

City Growth and Regeneration Committee

Monday, 27th June, 2016

SPECIAL MEETING OF CITY GROWTH AND REGENERATION COMMITTEE

Members present: Councillor Graham (Chairperson);
Aldermen McGimpsey, Patterson and Spence; and
Councillors Boyle, Craig, Hargey,
Magee, McDonough-Brown and Walsh.

In attendance: Mrs. S. Toland, Head of Environmental Health/
Lead Operations Officer;
Mr. K. Sutherland, Development, Planning
and Policy Manager; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from Alderman Haire and Councillors Beattie, Kyle and O'Hara.

Declarations of Interest

No declarations of interest were reported.

Presentation from Stop the Drill Campaign

The Committee was reminded that, at its meeting on 11th May, it had agreed to hold a special meeting to discuss the issue of exploratory drilling at Woodburn Forest.

The Committee considered a report from the Head of Environmental Health, during which the Chairperson reminded the Committee that NI Water, Stop the Drill and InfraStrata had been invited to attend the meeting but that InfraStrata had not responded.

She advised the Members that Ms. Majella McCarron and Ms. Fiona Joyce from the Stop the Drill campaign group were in attendance and they were welcomed to the meeting by the Committee.

The representatives from Stop the Drill explained to the Committee that they were campaigning to protect the water catchment area in the Woodburn Forest and the nearby North Woodburn Reservoir. Ms. McCarron provided the Committee with an overview of where, in their opinion, various public and private agencies had acted wrongly, or failed to act, in relation to the recent drilling which had taken place at Woodburn Forest by InfraStrata.

Ms. McCarron outlined to the Committee that NI Water had no in-house oil and gas experts and that it was Stop the Drill's understanding that NI Water had signed an

Exploration Agreement with InfraStrata having considered a paper entitled 'SE Antrim Exploration - Information to inform NI Water Business Case' which had been written by RPS, InfraStrata's agent. She stated that no independent investigations had been commissioned by NI Water and that, in their view, this decision was fundamentally flawed. She also outlined that obligatory methane testing had to take place on the site before any work could take place, and that RPS had carried out that testing also.

Ms. Joyce suggested to the Members that the Exploration Agreement between NI Water and InfraStrata was contrary to the Belfast Water Act 1899 in relation to the prevention of polluting the public water supply and of leasing the lands. She also alleged that the groundwater was at risk from the chemicals being used on the site and made particular reference to 'Biocide T', which she stated was designated as hazardous under Groundwater Regulations (NI) 2009.

During their presentation, the representatives from Stop the Drill outlined the following points to the Committee for its consideration:

- after acknowledging the risks to the groundwater, RPS/InfraStrata had told NI Water that the site would be 'zero discharge', without NI Water obtaining any independent verification and this was a dereliction of duty by NI Water;
- the Northern Ireland Environment Agency (NIEA) Natural Heritage and the former Department for Culture, Arts and Leisure (DCAL) had stated that the Woodburn drilling site would drain into the North Woodburn Reservoir;
- NI Water had a public duty to carry out independent baseline testing on-site before the drilling began, but did not;
- a conflict of interest existed, as NI Water was both the landlord for the site as well as the public body in charge of safeguarding drinking water;
- Infrastrata was on site before the Waste Management Plan had been approved by the Mid and East Antrim Borough Council;
- an oil spillage had occurred in March 2016, which NI Water had denied;
- there were springs feeding into the Dorisland catchment area, contrary to what NI Water had stated;
- InfraStrata drilled through two, unexpected, 'water wet' areas which could mean that chemicals which had been pumped into the site could contaminate interconnecting springs over the next 100 years;
- if flashflooding occurred before the site was fully restored, it could lead to a major contamination incident;
- the Minister for Agriculture, the Environment and Rural Affairs (DAERA) had stated that she was unable to allow the campaigners to monitor the site during restoration;
- a whistleblower had advised that NI Water would receive £10,000 per annum for the leasing of the site;
- Mid and East Antrim Borough Council, when considering the application for permitted development rights or the Waste

