



Northern Ireland
Assembly

Committee for Agriculture and Rural
Development

OFFICIAL REPORT (Hansard)

Reservoirs Bill: Ballysaggart Environmental
Group

1 April 2014

NORTHERN IRELAND ASSEMBLY

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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
Miss Michelle McIlveen
Mr Oliver McMullan

Witnesses:

Ms Denise Corbett Ballysaggart Environmental Group

The Chairperson: I welcome to the Committee Denise Corbett, the chairperson of the Ballysaggart Environmental Group. We have met before and have had a phone conversation about the issue. I ask you to take no more than 10 minutes, and then we will go into questions and glean more information that way.

Ms Denise Corbett (Ballysaggart Environmental Group): I am here to represent the natural environment, rather than a particular lough. I have been involved in Ballysaggart lough for about 10 years. It covers 42.5 acres and is home to 102 species of birds, 18 of which are on the worldwide endangered list. There are three species of fish, namely pike, perch and specimen rudd. There are several dozen types of grass, such as aquatic grasses etc. All that should be on the website, but, if it is not, I am happy to furnish you with whatever information you need.

The lough has never been afforded any government protection, but I feel that the Bill has not taken cognisance of the fact that our natural environment is not very well protected in Northern Ireland. As I understand it, there are 151 reservoirs, 59 of which are privately owned. I am concerned that people who privately own the reservoirs may drain them to avoid having to pay the money to employ engineers and so on to survey and fix them. So, I am concerned that there is nothing in the Bill to protect reservoirs from being drained. I am also concerned that they have not been looked at from the point of view of the natural environment. I point out that we have important international obligations in Northern Ireland on habitats and species due to the loss of biodiversity throughout the world. That was addressed at Nagoya in October 2010, and the 2010 EC biodiversity strategy aims to halt the loss of biodiversity in ecosystems throughout the EU by 2020. Those obligations include the wild birds directive, the EC habitats directive and the Ramsar convention.

The Environment (Northern Ireland) Order 2002 provides legal protection for Northern Ireland's important habitats through its powers to designate, protect and manage areas of special scientific interest (ASSIs). The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 provides further protection for European sites as well as strict measures for protecting animals and

plants that are of European importance. As I mentioned, there are at least 18 bird species on the lough that are on the worldwide endangered list. Only 6% of Northern Ireland is designated as having environmental protection, and I think that that is woefully neglectful of us. I think that if that is not carefully managed, we will lose even more habitat through the Reservoirs Bill.

So, I appeal to everybody here to think about our natural environment. We are not above the ecosystem; we are part of it. We depend on the ecosystem just as much as it depends on us. For example, the honeybee is in rapid decline throughout the world because of the varroa mite and colony collapse disorder. The honeybee pollinates at least 96% of human food. When the honeybee goes, the human will have a great deal of difficulty finding food, so I appeal to you from that point of view.

I mentioned Ramsar sites and ASSIs, which are areas that can be designated and protected, but even our ASSIs in Northern Ireland are not protected. They may have those labels, but they are not properly protected. I have brought photographs with me of dead horses that are lying in the middle of a river in an ASSI in Slieve Beg, which is one of the largest blanket bogs in Ireland. There is plenty of evidence to support the fact that we are not looking after our natural environment in Northern Ireland, and I appeal to the Committee to look again at the Bill, because biodiversity needs protection. As I see it, you could drive a coach and horses through the Bill as it stands, particularly private owners, who could "accidentally" drain their reservoir to avoid having to pay substantial fees to engineers, etc.

The Chairperson: Denise, thank you very much for your succinct presentation and for keeping within the time. I really do appreciate that for our time management.

Obviously, you come to this with a specific viewpoint, which, as you relayed to us, concerns the natural environment and wildlife. As you said, there is that fear of people trying to drain reservoirs so that they are not penalised financially or burdened with the responsibility of this and of what the legislation means for them. There was a bit of media coverage yesterday about Portavoe reservoir, which is between Bangor and Donaghadee. It is a Northern Ireland Water reservoir, and it is being drained for what NI Water says is essential health and safety maintenance work. How do you see that? Obviously, there is disgruntlement that that has not been managed correctly, although I think that we all recognise that those might be essential works. In your opinion, how has that relationship or that friction between essential works and the wildlife been managed over the past 10 years?

Ms Corbett: Are you asking me whether these reservoirs have been managed?

The Chairperson: Yes. Do you have any experience of that?

Ms Corbett: I am a private individual who campaigns on behalf of the environment in general and Ballysaggart lough in particular, so I have no experience. However, I can say that, if you drain one of these reservoirs, you are killing millions of creatures. It is not just a few fish and a few birds that will have to find a new home. You are killing the invertebrates, and you are killing the amoebas — you are killing everything. Everything is part of the food chain, and everything is essential to everything and to every human. Given that there are EU directives and given that, as I said, 6% of Northern Ireland is given over to ASSIs, I can say that we are not doing enough.

