

# **COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE**

## **105<sup>th</sup> MEETING**

**FRIDAY 8 SEPTEMBER 2006 AT BROUGHDERG COMMUNITY CENTRE, CO  
TYRONE**

### **PRESENT**

**Dr Lucinda Blakiston Houston (Chair)  
Mr Brian Murphy (Deputy Chair)  
Mr John Anderson  
Mr Brian Black (Items 5-7)  
Dr Bob Brown  
Mr James Campbell  
Mr Malachy Campbell  
Mr Patrick Cregg  
Mr Archie Gibson  
Mr Mervyn Hill  
Mr Dermot Hughes  
Mr Jim Jackson  
Dr Alex McGarel  
Mr Robert Northridge  
Mr James Simpson**

### **IN ATTENDANCE**

**Mr Graham Seymour EHS  
Mr M Wright EHS  
Mr J Brown EHS  
Mrs J McCormick EHS  
Mr D Martin DHSSPS  
Mrs V Hamilton PS**

**Mr Cyril Francey, Secretariat**

### **1. APOLOGIES**

Apologies were received from Mr H McBride, Mr J Furphy, Mr A Lonergan, Mrs B Turnbull, Mr P Warner and Mr I McKee.

Councillor S Clarke, Chairman of the Broughderg Community Association welcomed Council to the community centre and gave a brief history of the Broughderg area and the local farming community. He highlighted the richness of the natural beauty of the local countryside and the many built environment features in the area.

The Deputy Chairman thanked Councillor Clarke for hosting the meeting.

### **2. MINUTES OF THE 104<sup>TH</sup> MEETING – 30<sup>th</sup> June 2006**

The minutes of the meeting of the 30<sup>th</sup> June 2006 were agreed.

### **3. CHAIRMAN'S BUSINESS**

#### **3.1 Proposed Mourne National Park**

The Chairman referred to the recent launch of the Mourne National Park Working Party (MNPWP) consultation on the proposed Mourne National Park and Council's role in the process. Mr Seymour explained that the MNPWP is remitted to report on the outcomes of the consultation to the Minister. If the Minister agrees with the recommendations he will ask the Department to take these forward. At that stage EHS will consult with CNCC.

Members were concerned that the Minister might not be aware of CNCC's role under the legislation relating to NPs and this should be drawn to his attention so that Council is included in formulating the proposals for the NP. It was pointed out that there could be a problem at any associated public inquiry if Council is not consulted. It was agreed that the Chairman writes to the Minister seeking clarification on Council's role in the consultation process.

Mr Jackson tabled a list of public consultation meetings on the boundary of the NP to be held throughout the Down area during the months of September and October. He also mentioned that in addition to his role on the Working Party, he would be engaging with the MNPWP through Council's Planning and Landscape Group.

It was agreed that Council should meet with the Chairman of the MNPWP in December to discuss the outcomes of the consultation.

**ACTION: Write to Minister Chairman**

**Arrange to meet Chairman of MNPWP in December 2006 Council**

### **3.2 Public Relations**

Members discussed the need for a formal strategy on PR for Council. It was agreed that the Chairman, Mr Cregg, Mr Black and Dr McGarel should discuss the issues.

**ACTION: Discuss PR issues Chairman etc.**

## **4. 'FIT FUTURES' – PRESENTATION**

Mr D Martin, Department of Health and Social Services and Public Safety, gave a presentation on the report of the departmental taskforce established to consider Fit Futures: Focus on Food, Activity and Young People. He informed members that the taskforce was set up by the Ministerial Group on Public Health in 2004 and its role was to examine the options for preventing the rise in levels of overweight and obesity in children and young people. Mr Martin highlighted some of the main features considered by the taskforce such as the causes, consequences, problems and recommended solutions all of which were dealt with and published in a Fit Futures Report in March 2006. He outlined some of the priorities for action and emphasised the role of the environment in contributing to the health and well being of the population.

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

- Members emphasised the need to provide scope for use of publicly owned land whether in urban or rural settings for recreation and activity. Mr Martin explained that this was identified within the Report but the Department cannot be actively involved in providing facilities, rather it will seek to ensure easy access to activity programmes. There was a need to look at the type of opportunity which can be carried out with others and, for example, encourage local councils to provide, support and develop such opportunities.
- The point was made that in the case of green space and areas of biodiversity identified in draft Area Plans, the DHSSPS has opposed these zones if they are in its ownership and likely to impact on the Department's assets. Mr Martin undertook to relay this point to his Department.

