

**COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE
135th MEETING
AFBI COMPLEX DROMORE ROAD HILLSBOROUGH
Friday 30th September 2011.**

Present

Mr P Casement Chairman
Mr P Archdale Deputy Chairman
Mr B Black (Items 1-10)
Dr H Kirkpatrick
Dr T Bazley (Items 1-10)
Mr D Hughes
Mr R Northridge
Mr M Campbell (Items 6-16)
Mr J Simpson
Dr R Horton
Mr J Campbell (Items 1-6)

In Attendance

Mr G Seymour NIEA (Items 1-7)
Mr Ian Enlander NIEA (Items 1-6)
Mr Paul Corbett NIEA (Items 1-6)
Mr Declan Looney NIEA (Items 4-6)
Mr R Allen Secretariat
Mr P Rice Secretariat

1. APOLOGIES AND WELCOME.

Apologies were received from Mr A Upton, Mr J Anderson, Mr J Jackson, Prof Mr B Smith. The Chairman welcomed Mr Ian Enlander, Mr Paul Corbett, and Mr Declan Looney from NIEA.

2. DECLARATIONS OF INTEREST.

There were no areas of conflict declared.

3. AREA OF SPECIAL SCIENTIFIC INTEREST

Binnawooda

Mr Ian Enlander NIEA presented to Council Binnawooda proposed ASSI. Binnawooda is of special scientific interest because of rock exposed at Binnawooda spring (Fairy Water Rising), the type locality for the Bin Mountain Sandstone Formation. The wider area hosts a range of karstic landforms that have apparently developed in the Bin Mountain sandstones, a very unusual host rock for such features in Northern Ireland.

There are a number of difficulties arising with this site. The land owner refused access to the land for a long time. There is now a degree of urgency for designation to be completed, with an application for the development of a windfarm now lodged with Planning Service. The survey presented by the developer is incomplete, requiring a peat depth survey, a full survey of the sink holes and Dolans, and a full assessment of the potential impacts on wildlife. There are concerns about the impact of the turbines and the access road on the geomorphology and hydrology of the site, and while this is not currently a core area for Hen Harriers they have been recorded regularly here. The site was a proposed ASSI before planning permission had been sought.

In discussion CNCC agreed that this was an outstanding site, and highlighted the need for NIEA to continue with survey of remote areas like this to ensure that places like this were afforded adequate protection in the face of a growing threat from windfarm development.

The Chairman thanked Mr Ian Enlander for the presentation, with CNCC endorsing the ASSI proposal.

Croagh Bog

Mr Paul Corbett NIEA presented to Council Croagh Bog proposed ASSI. Croagh Bog is situated in West Tyrone with the river Sruhanganve River representing the border with County Donegal.

Croagh Bog lies at a moderate elevation between 120m and 140m O.D. in a broad valley bottom at the most western extreme of Northern Ireland. It displays some characteristics of transitional/ intermediate bog with a central dome of deep peat. The intact surface is estimated to be just over 52 ha. Habitat interest relates to the vegetation communities and structural features, which are characteristic of these largely undisturbed peatland habitats. They include flat bog plains and a well-developed hummock and lawn complex on deep peat. Associated habitats add diversity to the area and include a mosaic of wet and dry heaths where the peats are shallower, pockets of cutover bog, and extensive gently flushed slopes dominated by Purple Moor-grass *Molinia caerulea* and Bog Myrtle *Myrica gale*. It is these gently flushed slopes with their abundance of Bog Myrtle *Myrica gale*, which provides suitable habitat for the distinctive black and white Argent and Sable moth *Rheumaptera hastate*.