The Chairperson: If there were an engineer's report, and the reservoir owner were told that they would have to drain that reservoir to fix the scour valve or any other sort of valve that is underneath, would there be a proper way to manage a drainage scheme?

Ms Corbett: I do not know, Paul. I am neither an engineer nor a scientist.

The Chairperson: I imagine that you could lift birds and even fish away to another place. However, there is bound to be the minutiae of all sorts of life and fauna and flora that you just could not see or lift.

Ms Corbett: That is right. That would all be destroyed, which would be a huge loss.

I know that most people think that I am mad — they have told me so. However, I can clearly see that we are part of the ecosystem and that we must protect it at all costs, particularly as the latest scientific evidence from all the top scientists in the world tells us that global warming is here. We will have to try to realise that we all have a part to play in preventing further loss of habitat.

I cannot tell you the answers to those questions, as I do not have the expertise. However, I really do not think that drainage is the answer. There are bound to be other ways around it. You could maybe partly drain a reservoir to fix whatever the problem is. However, I honestly do not think that, in 2014, you would have to drain an entire reservoir to fix a part of it. It does not make sense to me.

Mr Byrne: I welcome Denise's presentation. Denise, is the ownership of the lough in doubt, or does Moygashel Mills own it?

Ms Corbett: No. The ownership is in doubt. Basically, the lough is attached to two other loughs: Eskragh lough, which is about four miles away, and the Dungannon Park lake. Eskragh lough is privately owned by a man called Donovan Ross, and the Dungannon Park lake is owned by Dungannon and South Tyrone Borough Council. The Black lough or Ballysaggart lough is not owned by anybody. There are several landowners around the lough, and I know the names of them all, but no one owns the lough. Moygashel Mills went into liquidation, and Lamont Holdings took over. It has now also disappeared off the scene. So, to my knowledge, there is nobody, apart from some of the landowners around the lough. Some of them own part of the lough bed.

Mr Byrne: How long has the Ballysaggart Environmental Group been constituted? Is it a company limited by guarantee or a group of volunteers?

Ms Corbett: It is a group of volunteers. It is constituted, but it is a group of volunteers.

I do several things at the lough, one of which is to bring local children and those from over the border to the lough to teach them about the biodiversity of a natural eutrophic lough. I do that at least once a year. I have probably had about a thousand children through, and, through pond dipping, mini beast hunts, seed hunts and one thing and another, I have tried to teach them to respect their environment. I also rescue birds that are in trouble, lift litter and try to make sure that the local people are aware of just how important an asset the lough is to the community.

Mr Byrne: Lastly, what would you like to see happening to Ballysaggart lough?

Ms Corbett: I would like it to be left alone.

The Chairperson: Denise, I do not wish to alarm you, but having heard what you said about the ownership of the lough, I want to make you aware of what the Rivers Agency has said. It states:

"There is some evidence from the published work of the Ballysaggart Environmental Group that indicates a significant interest in the reservoir and immediate environment."

I think that we all realise that. The agency went on to state:

"Consequently, the details of this Group have been included in the Rivers Agency database of potential reservoir managers. This status will only be confirmed when the Bill is enacted and the registration process completed."

The Group only came to the attention of Rivers Agency last year when the Reservoir Information booklet was being compiled. Therefore, the Group was not invited to the policy consultation events."

So, you were not consulted on the Reservoirs Bill whatsoever.

Ms Corbett: No; that is right.

The Chairperson: There is a question mark over whether you and your group are the managers of that reservoir.

Ms Corbett: I manage it, but I have absolutely no legal obligation or right to do so. I do not have anything to do with water levels. I cannot have anything to do with pollution, because I am not in control of the pipes that go into the lough. So, I do manage it, but that is because I am passionate about the environment. I value what most people see as nothing.

The Chairperson: With you having such an interest in it, as well as an interest in the environmental side of things, as opposed to the mechanics and engineering side of it, do you know of anyone who maintains the structure of the reservoir, the pipes leading into it or the valves leading out of it? Do you have any experience of seeing anybody on site?

Ms Corbett: No. I frequently contact the Northern Ireland Environment Agency's water pollution hotline when there is oil etc going into it but no. Nobody manages it in that sense.

The Chairperson: Obviously, you have not been consulted whatsoever prior to the draft Bill being formed. I do not know how much you know about the ins and outs of the Bill.

Ms Corbett: Just what I have read and what I can glean from has been sent to me.

The Chairperson: If you were deemed to be a reservoir manager, what is in the Bill that concerns you?

