

**COUNCIL FOR NATURE CONSERVATION
AND THE COUNTRYSIDE**

**103rd CNCC MEETING
FRIDAY, 5TH MAY 2006
AT THE LOUGH NEAGH DISCOVERY CENTRE, OXFORD ISLAND,
CRAIGAVON**

PRESENT:

Dr L Blakiston Houston – Chairman
Mr B Murphy - Deputy Chairman
Mr B Black
Dr B Brown
Mr J Campbell
Mr A Gibson
Mr M Hill
Mr A Lonergan
Mr J Jackson
Mr H McBride
Ms A McGarel
Mr J Simpson

IN ATTENDANCE:

Mr G Seymour, EHS
Mr P Corbett, EHS
Mr P Byrne, EHS

Mr S Hamilton, PS
Mr I McKee, DARD

Mr E Houston, Marenco
Mr Cyril Francey, Secretariat

1. APOLOGIES

Apologies were received from Mr J Furphy, Ms B Turnbull, Mr R Northridge, Mr D Hughes, Mr J Anderson, Mr M Campbell, Mr P Cregg and Mr P Warner.

2. MINUTES OF THE 102ND MEETING – 3 MARCH 2006

The minutes of the 102nd Meeting of the 3 March were agreed.

3. CHAIRMAN'S BUSINESS

3.1 SAC Assessment Forms

The Chairman asked that members complete their assessment forms and return them to the Secretariat. She also advised members that she would welcome any comments on the format of the form.

**ACTION: Complete and return assessment forms and
comment on format Members**

3.2 SAC Expenses Claims

The Chairman informed members that she and the Deputy Chairman have met with EPG representatives and agreed the guidelines for claiming expenses relating to Council's activities. These would be issued to members in due course. She highlighted some aspects of the guidelines and indicated that claims must be

made within defined 3-month periods. Any outstanding expenses over a long period must be presented for payment by the end of June 2006.

3.3 Launch of CNCC Report

The Chairman thanked members for their attendance at the launch of the 7th CNCC Report. She particularly thanked Mr Clegg and Mr Black for their guidance in preparing the media releases.

The Chairman indicated that she and the Deputy Chairman are to follow up the release of the Report with political representatives.

3.4 Environmental Governance

The Chairman tabled a draft letter to the Chairman of the Review Panel and copy of Council's submission of the 17th February. Members agreed that it was important for Council to meet with the Panel later in the consultation process. It was also agreed that there should be joint liaison with the built heritage SACs. The Chairman therefore undertook to discuss the draft letter with the Chairs of these two SACs.

It was noted that there has been no recognition of the importance of the Biodiversity Report in the process and the Chairman undertook to discuss this with Dr Brown, Chairman of the NIBG. When discussions with Dr Brown and the other SAC Chairs have been completed, the Chairman will take the matter forward.

ACTION: Discuss approach for contact with Review Panel with Chairs of other SACs and Dr Brown Chairman

4. ASSI REVIEW

Mr G Seymour introduced the EHS paper 'The Designation, Monitoring and Management of ASSIs – A Review of High Level Targets'. He outlined the background to the current situation and reminded members that Council had been previously presented with the EHS findings on the condition assessment of ASSIs in which many had not yet achieved favourable condition. Mr Seymour also pointed out that the EHS paper of the 5th November dealt with the resourcing issues and the implications for the ASSI programme. The current situation was mainly a resources issue and EHS had therefore to prioritise its work commitments.

Mr Corbett outlined the Forward Programme for ASSI Declarations. He gave a number of illustrations showing the current position on the declaration of ASSIs in comparison to the rest of the UK and highlighted the need for more designations which could mean declaring between 300 – 400 sites, both earth sciences and habitat sites. This would increase the overall land mass of ASSIs from 6.6% to 10%. The target of 10% was set to be achieved by 2015. He pointed out, however, that the current position would mean it could be 2030 before achieving this target. Mr Corbett gave a breakdown of the figures by features which flagged up the number

of ASSIs still to be designated. In the case of species sites, further research was needed but many species are likely to be declared in habitat ASSIs as well. There will also be some overlap between earth science and habitat sites.

Mr Corbett referred to the data on the condition of ASSI features for the period 2002-2004. This indicated that many ASSIs remain in unfavourable condition and it is evident therefore that there is a need for monitoring and management of designated sites.