- Some members felt that there was a lack of facilities within Northern Ireland for recreation and activities, particularly for those in the lower income bracket who cannot afford high impact sports. Mr Martin informed members that the taskforce did not find this to be a key issue because there were many opportunities for activities not involving specific facilities.
- It was recognised that there were still environmental and health issues to be addressed on travel and cars and the government's transportation strategy. DHSSPS will target those areas where it can have a direct influence.
- Members welcomed Fit Futures approach to investing in health. They felt, however, that many people understood the health issues but there was a lack of consistency in approach by the Department in how it disseminates its actions to the public. Members suggested that it would be helpful if the Department could provide guidance on activities and encourage active lifestyles. Mr Martin pointed out that the Department works closely with the Health Promotion Agency and it is developing networks through the internet to highlight health activities.
- The question of funding was raised and the lack of funds for environmental programmes compared to health and education. Members asked how DHSSPS ensures funding for preventative measures outwith its own Department. Mr Martin recognised the difficulties and pointed out that the Department has diverted some funding towards its health programmes. However, although it cannot fund other departments, there is scope to develop partnerships. Members felt that the low percentage of Government's spend on the environment contrasted adversely with the DHSSPS spend on ante-obesity drugs and clinical processes and there was therefore scope for savings by the Department through provision of and promotion of 'green' recreational amenities which could result in the availability of funds to invest in health partnerships.

The Chairman thanked Mr Martin for his interesting presentation

## **5. REVIEW OF PLANT CONSERVATION STRATEGY (RPCS)**

Mr M Wright, EHS introduced the paper on the review of plant conservation strategy. He indicated that this paper of collective recommendations and action plan provides a framework for EHS' action towards the UK Plant Diversity Challenge which forms the UK Government's response to the global strategy for plant conservation. EHS was seeking Council's approval on the framework for the review. Mr Wright outlined the main findings, recommendations, needs, priorities and the way forward.

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

- A question was raised about the 16 targets outlined in Appendix 1 of the paper and whether or not these were in addition to the targets set out in the NI Biodiversity Strategy. It was noted that part of the rationale of plant diversity was to halt the loss of plant species and as such these targets would fit in with the NI Biodiversity Strategy. Although this was to be welcomed, members were concerned that the outcomes should include an objective to allow for the restoration of areas of loss and suggested that EHS should explore its targets against the Biodiversity Strategy and the activities of existing or proposed delivery groups. This might be assisted by having a representative of the NIBG on the proposed co-ordinating forum to be established by EHS. It was important, however, to ensure that there was no proliferation of sub-groups without an overarching structure.

- It was also important to consider how the outcomes of the review fit in with biodiversity action plans. The Chairman suggested that Mr Cregg, CNCC's representative on the NIBG should be involved in this exercise.
- There could be a problem of resources required to carry out the recommendations. Mr Seymour informed members that EHS was unlikely to be successful in its bid for more funds in the short-term. It might, however, be able to identify an existing member of its staff to carry out some of the required work.
- In the summary of recommendations (page 4 bullet point 2) a query was raised about how the workload would fit in with the ASSI Review. Mr Wright informed members that a condition assessment of the ASSIs was due to be completed by 2007 and it would not therefore be necessary to revisit these assessments for the purposes of this exercise.
- Members agreed that it was important to establish the connection between knowledge and action on the ground in order to protect sites and species.
- Members welcomed the proposal to protect a range of organisms in eco-systems. They felt that a single forum was the best option to co-ordinate and achieve the targets of the review. They also suggested that training should be given for plant identification with a corresponding educational structure to certify this. This could be raised with the Environmental Education Forum.
- Members noted that EHS was concerned about near threatened species and suggested that it might be an option to include a scheme under Axis 2 of DARD's Rural Development programme. It might therefore be useful for EHS to discuss this with DARD.

Council commended EHS on its outstanding work in producing this paper.

The Chairman thanked Mr Wright for his presentation and suggested that the delivery of the outcomes should complement the NI Biodiversity Strategy. In view of the importance of this work she believed it was important for it to be undertaken by a dedicated member of staff.

