

COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE

**106th MEETING
FRIDAY, 3 NOVEMBER 2006 AT DELAMONT COUNTRY PARK,
KILLYLEAGH, CO.DOWN**

PRESENT

Dr Lucinda Blakiston Houston (Chairman)
Mr Brian Murphy (Deputy Chairman)
Mr John Anderson
Mr Brian Black
Dr Bob Brown
Mr Malachy Campbell
Mr Patrick Cregg
Mr Joe Furphy
Mr Archie Gibson
Mr Mervyn Hill
Mr Dermot Hughes
Mr Jim Jackson
Mr Aidan Lonergan
Mr Harold McBride
Dr Alex McGarel
Mr James Simpson

IN ATTENDANCE

Dr Howard Platt, EHS
Mr P Corbett, EHS

Mr I Maye, DOE
Mr J Lambe, DOE
Mrs V Hamilton PS

Mr I McQuiston, HBC Chairman

Mr Cyril Francey, Secretariat

1. APOLOGIES

Apologies were received from Mr R Northridge, Mr P Warner, Mrs B Turnbull, Mr J Campbell and Mr G Seymour, EHS

2. MINUTES OF THE 105TH MEETING – 8th September 2006

The minutes of the meeting of 8th September were agreed.

3. CHAIRMAN'S BUSINESS

3.1 Forward Planning

The Chairman reported that the proposed Work Programme for Marengo had been approved by EPD. She highlighted her concern at the increased administrative burden of the current process for commissioning work and took the view that there was a need to streamline the system. These issues are to be discussed with EPD in due course.

3.2 REGNI – Interim Report

The Chairman referred to the interim report of the REGNI and felt that it contained very few of the points submitted by Council. It was particularly weak on scrutiny and accountability.

It was noted that the Chairman and Deputy Chairman met the Deputy Local Government Auditor (DLGA) to discuss a number of policy issues. They suggested that there was a role for the Audit Office in the scrutiny process. The DLGA had advised them that a change of legislation would be needed if the LGA was required to evaluate the performance of the new councils. The Deputy Local Government Auditor has offered further discussions on a range of environmental issues.

3.3 Energy Savings

The Chairman reminded members that as a group of people concerned about environmental issues it was important that they set an example and consider measures which can save energy and prevent pollution, such as car sharing or use of public transport when attending Council meetings.

Members suggested it would be useful for Council to establish its carbon footprint at the end of this year. Mr M Campbell undertook to send the Chairman information on evaluating carbon footprints.

ACTION:	Use of Car Sharing and Transport	Members
	Establish Carbon Footprint at	
	the end of 2006	Chairman
	Send Chairman information on carbon	
	footprints	Mr M Campbell

4. UPDATE ON REVIEW OF PUBLIC ADMINISTRATION

Mr Maye, DOE gave a presentation on the current position of the Review of Public Administration. He informed members that the proposed 7 new local councils are due to be operational from 2009. Mr Maye outlined the progress on how the review is being taken forward under the following headings -

- RPA implementation
- Local Government Decisions
- Change Management
- DOE Responsibilities
- Taskforce structures
- Sub-Groups
- Review of Taskforce
- High-level Timetable
- Ministerial Decisions on community planning
- Community Planning
- Community Relations proposals

In discussion the following points were raised:

1. Members were concerned that with the transfer of many central government functions and regional plans that the new local councils would deliver them. Mr Maye informed members that under the new arrangements a performance management system with performance indicators, similar to the Scottish model, would be set up. It was hoped that central government and local councils would be able to work together in achieving targets on a broad range of functions. The measures would also include best value on service delivery. The Minister would have the power of intervention if Councils were not delivering on their responsibilities. It is expected that the new relationship between central government and local councils and the Minister would be enshrined in legislation and enforcement powers used if necessary. Mr Maye undertook to send Council a copy of the Scottish model.

**ACTION: Send copy of Scottish model
to Council**

Mr Maye

2. Council highlighted the need for the performance indicators to be robust in view of the more active role of local councils under the transfer of functions.
 3. It was noted that the new arrangements would take account of the outcomes of the Review of Environmental Governance. However, it was recognised that with the tight timeframes for moving the process forward there was limited time to implement all the recommendations of the REGNI. However, if the NI Assembly resumes next spring then there will be more time to take account of these recommendations.
 4. Members raised the question of the application of SEA in the context of the transfer of environmental and biodiversity objectives. Mr Maye informed members that SEA would apply to some areas but these have not yet been identified. He undertook to send Council a list of the functions to be transferred to local councils.
- ACTION: Send list to CNCC Mr Lambe**
5. Members were concerned that there should be monitoring of the overarching strategies throughout Northern Ireland and an audit of the existing functions already carried out by local councils.
 6. It was noted that some of the functions to be transferred related to archaeological sites, spot listing of buildings and most planning issues.
 7. Members made the point that with the transfer of functions there could be a shortage of expertise in a number of fields. Mr Maye advised members that there will be a new statutory requirement on local councils to consult other bodies with the appropriate expertise. It may be that there will have to be a sharing of expertise amongst the 7 new councils until they acquire the knowledge base on some of these functions. Mr McQuiston made the point that it was vital in the case of listed building consent for local councils to have the level of