Ms Corbett: These are Victorian structures. They are possibly coming to a point when they need to be looked at, and some may need maintenance work. Ballysaggart lough may be one of those; I would not have the technical know-how. None of them has ever flooded, as far as I know. This lough is only 1.5 metres at its deepest point. If it flooded, there is a very small risk. I do not know. I cannot say, but I do not see it as high risk.

I just feel that the Bill is not covering the natural environment properly. You get people building on floodplains and doing all sorts of things in Northern Ireland, and you get people killing animals in ASSI areas, so what is to stop the 59 private owners from draining these reservoirs? What have you put in the Bill to stop people from draining them? What is in the Bill to encourage people to look after their reservoirs better? I cannot see anything in the Bill about protecting the biodiversity, and that is my concern.

The Chairperson: That reservoir is deemed high risk, due to the 102 properties that are downstream. This comes back to the designation argument and debate on what is formally used to designate the risk. It is all about the population centre downstream and the potential loss of life. You could have the best-managed reservoir with the best-structured dam yet still be classed as high risk. Could you, as a group, afford it if —

Ms Corbett: Absolutely not. There is no funding whatsoever. As I said before, the good people of Northern Ireland do not seem to appreciate their natural environment, so it is difficult even to get volunteers.

The Chairperson: I want to put your mind at ease. Rivers Agency had a site visit with Denise yesterday. Is that right?

Ms Corbett: Yes.

The Chairperson: The Rivers Agency got back to say that it does not believe that the group will be the reservoir manager.

Ms Corbett: I would be happy to be the manager if I were able to manage the lough. However, you are not talking about managing the lough; you are talking about —

The Chairperson: You are managing the risk, which is a different thing.

Ms Corbett: It is giving me no control of what people are doing to the reservoir.

Mr McMullan: Is there not something in the Bill that says that, if you empty the lough, you are still responsible for the engineer's report and for filling it in?

The Chairperson: Yes. I think it is the potential capacity and the capacity to hold and retain water.

Mr McMullan: So, there is something like that in the Bill. If you empty the —

Ms Corbett: I know, but the problem is that, when you empty a lough, you kill millions of creatures. Nature is very generous, but it would be difficult to fill a lough in again and expect it to be the same as it was. It would never be the same as it was. It would maybe take it 100 years to recover. I go back to the point that we have an obligation, through the European Parliament, to protect our natural environment, and we are not doing that. We are not properly protecting the environment in Northern Ireland in lots of ways, including through this. There is also the wild birds directive. There are all sorts of —

Mr McMullan: Do you have the support of the RSPB?

Ms Corbett: The RSPB is an educational resource; that is all it is. It would not come out, for instance, if birds were in danger of dying. It would not come out to help, and it does not give any funding.

Mr McMullan: Nothing like that at all.

Ms Corbett: No. In Northern Ireland, you will find that there is absolutely nobody. I wade into loughs and pull swans out to take them to the vets, where I spend a lot of money to get them fixed. The reality is that, in Northern Ireland, the resources do not exist.

Mr McMullan: Are swans not protected birds?

Ms Corbett: Indeed they are, but it makes no difference. I could ring the USPCA or whomever until I am blue in the face. In fact, I have done that.

Mr McMullan: I thought that the USPCA was busy enough. People like you do a great job, but there is sometimes a lack of help.

Ms Corbett: I do not get any help. Other than the fact that I was born a Rottweiler — a very tenacious creature — I would have been worn into the ground by now.

Mr McMullan: I understand.

Ms Corbett: None of those statutory or voluntary organisations provides support. When I teach children, I get organisations such as the RSPB to come and talk to them. I have to pay the Ulster Wildlife Trust £55 an hour to teach the children. What does that tell you?

Mr McMullan: This is the Wildlife Trust?

Ms Corbett: I am doing all this for nothing. Nobody ever gives me anything. I am doing it to try to get children in our society to value our biodiversity.

Mr McMullan: What would happen if you stopped in the morning?

Ms Corbett: If I stopped in the morning, there would be nobody in Dungannon to do what I am doing.

Mr McMullan: That is an awful shame.

Ms Corbett: I have a group of people, but they are all very elderly and are not —

Mr McMullan: Are there no young ones at all?

Ms Corbett: No.

The Chairperson: Obviously, you went to the stakeholder event and heard the views of people who are most definitely reservoir managers and owners. What are your views on a grant aid scheme? Would that reassure you?

Ms Corbett: No, because a grant aid scheme would not cover people's costs. That is my worry. If, for instance, I were a retired reservoir owner, on a £119-a-week pension, and this Bill were slapped on me, I might get about 50% of the cost returned to me. Where would I get the rest of the money from?

I honestly do not think that that is any incentive at all. I am not speaking as an owner here. You witnessed people who were visibly emotional and upset, because they had inherited a reservoir but just did not have the money.

