important, because 20% is not insignificant. The pie chart refers to 20% of people who raised concerns about water abstraction. Whilst the numbers are not great, it is still 20%, and it would be interesting to see what they mean by "caveated" and to see what that looks like —

**Mrs Keegan:** We need to dig deeper.

**The Chairperson:** — if it is yes to public ownership if only such and such happens, it would be worth knowing that information.

**Mrs Keegan:** It would probably be interesting for us as well, because we took this on board fairly recently. We will take a look at that and see whether we can get that information; we will let you know.

**The Chairperson:** I know they are very small numbers, but in the pie chart titled 'Do you believe that Lough Neagh should be brought into Public Ownership?' that is the specific question. That is the big question. Again, 25% of the responses were caveated — and that is from the public bodies. The pie chart detailing the responses from key stakeholders excluding public bodies shows that 14% of responses were caveated. That is a significant section of the pie that is not really accounted for. It would be interesting to see what those look like.

**Mrs Keegan:** I agree, Chairman. It would be interesting for us as well in the work that we will be doing over the next couple of months to drill down into that a little bit. We can certainly do that.

**The Chairperson:** OK, thank you. There are no other questions from members, but I feel the need to ask you whether you have experienced the midges and what you are going to do about them.  
*[Laughter.]*

**Mrs Keegan:** Yes. I am one of those people who, when they get bitten, get water blisters on my arms. I know what you mean. It is something that I will take to the relevant people. I am afraid to say who the relevant people are in case they get at me when I leave this Committee, but I know what you mean.

**The Chairperson:** The previous presentation was about the test, catch and release of badgers, and I wonder whether we can do a test, catch and release for midges and take out the aggressive ones.

**Mrs Keegan:** Would you like us to make that part of the terms of reference? *[Laughter.]*

**The Chairperson:** There are no further questions or comments from members. Thank you very much.

**Mrs Keegan:** Thank you very much, Chairman. We will come back to you on the particular point that you raised.