professionalism and expertise available to deal with applications. He was also concerned that with the transfer of responsibility for Conservation Areas and the existing lack of expertise in this field within planning, there could be some difficulties for local councils in finding the necessary expertise.

8. It was recognised that accountability of political representatives in the decision making process was a major issue for ensuring confidence in the new administrations. A new statutory code of conduct for Councillors is to be introduced and this would contribute to the creation of fairness and proportionality in local government. In addition a number of scrutiny regimes are to be considered which would ensure councils are accountable. Ultimately, however, the NI Assembly will have responsibility for ensuring there is accountability and scrutiny measures and the Ombudsman would deal with complaints on these issues. It was noted that the issues of accountability and scrutiny will be subject to a consultation process at a later stage.
9. In the case of some cases planning applications, PS had ignored the advice of EHS, its statutory consultee, in the delivery of its decisions. Members were concerned that when planning is transferred to local councils there are mechanisms to ensure that they do not ignore the advice of statutory consultees. Mr Maye took the view that if this happened central government would have mechanisms to take appropriate action. Part of this process could involve a 'call-in' system to review planning applications. Another mechanism might be a possible introduction of Third Party appeal. There was also self regulation through community planning and designated planning in the consultative process.
10. It was noted that the introduction of a performance management system for local councils would operate from day one of the transfer of functions in 2009. CNCC is to be involved in developing an appropriate system.

The Chairman thanked Mr Maye and Mr Lambe for updating Council.

5. ASSI PROPOSALS

Mr Corbett, EHS introduced his paper on the ASSI proposals for Round Lough/Lough Fadda and Devenish Island. He outlined some of the selection features and management considerations.

In their consideration of these proposals members raised a number of points as follows:

5.1 Devenish Island

- Members suggested that it may be necessary to spread manure on some areas of species rich grassland. Mr Corbett pointed out though that manure can cause a decrease in species richness. It may that EHS would have to consider other management methods for grassland. In this context

Mr Corbett was reminded about the findings of the publicly funded research project dealing with the application of Farmyard Manure (FYM) to species rich meadows in County Fermanagh. This research might show that in certain circumstances species rich grassland could benefit from the application of FYM. Detail on this could be accessed from Dr J McAdam of AFBI.

- Condition assessment of parts of Upper Lough Erne highlighted that they were suffering from abandonment through lack of grazing. It may be that EHS would have to seek partnerships to give the best option for managing grasslands.
- Members pointed out a number of areas in the paper which required amendment.
- The point was made that establishing the selection features was time consuming. Mr Corbett advised members that there was an urgent need to declare this site so that measures can be taken to prevent further deterioration and restore the site to favourable condition.
- In the case of 5.1 ASSI Selection Feature Objectives and component objectives relating to curlew and snipe breeding populations and fledgling success, members suggested that there was a need for an extra component to achieve sustainable success.
- The question was raised about whether or not the site was within an ESA. Mr Corbett explained that with the sequencing of the designation process this information is not known until the last step of the process which involves negotiations with the landowner. Members suggested that the information should be acquired at the start of the process when EHS staff makes the initial approach to landowners for access. This could prevent duplication of management issues under MOSS and Agri-environment schemes. Mr Corbett undertook to give this consideration.

A fundamental point was made that normally Council considers areas that are in favourable condition, but increasingly Council would be looking at sites that require restoring to favourable condition. EHS is to consider appropriate management regimes, including agri-environment schemes, needed to ensure that sites achieve favourable condition status.

**ACTION: Consider process for identifying those
Sites within Agri-environment schemes
EHS**

5.2 Round Lough/Lough Fadda

- Members raised some of the issues relating to the dynamic between the fen and open water. There was also the question of nutrient enrichment and the requirements under the Nitrates Directive, and the threshold of monitoring needed to comply with the WFD.
- Members also felt it would be useful if EHS could link up with angling associations using the Lough to keep them on board in implementing management conditions.

Council endorsed the EHS proposals for the designation of Devenish Island and Round Lough/ Lough Fadda as ASSIs.