The boundary around most of the site is straightforward. Along the north-western edge of the area, the boundary follows the central line of the Sruhanganve River which forms the boundary between Northern Ireland and the Republic of Ireland. Along the northern and north eastern edge of the site, the Croagh Bog boundary follows the exact line of the River Foyle and Tributaries ASSI/SAC. This tributary, which again demarcates the border with the Republic of Ireland, is called the Mourne Beg River. At the most south eastern extent of the site, the boundary of Croagh Bog ASSI is clearly demarcated by a stock proof fence. There is a small pocket of improved grassland currently grazed by cattle at the eastern end of the site within the ASSI. However, there is no physical boundary with which to exclude this area of grassland and it is therefore included as part of the peatland management unit. Although the cattle are free to roam over the bog from this point, there is no evidence that they have grazed the bog or walked over it in recent years.

Stock proof fences form the boundary along the south eastern boundary of the ASSI and along the northern edge of the Corgary Road and also to exclude the improved fields associated with the farm in the central area of the ASSI. To the south of the Corgary Road, the ASSI is bounded by a drain which extends right along the edge of the road and the line of tree planting by Forest Service. This is generally only a narrow strip adjacent to the road, but includes valuable habitat for the Argent and Sable moth. At the most western

end of the ASSI an area supporting a mosaic of blanket bog and wet heath also lies within Forest Service ownership and supports a strong population of Argent and Sable. In some instances, the edge of the forest has been fenced, and in other areas, there is no physical boundary between the trees and the peatland.

Croagh Bog is mainly privately owned with around 10 individuals identified as owner/ occupiers of the site and a number of individuals identified as having the right to cut turf on the bog for domestic use. Forest Service also own and manage a proportion of Croagh Bog ASSI, the area to the south of Corgary Road. This area between the plantation Sitka Spruce trees and the edge of the road remains largely undisturbed by cutting. The complex pattern of ownership makes a unified approach to site management more difficult.

Council raised a number of points in discussion of this site:

- ▲ The possibility of using remote sensing for monitoring such a remote site.
- ▲ The question of management of the forest, particularly with regard to replanting policy
- ▲ The need for continued work to remove tree seedlings from the bog. The methods used by Scottish Natural Heritage at Flanders Moss SSSI were commended.
- ▲ Water abstraction issues on both sides of the border. Lough Mourne in Donegal is used as a water supply, and NI Water has a proposal to dam the Mourne Beg River.

Lough Formal

Mr Paul Corbett NIEA presented to Council Lough Formal proposed ASSI.

Lough Formal is located in Carrigan Forest. It comprises a deep oligotrophic Lough surrounded closely on all but the west side by afforested blanket bog. The terrain to the west of the Lough is comprised of two isolated limestone hills with localised limestone grassland and small calcareous flushes. The lake marginal substrate is predominantly rocky (gravel, cobble and boulder) with only localised sand or peaty pockets. Silt occurs in the deeper water which extends down to nearly 12m at its deepest. The aquatic plant community is characteristic of unpolluted water bodies with low levels of plant nutrients. This lake shows the typical submerged species zonation for this lake type with Shore weed *Littorella uniflora*, Water Lobelia *Lobelia dortmanna* and Quillwort *Isoetes lacustris* covering the rocky and sandy marginal substrate. In deeper water Charaphytes and the moss *Fontinalis antipyretica* cover the silty lake bed. Floating leaved aquatic cover is confined to the south east where a large stand of Broad-leaved Pondweed *Potamogeton natans* is accompanied by small scattered stands of Red Pondweed *P. alpinus* and Floating Bur-reed *Sparganium angustifolium*. The marginal emergent vegetation is limited in diversity with only Bottle Sedge *Carex rostrata* swamp occurring in abundance.

Of particular note was the recent discovery in 2006 of a small population of Arctic Char *Salvelinus alpinus* in the Lough, as this is only the second known lake to support this species in Northern Ireland.

The boundary has been drawn to include the open water of the Lough and adjacent semi-natural habitats such as fen, woodland and wet grassland. The site boundary uses permanent man-made boundary features whenever possible. However, along some stretches of the foreshore such boundaries were absent and recognisable topographical or physical features such as breaks in slopes or scrub line were used.