## **6. UPDATE ON MODIOLUS RESTORATION**

Mr Seymour introduced the paper on the current position relating to the Modulus Restoration Plan. He advised members that the European Commission was content with the Plan. An economic appraisal for resources required to implement the Plan has been submitted to DFP for approval. If approved this will mean a commitment by EHS of £500,000 over a 5 year period; the balance of £500,000 is to be provided by DARD.

Members were concerned that the money for the Plan will be drawn from other budgets and no new money will be available. Mr Seymour pointed out that EHS will bid for additional money over the 5 year period but no new money is available at this stage. The pending comprehensive review of public expenditure was relevant to this funding need.

Council suggested that when DFP approves the economic appraisal and the tendering process is initiated, a representative of both the SLMAC and CNCC should be involved in the contract evaluation stage. Mr Seymour advised members that the evaluation of

tenders would be done by the two Departments but the Implementation Group could assist in drawing up criteria. It would also be helpful if Council could have the opportunity to examine the no go zones to be kept free from any fishing operations. EHS noted this and undertook to work with DARD in determining the zoning.

## **7. UPDATE ON IMPLEMENTATION OF SEA WITHIN EHS**

Mr J Brown, EHS outlined the background to the EU SEA Directive. He explained that the Directive was adopted in 2001 and transposed into Northern Ireland legislation by the Planning Service in July 2004. A letter was sent to all Permanent Secretaries and government departments were made aware of the requirements under the SEA Directive. Mr Brown informed members that many departments were not fully aware of their obligations under the Directive and as a result, EHS carried out a number of awareness and training seminars to bring departments up to speed. He tabled a paper detailing the statutory consultation process for Responsible Authorities, which was developed by EHS as the Consultation Body in Northern Ireland. Mr Brown advised Council that EHS is in the process of carrying out a survey with other departments on how SEA is being implemented.

Members expressed concern about who had responsibility within government for overseeing the SEA process. It was noted that overall responsibility lay with the Department for Communities and Local Government (DCLG) formerly the Office of the Deputy Prime Minister. Mr Brown pointed out however that the legislation in all administrations within the UK firmly places the onus on Responsible Authorities to apply the SEA process. Consultation Bodies including EHS act in a consultative role to ensure that their statutory responsibilities are carried out in an effective and efficient manner.. It was up to each authority to interpret the Directive. The point was made that it was a matter for the EC Commission to ensure how its Directive was being implemented across member states. Mr Brown understands that the Commission will be issuing a report on implementation across member states in the near future.

Council was concerned about the lack of a monitoring programme to assess how the Directive is being progressed. EHS emphasised that its role was purely advisory. However, if Responsible Authorities do not accept the EHS advice then they could face a challenge to the Plan or Programme in the form of Judicial Review.

Members also expressed concern about who would check if SEA is not carried out. Currently there is no one to do this but it had to be borne in mind that the SEA had to be considered along with other environmental policies and regulations such as Article 6 of the Habitats Directive and EIAs. Mrs McCormick outlined the mechanism for carrying this through. Mr Brown pointed out that the predicted outcomes would normally be checked before the plans and programmes have been adopted but final mechanisms have not yet been formalised for the monitoring process.

EHS undertook to circulate a copy of the EC report on SEA to Council when this has been published.

**ACTION: Circulate copy of EC report to members when available Mr Brown**

## **8. CNCC WORKING GROUPS**

Members noted the draft minutes of the CNCC Working Groups and the various Chairs reported as follows:

## **8.1 Marine Working Group**

Mr Anderson reported that he is to contact Prof S Turner to discuss the legal implications of ICZM. It was important that the Marine Bill covers the ICZM issues.

## **8.2 Access and Amenity Group**

Mr Hill informed members that he is to make contact with CAAN to discuss a number of issues relating to access and recreation. He will then arrange a meeting of the Group in October.

## **8.3 Ecosystems and Designated Areas Working Group**

Mr Cregg reported that he would obtain a copy of the Faber Maunsell report on the economic value of a good environment and circulate to members.

He informed members that Dr A McGarel has agreed to Chair the sub-group to be set up to deal with the WFD.