5.3 Planning

The Chairman raised the question of a planning application involving a caravan park on the shoreline opposite Devenish Island. Ms Hamilton, PS undertook to find out the outcome of this application.

ACTION Find out outcome of planning application

PS

6. MARINE PROTECTED AREAS

Mr Bradley, EPD updated members on the progress of the Marine Bill with particular reference to the matter of nature conservation and the designation of sites and species of national importance. DEFRA is to devise a designation process and prepare the appropriate regulations and streamlined licencing regimes. In the area of Northern Ireland it was hoped to use the same legislation to underpin Marine SACs and SPAs with new designations which could strengthen enforcement measures. There are to be full consultations by DEFRA next May with further rounds on more defined policy proposals on the Bill itself. The Department will use these discussions to highlight its concerns about enforcement issues. In the meantime EPD is to consider policy proposals for Northern Ireland.

Members recognised that the new Marine Bill will not contain a statutory requirement for ICZM. However, there could be an opportunity to develop this at a local level using legislation arising from the REGNI and the new RPA arrangements. In the case of any enforcement arrangements there should be compliance by competent authorities as well as targeting individuals. There was concern that the landbased side of spatial planning could be a problem. However, it was hoped that the proposed PPS 20 on coastal planning could present an opportunity to tighten up the ICZM strategy.

Some members took the view that DEFRA may be taking a minimalist approach to the Bill and that marine nature conservation might suffer as a result. It was therefore important to ensure that DEFRA takes on board the concerns that the Bill must recognise the importance of designating natural sites. Mr Bradley pointed out that the UK was better geared up for marine natural conservation

sites and it may be that Northern Ireland will have to devise its own legislative process for this.

The Chairman suggested that it might be worthwhile for EHS and EPD to consider the partnership arrangement in Wales used to achieve the conservation objectives of Marine SACs.

Mr Bradley informed members that DEFRA was keen to accommodate Northern Ireland in developing a suitable enforcement policy but there was a problem of resources. He still took the view that any such policy would have to be finalised by December 06. Members urged the Department to assist DEFRA with resources to complete this policy.

It was agreed that EPD should consult with the Council's Marine Group to consider the issues for a suitable policy.

ACTION: Consult with CNCC Marine Group EPD

7. CNCC WORKING GROUPS

There were no current reports from the CNCC Working Groups.

8. PROPOSED PR STRATEGY FOR CNCC

Mr Cregg gave a brief outline of a draft PR Strategy for CNCC which is to be developed and planned for a 2-year period.

In view of the accelerating environmental agenda it was suggested that Council should issue statements to the media on a regular basis. It was agreed therefore that Dr Brown and Mr J Anderson should prepare a statement on the recent fisheries news relating to the serious decrease in fish stocks on a global basis. Council is also to consider a statement on climate change soon.

**ACTION: Prepare a statement for the media
Dr Brown/Mr Anderson**

9. MEMBERS REPORTS

Members noted the various reports and minutes.

9.1 WFD

In the case of the WFD Stakeholder Conference, Mr Bradley undertook to find out the make up of the three government groups involved in WFD i.e. Interdepartmental Group, Implementation Group (EHS) and the Stakeholder Group and inform the Secretariat.

ACTION: Find out make up of groups Mr Bradley

10. MATTERS ARISING REPORT FROM 105th MEETING

10.1 Proposed Mourne NP

It was noted that the MNPWP consultation process has been delayed. It was agreed therefore that the Chairman write to Mr H Bicker, Chairman of the MNPWP seeking a meeting with him early in the new year.

ACTION: Write to Mr Bicker Chairman

11. GENERAL INFORMATION

Members noted the contents of the events and publication lists No.94 and consultation responses.

12. ANY OTHER BUSINESS

12.1 European Environment Advisory Councils (EEAC)

Mr Cregg introduced his paper on a proposal for CNCC to take up membership of the EEAC. Members noted that Northern Ireland has no representation on this European body. They agreed that as this body embraced a wide network of opinion it would be worthwhile to take up membership and seek to influence issues at EU level.

ACTION: Arrange membership of EEAC Secretariat

12.2 Drainage Council for NI

Dr McGarel reported that during her recent attendance at the Drainage Council she noted that –

- (a) The Rivers Agency advised planners that it considered that the proposed housing development in the Lisburn area was inappropriate because of the potential risk of flooding.
- (b) The Portmore drain has been designated by the Rivers Agency to allow better water management for biodiversity.

13. DATE OF NEXT MEETING:

The next meeting is to be held on 11th/12th January 2007.

(the meeting finished at 1.15pm)