

**COUNCIL FOR NATURE CONSERVATION
AND THE COUNTRYSIDE**

**102nd CNCC MEETING
FRIDAY, 3rd MARCH 2006
AT CRAWFORDSBURN COUNTRY PARK CENTRE**

PRESENT:

Dr L Blakiston Houston – Chairman
Mr B Murphy - Deputy Chairman
Mr J Anderson
Dr B Brown
Mr J Campbell
Mr M Campbell
Mr P Cregg
Mr J Furphy
Mr M Hill
Mr D Hughes
Mr A Lonergan
Mr J Jackson
Mr H McBride
Ms A McGarel
Mr J Simpson
Ms B Turnbull
Mr R Northridge

IN ATTENDANCE:

Mr G Seymour, EHS
Mr P Cush, EHS(Item 1- 6)
Mr I Enlander, EHS(Item 1-6)
Mr K Bradley, EPG(Item 1-6)
Mr C Savage, EPG(Item 1-6)
Ms C Vincent, EPG(Item
6 and 12)
Mrs V Hamilton, PS
Mr E Houston, Marengo

Mr Cyril Francey, Secretariat

1. APOLOGIES

Apologies were received from Mr A Gibson, Mr P Warner and Mr B Black.

2. MINUTES OF THE 101ST MEETING – 12/13TH JANUARY 2006

The minutes of the 101st Meeting held on 12/13th January 2006 were agreed.

3. CHAIRMAN'S BUSINESS

3.1 New Members

The Chairman and Deputy Chairman are to meet with the new members of Council individually over the next few weeks on dates to be arranged by the Secretariat.

ACTION: Arrange meetings **Secretariat**

4. LOCAL NATURE RESERVES - PROPOSALS

Mr P Cregg and Mr D Hughes declared an interest.

Mr Seymour introduced the paper on proposals for the designation of two Local Nature Reserves and explained that under the current

legislation of the Amenity Lands Order Council must be consulted. In the case of LNRs, EHS acts in a facilitating role for district councils in submitting proposals to Council.

Mr Cush presented two proposals, one on behalf of Belfast City Council and the other on behalf of Newtownabbey Borough Council. The Belfast City Council proposal related to Lagan Meadows, Belfast and the proposal from Newtownabbey Borough Council was located at Carnmoney Hill.

He explained there was no published guidelines on the process for establishing LNRs. The designation process was usually initiated through action by district councils or NGOs in partnership with the latter. In the case of the two current proposals the designation process was initiated by the Local Biodiversity Officers employed by the respective Councils. He stated that EHS had examined the appropriateness of the 2 proposals and was satisfied with the current and proposed management regimes. He recommended that Council endorsed the proposal that Lagan Meadows and Carnmoney Hill be designated by the respective Councils as Local Nature Reserves (LNRs).

In discussion, members raised a number of points and comments as follows:

- Members noted that EHS had a budget to assist Councils in undertaking the designation and management of LNRs. Local Councils also contributed to the funding.
- There was currently a total of 5 LNRs, mostly in the Belfast area but there was the potential to designate LNRs across Northern Ireland. EHS intends to produce guidelines for local councils to assist them in developing LNRs.
- The view was expressed that it would be useful to include other heritage aspects within the designated areas such as raths or quarries.
- Members felt that LNRs also provided an opportunity for access to man-made and geological features and there was scope for increasing the area of land within some LNRs. While such arrangements would be welcome, it had to be remembered that LNRs were in the ownership of district councils. Mr Cush suggested that the issue of what opportunities there were for including various land areas within larger LNRs could be addressed in due course on a geographical basis. The point was made that single ownership of LNRs could be suggested/facilitated by partnership arrangements such as the Belfast Hills Partnership.
- The suggestion was made that local councils should be encouraged to give consideration to the extension of their LNRs.
- With local biodiversity officers covering 43% of Northern Ireland there was an opportunity for their input into the setting up and management of LNRs. It was recognised though that some local biodiversity officers were relatively inexperienced in post and might

therefore need support in any negotiations on potential sites for LNR designation. Mr Cush informed Council that EHS offered Biodiversity Officers formal support and training and currently they organised four formal meetings a year.

- Members welcomed the suggestion that guidance notes be produced and stressed their importance. They also suggested that there should be selection criteria for LNRs but recognised that any such criteria should not be proscriptive. The Chairman suggested that the Ecosystem Group could consider the criteria.
- There were many potential LNRs throughout the country but before establishing other sites the sensitivities of landowners would have to be considered.
- The question of liability of landowners was raised and it was felt that the designation of LNRs should not incur any additional difficulties in terms of liability. There was a need to encourage local councils to establish LNRs.
- It was noted that there is no formal legislative requirement nor mechanism for the monitoring of LNRs by EHS. However, EHS could advise local councils of their responsibilities for protecting the species and habitats of LNRs. It may be necessary for the Department to consider a change to the legislation to give EHS a formal role in the process. The current Review of Public Administration could also impact on any statutory requirements for LNRs and some of the Wildlife Order requirements. It was also noted that PPS2 – Nature Conservation, currently under review, and Area Plans would be relevant matters for consideration when examining LNR designation proposals.