I go back to the fact that we have never had a flood. As far as I know, none has flooded. The Victorians were fantastic engineers — much better than anybody today. The bridges and everything else that they built are still going. I am not saying that things will not flood or that government does not have a responsibility — naturally, they do. However, I do not think that the Bill covers the things that I can see happening, such as people in desperation draining their reservoirs to avoid having to pay engineers. It is an unknown quantity. People may own a body of water, but they do not necessarily know anything about the structure of the reservoir.

The Chairperson: I ask this question respectfully, in the knowledge that you have not looked in detail at the Bill and nor were you consulted. So I understand that you will not be able to go into detail. The Rivers Agency's motive in bringing forward such a Bill was, in its words, to protect life and property. It reckons that, in the unlikely event that all the reservoirs were to breach at once, 66,000 households could be in jeopardy.

Ms Corbett: I do not think that that is a fact; it is a projection. It is a possibility, but it is also a possibility that none of them will ever breach.

The Chairperson: I know that it is a highly unlikely probability, but it may be the case that something needs to be done. Do you have any idea, or can you give us any indication, of something that can do the same job as the Bill, which is to prevent loss of life and damage to property, but that is not like the Bill? I know that that is a very technical question.

Ms Corbett: I appreciate why there is a Bill, and I appreciate exactly what people are saying. However, I will go back to my point that if you are thinking about human life and are killing everything else under it, you are not going to have human life. Biodiversity is more important than any of us. We do not seem to realise that, but that is a fact. We would not have flooding, we would not have melting ice caps — we would not have any of that if it was not for human beings. I respect the fact that there has to be some control, but I think that it needs to be rethought because, as I said, when you drain a reservoir for whatever reasons — I suspect that a lot of people will do that to avoid cost — you are killing millions of creatures, and it could take maybe 100 years to re-establish that. We have little enough protection in Northern Ireland for our natural environment: all we have is 6%.

Mr Byrne: I appreciate that you are very passionate about this issue. Are there any dams at either end of Ballysaggart lough? Is there a freshwater lake where water is maybe not being replenished, or is it dead water?

Ms Corbett: There is water running into it from Eskragh lough, which is privately owned. I do not know whether it is a reservoir. Perhaps the Rivers Agency could tell you. Ballysaggart lough runs into Dungannon Park lake, which is owned by the council, so the council is bound to have some responsibility. This is just one of three lakes, and Dungannon council is bound to have some responsibility.

Mr Irwin: In a situation such as this where there is no clear ownership, do you believe that the Government should take ownership of any maintenance?

Ms Corbett: I would like the Government to take ownership of all the costs for all the reservoirs. Apart from anything else, they are part of our history and our heritage, and, to get away from biodiversity, they all deserve to be retained and maintained properly. However, if the Government are not going to do it, can you honestly say that private owners can do it?

Mr McMullan: Nobody owns it.

Ms Corbett: Not that I know of. I have searched, but there are several owners around it.

Mr McMullan: Have you asked the council?

Ms Corbett: Pardon?

Mr McMullan: Have you asked the council?

Ms Corbett: The council has no interest in it.

Mr McMullan: It might not have any interest in it, but it must know.

Ms Corbett: I have done proper searches on it, and the council would do only what I have done. There are several owners around it. One of the owners is a farmer who owns part of the bed of the lough. However, as I said, there are several owners. I have not seen their deeds, but the deeds should tell you who owns what.

Mr McMullan: If you own the bed of the lough, do you own it to the top of the water?

Ms Corbett: No, because nobody can. You can own fishing rights and water rights, but I am told that you cannot own a body of water. A solicitor told me that you can own only the bed of it. You can own the rights to fish and shoot, but you cannot own the actual body of water.

Mr McMullan: Did we not discuss that with whoever owns the rivers for fishing?

The Chairperson: I am not too sure. There are different responsibilities in Northern Ireland for loughs, rivers, inland fisheries and sea fisheries.

Mr McMullan: Why do you not register it in your own name? That costs £50.

Ms Corbett: That will not give me any —

Mr McMullan: It will after 10 years, if nobody else claims it.

Ms Corbett: Good thinking; I may look at doing that. *[Laughter.]*

The Chairperson: There are no further questions.

Ms Corbett: This Reservoirs Bill might catch me then.

The Chairperson: Denise, thank you very much for your time. The session has been good and informative and covered an aspect of the Bill that we had not looked at. It was vital that you came to us today, and we appreciate it very much. We wish you all the best in your endeavours.

Ms Corbett: Thank you very much. Do I get any feedback on whether you are going to make any changes?

The Chairperson: Yes. We can keep you on our database. We have written to many people. I cannot promise that we will be able to give you all the minutiae, but we can send you the Committee report on its scrutiny of the Bill. Thank you.