Council raised the following points in discussing this site:-

- ▲ The proximity of the forest to the lake, which raised a number of problems, including the use of fertiliser, clear felling and the subsequent release of nutrients and sediment, restocking, and seeding of exotic species into the open areas. Mr Corbett had received a strong undertaking that there would be no aerial applications of fertiliser, and there were ongoing discussions about creating a wider clear area around the lough.
- ▲ The possible presence of *Naias flexilis*, the seeds of which had been found in cores taken from the lough sediment.
- ▲ The genetics of the Arctic Char population, which it was felt would repay further study.

The Chairman thanked Mr Paul Corbett for the presentation, with CNCC endorsing the ASSI proposals for both Croagh Bog and Lough Formal.

4. KILLYFOYE PROPOSED LOCAL NATURE RESERVE

CNCC endorsed the proposal to designate Killyfoye as a Local Nature Reserve. It was suggested that an interpretative plan should be developed in parallel to the management plan.

5. RECONSTITUTION of CNCC

The Chairman advised Council that the process to recruit new members had now begun, with advertisements being placed in the local papers and the CNCC web site with a deadline for applications of the 13th October. He thanked all the members who had served two terms and regretted that a change in the rules for public appointments meant that they would no longer be eligible for another term. The Chairman enquired if members knew of anyone with a background in nature conservation and the environment who would be interested in joining CNCC to encourage them to apply. The question of CNCC representation on other bodies was raised, and it was suggested that in some cases there might be a need for existing representatives to carry on for a short while after their term expires.

6. RED SQUIRREL CONSERVATION

Mr Declan Looney NIEA updated Council on Squirrel Pox and the Species Action Plan for the Red Squirrel.

Introduction

The Red Squirrel is exclusively a woodland species which feeds on a wide variety of seeds berries, fruit and fungi and hoards food in the late summer and autumn. It mainly inhabits tree canopies.

Probably a member of Ireland's fauna since prehistoric times, the first actual historical reference is from AD 655. From Medieval times to the mid 17th Century there was a thriving export trade in pelts. A dramatic decline of the species took place in the 18th Century which coincided with an extensive clearance of woodland in Ireland at that time. The species was considered extinct.

It was reintroduced from England between 1815 and 1875 to at least ten sites throughout Ireland including one in Toome, Co Antrim. The Red Squirrel spread rapidly during the late 19th Century and by the early 20th Century was established in the expanding forests in whole of Ireland.

The dramatic decline of the species this time has coincided with an increase in the numbers and range of the introduced Grey Squirrel.

Species Action Plan

- All-Ireland plan published in 2008, replacing N. Ireland plan which had been published in 2000.
- Approx 55 individual actions but central themes relate to:
 - (a) restricting the contraction in range of the red squirrel
 - (b) increasing the density of the red squirrel population
- The most secure red squirrel populations are located mainly in extensive Forest Service plantations.
- Red Squirrel preferred areas were identified in earlier N. Ireland Plan (2000) and these were intended to provide a focus for conservation measures including the targeted control of grey squirrels.
 - ▲ In 2010 the Forest Service in conjunction with the Squirrel Forum produced a new map of Red squirrel preferred areas on their property in Northern Ireland. These are generally located within the same areas as the previous plan.

The Grey Squirrel was introduced from England in 1911 to Castle Forbes in Co Longford. The estimated rate of expansion is approximately 2 km

per year. As a result the Grey is now more widespread than the Red with a recent notable expansion in Co Antrim.

A lot of debate has taken place regarding the impact of the Grey Squirrels on the Reds. One of the key factors in Britain appears to be the presence of the oak trees in woodland where both species compete for food. Grey control is central to the conservation of the Red Squirrels. Northern Ireland Environment Agency has produced a best practice guide for trapping Grey Squirrels.

The other major factor in the decline of the Red Squirrel has been the spread of the Squirrel Pox virus. Grey Squirrels carry the virus and are largely immune to it while the majority of red squirrels infected with the pox virus die within a week of being infected. Squirrel Pox has recently been identified in Red Squirrels in Tollymore Forest (March) and Glenarm (May). Cameras have been installed to try to detect infected squirrels, feeders have been removed to prevent disease transmission, and a public awareness campaign has been underway. NIEA has also commissioned a one-year research project at Queens University to look at transmission of the disease and distribution of squirrels.