Mr Seymour undertook to send the Chairman a list of existing LNRs.

Council endorsed the proposed Local Nature Reserves at Lagan Meadows, Belfast and Carnmoney Hill, Newtownabbey.

The Chairman thanked Mr Cush for his presentation.

Action: Send Chairman list of LNRs G Seymour

5. ORNITHOLOGICAL SITE DESIGNATION PROGRAMME - SITE SELECTION CRITERIA

Mr Enlander, EHS introduced the paper on the ornithological site designation programme and the selection guidance for ornithological features. He gave a brief overview of the resources and rationale for the programme which was set in the context of statutory and other drivers. He considered the guiding principles of the programme; the species or group specific guidelines; progress to date; activities informing site selection programme; future programme; monitoring and biodiversity considerations.

In discussion, a number of points and comments emerged as follows:

- It was noted that the use of some site-specific networks could be used to build up habitat for dispersed species. The data used on population thresholds is based on all-Ireland projections but the guidelines used are UK related.
- Members referred to Annex 1 and highlighted the omission of the *tern* under over wintering waterbirds in Belfast Lough. It was pointed out that there were a number of terns on the RSPB nature reserve in the Belfast Harbour area. EHS took the view that this reserve falls within the ASSI features. The SPA review did not cite the tern and EHS is to examine the reasons for this.
- The question of boundary considerations and the impact of climate change were raised. It was pointed out that site designation depends on features. However, there was some concern about the robustness of species against climate change. Members suggested the use of buffer zones on the boundary of sites to maximise the protection of species and habitats. Members were informed that EHS has never used buffer zones for ASSIs and prefers to adhere to the guidelines for selection of designated sites.
- In the case of the wider countryside and priority species, members noted that species action plans and agri-environment schemes are used for the benefit of such bird types. It was recognised, however, that a site based approach was important for migrating birds.
- Some members felt that with the decreasing numbers of wading breeders that the 30+ breeding pairs threshold was too high. There was also the problem of pressures on the countryside from future development and the increase in farmers seeking alternative income and moving away from the land.
- In the case of wider countryside measures and biomass EHS is involved in a consultation process with DARD. An assessment will be made but more information is needed on bird species and numbers. Members suggested that there was a need to network designations in order to have some form of control on dispersal species, for example, the numbers of yellowhammer were decreasing and there was an argument for having flexibility in the management of sites. The Hen Harrier was another species where flexibility was needed within designated areas. It was noted though that the *Common Scoter* was within an SAC and therefore protected. However, with the forthcoming JNCC SPA review it was likely that this species will be identified as a feature of an SPA.
- Members suggested that the guidelines should include a statement on mechanisms to alert EHS of population changes.
- Some concern was expressed about the use of the 1% threshold for wintering birds and the minimum of 50 birds used as a qualifying threshold. Members were also concerned about how EHS can achieve the citing of offshore waterbirds as site features given that ASSI designation boundaries do not include marine areas. Mr Enlander suggested that any adverse effect on offshore birds could be helped by the introduction of a Marine Bill.

The Chairman highlighted the need for more information on resource monitoring, specific targets and the speed of the designating process. In general members welcomed the paper on Selection Guidelines but given the points of detail in the paper it was agreed that a number of members should meet Mr Enlander to discuss Councils views.

The Chairman thanked Mr Enlander for his presentation.

ACTION: Meet with Mr Enlander CNCC representatives

6. HABITATS DIRECTIVE - Proposed Amendments to Conservation Regulations

Mr Bradley, EPG introduced a briefing paper on proposed changes to the Habitats Directive conservation regulations. He informed members that amendments to the regulations were made in 2004 but the EC Commission was not satisfied they went far enough. EPG and EHS have been considering further changes and will issue a consultation paper in early April 2006 to address the issues raised by DEFRA as a result of the EC Commissions report. This paper would have a six-week consultation period and the amended regulations should be in place August/September. The changes will have ramifications for the Wildlife Order. He highlighted the weakness of the current regulations in the lack of control on water abstraction and the consequent infraction proceedings being taken against NI.

A question was raised about surveillance and how this fits in with monitoring currently undertaken by EHS. Mr Seymour pointed out that along with other agencies in the UK, EHS has been carrying out surveillance. He outlined the practical challenges of the amended regulations, notably the Land Use plans and the impact of policies on land use.