Mr Seymour explained that the targets relating to the declaring of ASSIs were included in the EHS Strategic Plan and were to be achieved within a 10-year period. However, there were various competing targets for resources such as survey work and monitoring and this raised the question of whether or not those sites declared would be in favourable condition in 10-years time. On the basis of the current resources it would take 20-25 years to complete the programme. If more sites are to be declared and favourable condition established there would be a substantial impact on resources for the setting up of management agreements with land owners to achieve this. He went on to highlight some of the other areas in the paper to be considered such as background trends, constraints and alternative strategies.

Mr Seymour outlined the options for a preferred strategy. He took the view that there was a sound argument for continuing with the declaration of sites even if there are insufficient resources for bringing up sites to favourable condition. EHS proposed to (a) have a priority list of 200 ASSIs established within the next 10 years (b) 95% Favourable condition status will be applied only to those sites declared prior to 2006 (c) use of agri-environment schemes to deliver conservation objectives and (d) proactive management to be applied only to 'high risk' sites.

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

- Members were concerned about the implications of the EHS proposals for its international responsibilities through the Habitats Directives and WFD, particularly in the context of any legal requirements arising from any ecological deterioration. Mr Seymour explained that EHS had completed most of the sites involving EU directives. Any cut off point for establishing the 200 ASSIs would include these sites and in any case they would be considered high risk and fall into the category for proactive monitoring and management. Members pointed out that under the terms of the WFD there was a need to consider all the land within catchments and a mechanism was needed to achieve this.
- The question was raised about why EHS had fallen behind other UK agencies in declaring ASSIs. Mr Seymour explained that basically EHS had started its programme 20 years after the rest of the UK. EHS also had to declare sites at the same time as EU sites with the resources it had been allocated.

He made the point that EHS had been significantly under resourced in comparison to other agencies over this period. Most of the resources for the programme involve staffing and payments for management agreements.

- The RSPB study on resources for EHS carried out a few years ago recommended additional resources and indeed this resulted in a cash injection for the work. There was therefore some concern that there were continuing difficulties with resources. It was also pointed out that some of the additional funds were not spent. Mr Byrne explained that at that time EHS operated a compensatory management scheme and capital was needed to offset the costs. A new payments process for proactive management is in place now reducing the need for large capital payments. Although the EHS budget in this area did decrease the funds were used for other areas such as biodiversity and use of MOSS. Council was informed that up until 1999 resources were also used for monitoring, but EHS realised that more had to be done on the management side.
- Members felt that it was important for EHS to consult with DARD in the application of their agri-environment schemes. Mr Seymour pointed out that EHS and DARD have had good working relationships in this area over a number of years. Mr McKee agreed with this but pointed out that DARD's agri-environment schemes had a different objective. These voluntary schemes were designed to apply across the countryside and were not designed for site-specific ASSIs. Mr McKee informed members that agri-environment schemes are funded mainly by EU including modulation monies and farmers could object to this money being used to meet the requirements of statutory designations.
- Members recognised that the DARD strategy for agri-environment schemes from 2007-2013 flagged up Natura 2000 sites and this could provide the opportunity for enhanced schemes. The difficulties for EHS of DARDs whole farm approach to agri-environment schemes was highlighted; there were also cross-compliance issues. It was suggested that Mr Warner might be able to advise EHS of how these areas were dealt with in the RoI.
- Some members were concerned about the application and working functions of the designating process and asked about the operations and models of other agencies in the UK. Members were informed that essentially EHS was doing the same tasks as the other agencies. A major difference was in the high number of landowners per site in Northern Ireland and this presented difficulties in drawing up management agreements. It was suggested that it might be worthwhile for EHS to study the way Wales handles its nature conservation issues.

- Members expressed the view that EHS and DARD should have a closer working relationship in management schemes and use higher tiers to look at specific habitats. They should consider classification of schemes and monitoring tasks in order to prevent duplication of effort. There was also a need to examine the tiers within Countryside Management Schemes. It was pointed out, however, that the two Departments can have differences of interpretation for management prescriptions, but opportunities could be worked out for higher tier payments.
- There was a need to establish the shortfall in resources. Members were concerned that if the EHS targets for ASSIs are reduced the budget allocations could be reduced and it would be difficult to increase the allocation at a later stage. Mr Seymour informed members that EHS has always bid for additional resources but the scale of the task for the designation process is significant.
- Members suggested that EHS should consider alternative ways of protecting sites i.e. the planning process, TPOs, felling licenses or other appropriate methods to augment resources. EHS had used some of these alternative methods of protecting sites. In the case of TPOs, Mr Hamilton advised that Ms Hamilton would update Council on their current status.
- Members recognised that many of the constraints on the process were historical and it was important now to adopt a strategy which will move the process forward. Existing opportunities should be examined with for example, recognition being given to the influence of a single Minister who has responsibility for the environment and agriculture. Consideration should be given to the model in Wales with its one department responsible for planning, environment and agriculture.
- EHS should examine what other funds could be available from the implementation of other environmental requirements.