The Northern Ireland Squirrel Forum was formed to bring together statutory and non-statutory organisations as well as representatives of Country Parks, private landowners, local volunteer organisations dedicated to protecting the Red Squirrel and more recently local Councils. NIEA chair the meetings which take place 4 times a year. The Northern Ireland Squirrel Forum currently has 60 Members from various backgrounds and 6 Red Squirrel volunteer groups:-

1. The Glens Red squirrel group
2. Tollymore Red squirrel group
3. Lagan Valley Red Squirrel group
4. Derry and Strabane Red squirrel group
5. Fermanagh Red squirrel group
6. West Tyrone Red squirrel group

Details of each of these groups and the forum in general can be found on a dedicated page which can be found on the NIEA website.

NIEA have supported these groups in a number of ways:

- Provision of Bushnell field cameras to Tollymore Group
- Facilitation of grant aid application for an additional 24 cameras
- Providing funding for supplementary feeders in the Glens
- Assistance to Tollymore and West Tyrone Group on their squirrel weekends in past years
- Assistance to Belfast Zoo staff on both Sat and Sun in their squirrel weekend this year.

- Offered possibility of trap loaning scheme
- Provision of 30 traps for Shanes Castle Estate

- Agreement with Larne Council on trapping Grey Squirrels on their property, including Carnfunnock Country Park. NIEA are keen to get more Councils involved following the success of this initiative.

Public perception is a problem with the general public not aware or uncomfortable with what is required to solve the situation. NIEA believe that this problem will be best resolved at a local level, and through the forum they have been able to involve groups that are on the ground communicating and participating in projects to protect the Red Squirrel.

Council members thought a media campaign focusing on the Red Squirrel as an iconic species dating back to prehistoric times and explaining the difficulties the Greys are causing would educate and help to get the general public involved. They felt that there was need to develop a programme for schools. The work that the local council Biodiversity Officers was doing was commended, but it was felt that this situation called for a dedicated resource, providing education, facilitation and focus on this species. It was recommended that lessons could be learnt from experience in Great Britain, including the Red Alert programme in Northumberland and the pox outbreak in Red Squirrels at Formby.

The work of the squirrel groups was commended, and it was felt that these provided an excellent model for public engagement and involvement in wider biodiversity issues. The involvement of some groups in looking for Pine Martens showed that members could easily be encouraged to monitor other species. It was important that they are encouraged and shown that they are genuinely achieving something.

The Chairman thanked Mr Declan Looney for the presentation, with CNCC endorsing the actions taken by NIEA.

7. MINUTES OF 134TH MEETING HELD 1 JULY 2011

The minutes of the 134th meeting were agreed and signed.

8. MATTERS ARISING

8.1 Statement of Policy on the Management of Country Parks.

Member's comments were forwarded to Mr Bleakley.

8.2 Final Modiolus Report from QUB

The final copy of the report was forwarded to MWG

8.3 PPS 2: Natural Heritage Consultation paper

Chairman has submitted consultation response following comments from members.

8.4 White Paper on Enabling Legislation for National Parks

Mr Seymour reported on the Minister's initiative to identify possible candidate National Parks in parallel with the development of the enabling legislation. Through NIEA he had set up an Expert Panel of four members who would be meeting in early October to draw up a shortlist of the strongest candidate areas, based on the criteria set out in the White Paper. The results of their deliberations would be brought to CNCC for discussion, and it was proposed that a special meeting of Council should be called for late October.

Council questioned the timing of this exercise while the consultation on the White Paper was still under way, particularly with regard to the criteria that were to be used to select the potential areas. Mr Seymour said that this was a Ministerial decision, and NIEA was complying with his wishes. Concern was also raised about the top down approach being undertaken without a parallel bottom up exercise.