Members raised the issue of what happens when killing of species has occurred or there is a potential threat. EPG suggested that it was important to monitor the species first to establish populations before any action can be taken. Currently, the NI legislation does not cover some aspects relating to this and it was therefore important to amend the Habitats Directive so that there was consistency across members states in applying fines and penalties.

Council recognised that there was a need to review the regulations on SPAs, SACs and ASSIs and bring them into line with the rest of the EU.

The Chairman thanked Mr Bradley for his briefing.

7. CNCC WORKING GROUPS and REPRESENTATION ON OTHER BODIES

The Chairman referred to the list of CNCC Working Groups previously circulated to members and asked that if any member wished to be considered for a different group they should contact

the Secretariat. She suggested that the various Groups meet before the next CNCC meeting in May 2006.

The Chairman is to discuss the vacancies on the list of CNCC representatives on other bodies with members before finalising and circulating the list for the period 2006-09.

Mr J Furphy was nominated to serve on the Lagan Valley Regional Park Advisory Committee.

**ACTION: Finalise list and circulate to members
Chairman/Secretariat**

7.1 Marine Group

Dr Brown expressed concern that since the presentation of the draft Modiolus Restoration Plan by EHS to the EC there have been no further developments. Mr Seymour informed members that the draft Plan had been submitted to the EC for comment and so far there has been no response. He also pointed out that the Restoration Plan will involve substantial resources and so far a bid for funds to undertake the work has been unsuccessful.

It was agreed that Council should consider the matter further at its meeting in May 2006.

ACTION: Include on May agenda Secretariat

7.2 Mourne National Park Working Party

Mr Jackson, who represents Council on this group, expressed concern that the minutes of the MNPWP should be circulated to the other SACs. The Secretariat is to follow this up.

ACTION: Follow up Secretariat

8. MEMBERS REPORTS

Members noted the minutes and reports of the various bodies and conferences.

8.1 Countryside Activities and Access Network (CAAN)

The Deputy Chairman explained the role and set-up of CAAN.

8.2 'Delivering a Countryside for Health and Wellbeing'

Mr Jackson introduced his report on the conference he attended 'Delivering a Countryside for Health and Wellbeing' held on 26/27th January 2006. He highlighted some of the areas covered at the conference such as (a) the difficulty of engaging with the Health Department at an effective level (b) raising awareness of the physical environment and (c) curatorial strategies instead of preventative strategies.

The Chairman suggested that Council addresses the issues of the Fit for the Future Strategy at a future meeting.

8.3 World Wetlands Day Conference 2006

The Deputy Chairman introduced his report on the World Wetlands Day Conference 2006. He highlighted some of the areas such as (a) the needs of Northern Ireland (c) mapping what we have and (c) integrated databases. Mr Lonergan undertook to send Council a copy of the RSPB presentation on vision delivery.

8.4 Land Use Policy Group

Members noted the report of the Deputy Chairman on the Land Use Policy Group seminar on Conceptual Models to Guide Environmental Land Management Policy held on 1st February 2006.

9. FIELD VISITS FOR 2006 - Suggestions

A number of suggestions on themes and issues were made for this year's Council field visits as follows: -

- Local Nature Reserve in an urban setting
- Sustainable Urban Drainage Systems – Strabane/Newtownstewart (The Deputy Chairman tabled a copy of an executive summary of a report on SuDs)
- RSPB Nature Reserve
- Brittany (France) – Farming systems; landscape and conservation areas. Dr Brown undertook to investigate the possibilities for a visit.
- Mourne National Park – boundary issues
- South/North gas pipeline – Slieve Gullion
- Biogas

The Chairman asked members to inform the Secretariat of any other suggestions.

Action: Inform Secretariat of any other suggestions
Members

10. MATTERS ARISING REPORT FROM 101st MEETING

10.1 NI BIODIVERSITY REPORT

In view of the CNCC letter to the Secretary of State and the subsequent reply from Lord Rooker and his reference to biodiversity, members agreed that it would serve no useful purpose at this stage to write to the Minister and it would be better to wait until Council representatives meet with Lord Rooker.

10.2 EHS NATURAL HERITAGE RESEARCH AND DEVELOPMENT STRATEGY

The Deputy Chairman reported that he had spoken to Dr G McIlroy, Chief Scientific Officer in DARD on the fringes of a meeting and he had advised him that a new NDPB known as Agri-Food and Bio-sciences Institute will be launched on 1 April 2006. This body can

address environmental research and both he and the Chairman are to meet Mr McIlroy to discuss and explore the issues further.

ACTION: Meet Mr McIlroy Chairman/Deputy Chairman

10.3 Fisheries Conservancy Board (FCB)

During talks with EHS the Chairman had been advised that the Northern Ireland Audit Office had reported that it was not satisfied that the service given by the FCB on behalf of EHS represented value for money and that the functions should be brought back 'in house'. It is the Chairman's understanding that the FCB has offered to undertake the service at a reduced rate.