Management Plan, declined to hear from Stop the Drill and did not consider an independent report from Burrows;

- Stop the Drill had asked NI Water and NIEA to monitor specific chemicals which were used during drilling, specifically Biocide T, to which they had refused;
- there was uncertainty as to the final destination for the waste from the site, after it had been moved to Irish Waste in Duncrue Street;
- the company carrying out the restoration works at the site was under investigation by the NIEA for 'dumping waste from its public realm scheme works at unauthorised sites'; and
- Stop the Drill had accused NI Water of committing malfeasance, misfeasance and nonfeasance in public office.

In response to a Member's question regarding what should happen now that the drilling had concluded, the representatives outlined that they believed NI Water should allow independent monitors to enter the site, in order that the restoration of the site could be observed independently. Ms. McCarron stated that they would like to see the site monitored at least until the contractors had left the site completely, which would be until 7th August, 2016 at the earliest.

In response to a further Member's question regarding the policing of the site, Ms. Joyce stated that they had compiled a substantial document from February to June 2016, particularly in relation to the restrictions and blocks to the access paths, and they would submit this for the Committee's attention.

After discussion, the Committee agreed that the Stop the Drill representatives would provide the Committee with the following evidence, for its consideration:

- details on the oil spillage from March, 2016;
- the Project documentation which stated that Biocide T was hazardous; and
- the document on the policing of the site, from February to June 2016.

The Chairperson thanked the representatives for their attendance and they retired from the meeting.

Presentation - NI Water

The Chairperson advised the Members that Mr. Sean McAleese, Mr. Maynard Cousley and Ms. Alison McMullan from NI Water were in attendance and they were welcomed by the Chairperson to the meeting.

Mr. McAleese advised the Members that the security and safety of the public water supply was NI Water's top priority and that it would not carry out, or permit, any activity which would jeopardise the quality of the water delivered to its customers.

He explained to the Committee that initial testing had indicated that there could have been potentially 25 to 40million barrels of oil in the Woodburn Forest area and he highlighted the impact that this would have had on the local economy. The Members were advised that exploratory drilling was required to check the future viability of the site.

Mr. Cousley advised the Members that NI Water owned approximately 60% of the total land which fed into the Dorisland/Woodburn impounding reservoirs. He advised the Members that the majority of that land was leased to the Forest Service or local farmers for grazing, but that any farming practices taking place on the land were controlled by NI Water to ensure that there was no residual risk to the drinking water supply. He highlighted to the Committee that, with cars and farming vehicles driving through the area, a day to day risk already existed for oil to potentially enter the water stream.

Ms. McMullan explained the Drinking Water Safety Plans which NI Water used for the entire water supply throughout Northern Ireland. She provided the Members with the risk matrix which was used, explained how each risk was analysed and minimised, and highlighted that the practices were based on World Health Organisation guidance and requirements from the Drinking Water Regulations. She detailed all the risks which had been identified for the Dorisland Water Treatment Works and the actions which had been taken to mitigate those risks.

Mr. McAleese advised the Committee of the Drinking Water Quality Monitoring process, which ensured that over 200,000 samples of water were tested each year. The Committee was advised also that samples of raw water were tested every week, that final water quality was monitored 24/7 at the Water Treatment Works and that samples of the final water were taken and tested on a daily basis.

In response to a number of points which had been raised by the Stop the Drill representatives, the NI Water representatives stated that:

- the exploratory drilling process used at Woodburn was conventional and they emphasised that it was not fracking;
- the drilling process used best industry practice in the UK;
- the chemicals used were standard industry products that were used in deep drilling;
- the process and the chemicals employed had been used both within surface water and groundwater catchments in other areas of the UK, with no adverse effect on water quality nor adjacent aquifers;
- the drilling site had been taken out of the catchment area by closing the intake feed from the Woodburn River to the Woodburn South reservoirs;
- the site had been lined with a specialised geo-synthetic clay liner which prevented any liquids from penetrating the ground below;
- the site was surrounded by bunds to trap liquids and prevent them from exiting the site;

- NI Water had completed a risk assessment and had implemented increased monitoring of raw waters within the catchment and at the treatment works with automatic shutdown, and that these would remain in place during the decommissioning of the site, as well as for a period after the site had been fully restored.