The Chairman raised the issue of the recent pollution incident which occurred on the Ballinderry River and resulted in the death of many pearl mussels. She had sent a letter to WS and a reply was received which acknowledged its part in the incident.

It was noted that in the case of angling organisations with hatcheries and the requirement for them to have consent to discharge into rivers, it has been agreed with EHS that where such a hatchery contributes to biodiversity there will be a reduction in the fees charged.

## **8.4 Agri –Environment Group**

Mr Murphy reported that the Group had dealt with a number of consultations including a response to the Draft Northern Ireland Rural Development Programme 2007-013 and the Environmental Impact Assessment (EIA) (Agriculture) Regulations.

## **8.5 Planning and Landscape Group**

Mr Jackson reported that in the case of the boundary walls in the Mourne enforcement action by PS and DARD was in progress. Mrs Hamilton informed members that PS was currently seeking advice to see if there has been any breach of the planning legislation.

## **8.6 Chairs Group**

Council noted and endorsed the following programme of work drawn up by the Chairs and agreed at a recent meeting of the Groups Chairs' sub-committee of CNCC to be undertaken by Marengo:

### **8.6.1 Ecosystems Group**

- Carry out assessment on the status and actions taken by various bodies to meet the requirements of WFD.
- Desk top study on loadings of WFD including measureables and assessment of studies on the Blackwater and Ballinderry Rivers

### **8.6.2 Agri –Environment Group**

- Identify the reaction of farmers to post de-coupling, single farm payments and energy cropping.

### 8.6.3 Renewables Group

- Update Council's Policy Statement on Renewables and link to Waste Management Strategy.

### 8.6.4 Planning and Landscape Group

- Carry out assessment and benefits of redesignating the Causeway Coast AONB by comparing it with the statutory landscape management of the Northumbria Coast and include the socio-economic brief.
- Carry out desk top study of planning permissions etc. in the Mourne area by interrogating PS databases.

### 8.6.5 Access Group

- Continue with the report on access issues and look at how current legislation is enforced and identify land owned by the public estate which has public access.

### 8.6.6 Forward Programme

- Marengo to carry out investigation into what bodies have implemented SEA/IIA.

## 9. FIELD VISIT REPORTS

- (a) **Urban Nature Reserves**
- (b) **Sperrins Tourism**

Members noted the reports on the recent field visits. In the case of the report on Urban Nature Reserves and the commitment of local councils to the development of Biodiversity Action Plans, there was some concern that with the proposals for fewer local councils recommended by the Review of Public Administration, there might not be additional funds available for the delivery of these BAPs, nor for the appointment of the necessary number of biodiversity officers.

The Chairman and Dr Brown undertook to discuss the implications of the RPA for the NI Biodiversity Strategy.

**ACTION: Discuss implications of RPA on biodiversity Chairman/Dr Brown**

## 10. MEMBERS REPORTS

### 10.1 Lough Neagh Advisory Committee (LNAC)

Council noted the minutes of the LNAC and particularly the matters relating to the development on wetlands strategy and a navigation authority for Lough Neagh.

### 10.2 Environment Ireland Conference – Dublin

Mr Murphy reported that he attended the Environment Ireland Conference in Dublin on 4/5<sup>th</sup> September. He commented that the programme mainly focused on environmental protection and felt that future agendas should include nature conservation and landscape

issues. Mr Murphy is to draw up a report on the conference and circulate a copy to members.

**ACTION: Draw up report on conference and circulate to members Mr Murphy**

**11. MATTERS ARISING REPORT FROM 104<sup>th</sup> MEETING**

**11.1 Wildlife Order**

It was noted that the proposed amendments to the Wildlife Order relating to biodiversity will be based on a similar version used in Scotland which was stronger than that used in England and Wales. Members suggested that the Ecosystems Group should examine the Department's consultation paper when it is published and be satisfied that the wording of the amendments were suitable.

Dr Brown offered the opinion that the wording proposed was as strong as could be obtained within the legislation and that it should be sufficient.

**12. GENERAL INFORMATION**

Members noted the contents of the events and publication lists No.93 and consultation responses.

**13. ANY OTHER BUSINESS**

There was no other business.

**14. DATE OF NEXT MEETING:**

The next meeting is to be held on 3 November 2006.

(The meeting concluded at 3.45pm)