The Chairman informed members that she and the Deputy Chair are to meet with Lord Rooker to discuss the issues raised in his response to Council's letter of the 17th February 2005 sent to the Secretary of State, including concerns about the designation process. Members suggested that EHS examine the work of other departments in relation to any potential duplication in monitoring and management. It was also suggested that it might be beneficial for EHS to provide Council with an estimate of resources required over a 3-year period.

Rather than the favourable condition target being applied only to ASSIs declared prior to 2006, it was proposed that there should be a rolling programme for designating sites with favourable condition targets being met after 6 years; this would give more flexibility.

- Some concern was expressed in relation to No 8 of the schedule about the release of salmon and trout into the river and whether or not they would be able to migrate up the river if it is channelled. EHS assured Council that these fish species would be able to run the length of the river. It was unlikely that any emergency channelling would take place and if it is part of the Rivers Agency's maintenance work this would normally be notified to EHS first.
- Members asked about the status of the River Dall and were advised that EHS had used the SERCON scoring system to analyse its conservation value and had determined that it had a low rating. A change in the map would be needed if the River Dall is to be included in the ASSI.

Round Lough

- Eutrophication was not a problem because the Lough had a reasonable buffer system and not a quick flow of water and little run-off from ground water. However, Mr Waterman undertook to assess the number of septic tanks that drain into the Lough. Members suggested that once this exercise had been completed EHS should inform Planning Service of the outcome.
- Members suggested that there were a number of pressures from an agricultural perspective and that this should be recognised in the schedule along with other linkages such as WFD.

As a test of potential positive impacts of agri –environment schemes for these two ASSI proposals, Mr McKee undertook to establish the number of farmers in these areas who participate in DARD's schemes and to consider what scope there might be for proactive support under the AE scheme objectives of the declarations of these 2 sites. EHS is to send him a set of maps showing these areas.

ACTION: Establish no. of farmers; consider scope for proactive support **Mr McKee**

Send Mr McKee maps

Mr Waterman

Council endorsed the EHS proposals for the designation of Glenballyemon River and Round Lough as ASSIs.

7. CNCC WORKING GROUPS

7.1 Planning and Landscape Group

Mr Jackson reported that the Planning and Landscape Group met on the 27th April. They considered :

- **PPS14 – Sustainable Development in the Countryside**
He is to prepare a draft response to the consultation document and circulate it to members. It was noted that there is to be a joint meeting of the SACs to discuss the issues, particularly the implementation and enforcement

aspects of the policy. Representatives from DRD, PS and DARD are to be in attendance.

The Chairman asked that if members had any questions they wished to have addressed for the meeting on the 25th may, that they send these to the Secretariat before this date.

Mr Hamilton, PS indicated that he would attend this meeting and advise on the process. He pointed out that to date there have been 1500 responses to PPS14.

- **National Parks**

The NP legislation has been deferred until 2007. In the case of the Mourne NP boundary consultation, it was noted that a number of research projects have still to be finalised and it was likely that the consultation document will be published in the summer 2006. The Group was concerned at the lack of twin targeting on the NP and AONB legislation. Mr Jackson suggested that with the delay in progressing the NP legislation, an opportunity existed for a review of the AONB legislation. However, Mr Seymour pointed out that due to the substantial requirement for new legislation in connection with the transfer of powers to local authorities the delay not only applied to NP legislation but also meant that the revised legislation on the Wildlife Order has been deferred. Members were concerned that this might have an effect on the schedule of protected species. Mr Seymour undertook to update Council on the effects of the delay in legislation.

ACTION: Update Council Mr Seymour

- **Occupiers Liability**

The Office of Law Reform is currently reviewing this legislation and it is intended that a consultation paper will be published in the summer 2006.