10.4 Review of Environmental Governance

The Chairman informed members that Council representatives are to meet the review panel in due course. She asked that if new members had any difficulty in the points highlighted in Council's submission to the Chairman of the review panel they should let her know.

**ACTION: Inform Chairman of any proposed amendments
Members**

11. GENERAL INFORMATION

Members noted the contents of the events and publication lists No.89 and 90 and consultation responses.

12. ANY OTHER BUSINESS

12.1 Water Framework Directive

Ms C Vincent, EPG updated Council on the implementation of the Water Framework Directive. She outlined the main features of the implementation programme as follows:

12.1.1 Monitoring

EHS is currently reviewing the monitoring requirements of the Directive and is to issue a report to the EC by March 2007.

12.1.2 Intercalibration Exercise

The status of this exercise is to create a level playing field and is due to be completed by mid- 2007. The UK is very active in this exercise and has produced a high standard of data.

12.1.3 Classification Schemes

Classification schemes describe the state of the environment and assess the effectiveness of measures.

12.1.4 Environmental Standards

These standards define the water quality needed to support

biology. Currently, EHS and the UK are undertaking a review of environmental standards.

12.1.5 Timetable/Work Programme

The Department is to co-ordinate the work programme. A stakeholder conference is planned for June 2006 followed by a consultation process in the autumn. It is intended that this process will fit in with the launch of the Sustainable Development Strategy for NI.

12.1.6 Documents to be Produced

- Administrative arrangement paper
- Draft implementation strategy which is to be presented to the WFD Stakeholder Forum. The Strategy will identify deliverables and will need input from government departments and agencies. Ms Vincent undertook to send Council a copy of the documentation in due course.

12.1.7 Organisation

A number of groups are to be set up at International River Basin District/River Basin District level. Members asked how EPG would manage the nature conservation problems in border areas. Ms Vincent informed members that there were regular meetings with the RoI administration but not on the ground. A questionnaire on an overview of significant water management issues will be released in due course and a workshop for stakeholders will be held in June 2006 to develop views on these issues.

12.1.8 Role of CNCC

Ms Vincent referred to the recent letter from the Permanent Secretary to Council inviting a representative to act as observer on the Stakeholder Forum. She also indicated that Council would be consulted on the Environmental Standards Report.

The Deputy Chairman stressed the importance of many of the issues likely to be encountered over the next three years. He expressed his disappointment that Council had not been involved in the process over the last 2 years and that hopefully this can be rectified. The Chairman and Deputy Chairman undertook to discuss the Permanent Secretary's letter with Ms Vincent to clarify Council's role in the process. Ms Vincent explained that there were a number of groupings involved in the process, i.e. (a) EPG/EHS (b) Implementation Board headed up by the Permanent Secretary (c) an Interdepartmental Implementation Working Group and (d) Stakeholders Forum.

Members raised the question of how the implementation process and the associated administrative arrangements will be affected by the Review of Public Administration (RPA). Ms Vincent informed members that EPG has been involved in discussions with local government about the implications for WFD. She pointed out that in the case of co-terminosity of

boundaries for new councils addressed by the RPA, EPG would not be able to influence the decisions on the outcomes.

The Chairman thanked Ms Vincent for her update.

**ACTION: Meet Ms Vincent Chairman/Deputy
Chairman**

12.2 Planning

Ms Hamilton updated members on a number of planning policies as follows:

PPS2 - Nature Conservation - This policy is being progressed and will involve consultation with EHS, NGOs and Council. It is hoped to have a draft ready for Council's September meeting.

PPS14 - Sustainable Development in the Countryside - This policy is almost ready to release by DRD. Ms Hamilton will check to see when it is likely to be released.

ACTION: Check date of release Ms Hamilton

PPS15 - Planning and Flood Risk - due to be released in March 2006.

PPS17 - Control of Outdoor Advertisements - due to be released in March 2006.

PPS 18 - Renewable Energy - This PPS is underway and stakeholder groups, including Council, will be involved in the consultation process. Mr S Hamilton, PS is to liaise with the Secretariat about Council's input.

PPS20 - Coastal Development - This policy is in the very early stages of drafting.

12.3 Conferences

Dr Brown informed members that the UK Biodiversity Partnership is to have its annual conference in the Waterfront Hall, Belfast on 20/21 June 2006.

12.4 Geo-parcs

The Deputy Chairman informed members that UNESCO is to hold its Geo-parcs conference in Northern Ireland this year. Details would follow at a later stage.

13. DATE OF NEXT MEETING

The next meeting of Council is to be held on 5th May, 2006.

(Meeting finished at 3.05pm)