Mr. Cousley reminded the Members that the exploration by InfraStrata had been unsuccessful and that decommissioning of the drill site had commenced on 17th June, 2016. He also outlined to the Committee that, while InfraStrata had a 50 year agreement with NI Water in relation to the site, full planning permission would be required for any further work to take place.

In response to a Member's question in relation to whether NI Water felt that there had been any contamination of the water supply, given that the Stop the Drill representatives had suggested an oil spillage had occurred in March 2016, Mr. Cousley confirmed that there was no chance of the water supply having been contaminated as, before any works began, NI Water had diverted the stream from the site into the North Woodburn River and away from the Middle South Woodburn reservoir. Ms. McMullan added that the constant monitoring of the water, including the detection of hydrocarbons, would also show that no contamination had taken place.

In relation to the alleged oil spill at the access road to the site in March, Mr. Cousley advised that Members of the public had reportedly seen oil, and both NI Water and the NIEA visited the site. NIEA had classed it as 'insignificant' and had estimated that it was, perhaps, half a cupful of oil and, while some hydrocarbons were detected, it had declared that no further action was necessary. During further questions from Members, he confirmed to the Committee that a second oil spillage, at the boundary of the site, had been reported by a member of the public. He confirmed to the Members that inspection reports would have been completed by both NI Water and NIEA in relation to those reported spillages.

In response to a further Member's question, Mr. McAleese confirmed that NI Water had met with the NIEA in relation to the exploratory drilling to discuss the risks and the monitoring of those risks, but had not met with the Department for Enterprise, Trade and Investment (DETI).

A Member asked the NI Water representatives whether they were certain that no contamination had, or could, happen within the well site. In response, Mr. Cousley explained that the drill was designed in such a way that 100% of the waste within the drill liner was removed from the site, that the drill holes were filled with concrete and that no waste could have infiltrated the surrounding area.

Mr. McAleese confirmed to the Committee that the NIEA had taken samples of the water around the site prior to any work having taken place and Ms. McMullan reiterated that the water quality monitoring processes were taking place at the site well before the drilling began, while it was ongoing and that they would continue as long as Dorisland Water Treatment Works was in use by NI Water.

In response to a further Member's question regarding the chemical Biocide T, Ms. McMullan asserted that a review had been carried out by the Environment Agency in February, 2015, which had found no evidence to suggest that Biocide T met the criteria for equivalent level of concern, and was deemed as a non-hazardous substance.

Mr. McAleese confirmed that NI Water had no objections to independent monitoring of the site during the restoration process.

In response to a further Member's question, Mr. McAleese advised that an internal review would be carried out by NI Water to establish what, if anything, it might have done differently if a similar situation arose again, and what lessons had been learned as a result.

The Chairperson thanked the representatives from NI Water for their attendance and they retired from the meeting.

After further discussion, it was

Moved by Councillor Hargey,
Seconded by Alderman McGimpsey and

Resolved - that the Committee:

1. formally invites InfraStrata to a future meeting,
2. that RPS, as the agents for InfraStrata, also be invited to that meeting;
3. that clarification be sought from the Northern Ireland Environment Agency (NIEA) on the reported oil spillages;
4. that Stop the Drill provides the evidence outlined previously; and
5. that officers continue to engage with the Mid and East Antrim Borough Council in relation to this issue.

The Head of Environmental Health reminded the Members that the exploratory drilling at Woodburn Forest, and the Mid and East Antrim Borough Council, was the subject of a Judicial Review and she advised the Committee that updates would therefore be sought, when appropriate, from that Council.

Chairperson