- **Mournes – Damage to field boundaries**

Mr Jackson reported that the Group had been informed if the substantial problems in the Mourne resulting in damage to field boundaries as a result of landowners removing Mourne granite from their farms. This was done for economic reasons with the sale of Mourne stone being very lucrative. Mr Seymour informed members that EHS had been involved in investigating this practice in the past. It was difficult to stop without changing the existing legislation. It was noted that unless this removal of stone was a quarry operation, PS cannot not take enforcement action, but Mr Hamilton undertook to consider the issues from a planning perspective. Mr McKee is to be requested to consider the implications in relation to DARD's agri-environment schemes and cross-compliance.

ACTION: Consider issues of removal of stones

**PS
Consider implications re-agri-environment
Schemes etc. Mr McKee**

7.2 Ecosystems Group

Dr A McGarel reported that the Group met on 12th April. Members of the Group considered: -

- Terms of Reference
- The focus for future projects
- The meaning of designated sites. Adopting a holistic approach to landscape.

7.3 Agri-Environment Group

Mr Murphy reported that the Group met on 21st March. Members of the Group considered: -

- The development of DARDs Agri-environment schemes 2007-2013
- The absence of clarity on the budget for agri-environment
- Draft Rural Development Programmes

7.4 Access-Amenity Group

The Chairman reported that the Group met on the 25th April and discussed the Terms of Reference.

7.5 Marine Group

The Chairman reported in the absence of Mr Anderson. This Group is to meet in June 2006.

7.6 Renewables

The Deputy Chairman reported in the absence of Mr Furphy. This Group met on the 21st April, and considered: -

- How to identify stakeholders and make arrangements to meet them.

Mr Hamilton informed members that PS has set up a meeting of all stakeholders to consider PPS18, a policy on renewables, for 10th May in Millennium House. Council was welcome to send a representative to this meeting. He undertook to confirm the details with the Secretariat.

7.7 Proposed Environmental Economics Group

The Chairman informed members that it was decided to dispense with the Economic Environmental Group and replace it with a Chairs Group.

8.0 MEMBERS REPORTS

8.1 Lough Neagh Advisory Committee

Mr Gibson highlighted some of the issues currently being addressed by the LNAC such as the repair of Derrywarragh Bridge; Zebra

Mussels; development within the southern shores of the RAMSAR site and flood management of Lough Neagh.

8.2 Oxford Island NNR Management Committee

Mr McBride referred to Item 5 of his report and the policy of the Craigavon Council auditor in relation to a proposal to set up a LNR in the Craigavon area. It appears that the auditor takes the view that this proposal for an LNR would devalue an asset of the Council by way of affecting the value of the land. It was agreed that clarification should be sought from the local government auditor about this policy.

ACTION: Contact local government auditor Chairman

Members noted the minutes and reports of the other meetings and events.

9. FIELD VISITS FOR 2006

Members considered the suggested dates for this years field visits and a programme was agreed as follows:-

- 20th June - Use of SLNCIs
- 26th July - Sperrins Tourism/SUDS-Newtownstewart
- 15th August - Proposed Mournes NP and include Slieve Gullion. Restoration of track of South-North gas pipeline.
- 18th September - Biogas - possible visit to Silverhill Hill, Co Monaghan.
- 3/4/5 October - 3-day visit to Wales - Pembrokeshire Coastal Forum - ICZM - NP- nature conservation.

ACTION: Draw up programme and also consider programme for visit to Wales Mr Seymour

10. MATTERS ARISING REPORT FROM 102ND MEETING

10.1 NI Sustainable Development Strategy(SDS)

The Chairman informed members that when the SDS has been launched responsibility for its implementation will lie with the Office of the First Minister and Deputy First Minister.

11. GENERAL INFORMATION

Members noted the contents of the events and publication lists No.91 and consultation responses.

12. ANY OTHER BUSINESS

12.1 BBC - Wildlife and People

Mr Hill informed members that the BBC is to launch a conservation plan which will involve the funding of 3-year projects designed to encourage the development of nature conservation areas in the

context of wildlife and people. It was noted that the RSPB is taking the lead on schools projects throughout the UK.

12.2 River Severn

Mr Jackson informed members that he noted an article in the Institute of Town Planning Journal which focused on an energy proposal involving a barrier across the River Severn.

12.3 Towards Sustainable Consumption

Mr Lonergan reported that he had attended the launch of the conclusions of the Sustainable Consumption Roundtable, jointly hosted by the National Consumer Council and the Sustainable Development Commission, at Malone House on the 5th May.

13. DATE OF NEXT MEETING:

The next meeting is to be held on 30th June 2006.

(The meeting finished at 3.00pm)