In discussion on the White Paper the following points were raised;

- ▲ The need to produce a concise one-page summary of the points raised
- ▲ The need to present CNCC's vision for National parks in a N.Ireland context
- ▲ The unacceptability of political appointees to governance bodies
- ▲ The potential problem of devolving planning powers to local councils
- ▲ The potential for funding access through future agri-environment/rural development schemes
- ▲ The need to stress the huge opportunity that National park status offers to the farming community, who are the guardians of the cultural landscapes
- ▲ The need to stress that planning powers are an essential part of designation
- ▲ The success of the bottom up approach in creating the Fermanagh Geopark

The chairman agreed to incorporate these points into a response which would be circulated to members with a final opportunity for comment before submission.

Action: Draft response to consultation

Chairman

8.5 CNCC Peatland Conservation Strategy.

The Chairman has produced and circulated the first draft to members for their consideration, and key personnel within NIEA have been consulted. Some responses are still awaited.

Action: A final draft to be prepared before the next meeting Chairman

8.6 Wind Turbines.

The Chairman, Deputy Chairman and Chairman of the Planning and Legislation Working Group met Planning Service to discuss the planning process for wind turbines. The following issues emerged:

- ▲ The scale of applications coming forward is unprecedented. This includes both windfarms, which are referred to Planning Service centrally, and single turbines which are dealt with by regional offices.

CNCC has not had the capacity to deal with the number of applications and the vast EIAs that accompany each one. Planning Service and NIEA are also struggling to keep up. Planning Service believe that developers are targeting NI which is perceived as having a less stringent planning system.

- ▲ There is a strong sense that upland landscapes in the west of the province are now saturated with wind turbines.
- ▲ Consistency of approach is difficult when several different planning offices are involved in different parts of the country. This has also proved an issue with the Planning Appeals Commission, with different Commissioners giving contradictory judgements.
- ▲ Interpretation of the phrase 'in the over-riding public interest' in PPS18 is often at the root of this problem. While wind generation is in the public interest that does not mean that an individual windfarm is.
- ▲ Quality of EIAs is a real problem, with many having incomplete data, or a failure to recognise a major issue concerning the site in question. Seeking further information inevitably slows the process significantly, and developers blame Planning Service or NIEA for what is actually their own fault.
- ▲ Development of windfarms on peatland, and the question of what constitutes 'active peat' as used in PPS18.
- ▲ The disconnect in planning terms between development of turbines and the grid infrastructure to distribute the power generated.
- ▲ The failure of Forest Service to take advantage of its excellent infrastructure of forest roads to make land available for wind turbines and thereby boost its income dramatically. In Wales the Forestry Commission now earns more from wind turbines than it does from timber sales.

Mr Seymour reported that the Minister had put in place a Planning Forum, with five smaller working groups, to deal with specific issues. He had been asked to chair one of these groups that was considering Renewable Energy developments, and windfarms and single wind turbines in particular, with a remit to bring forward proposals for improved handling of planning applications for the development of infrastructure. These five groups will report back to the Minister with their findings and recommendations by mid-October.

8.7 CNCC 8TH Report

The Chairman reported that he had made little progress on this matter.

9. CHAIRMANS BUSINESS

The Chairman expressed his disappointment at being unable to meet with

the Minister, despite requests to his private office both via NIEA and directly. It was hoped that a meeting would be arranged in the near future.

He asked Mr Seymour to report on a number of issues that the Council had been following with interest:

- ▲ Modiolus Restoration Plan – The Minister was taking a much more robust attitude than his predecessors and was seeking a meeting with the DARD Minister. He had also met fishermen on Strangford Lough to listen to their views and explain the approach he was intending to take. A meeting between DARD and NIEA officials was planned with the intention of developing a revised Restoration Plan by the end of November.
- ▲ The Wildlife and Natural Environment Act – guidance on the Biodiversity Duty laid out in this legislation was being developed by NIEA in discussion with Environmental Policy Division. Council expressed itself unhappy with the length of time that this process is taking.
- ▲ Marine Conservation Zones - Two staff have been appointed to work on the Marine Conservation Zones. They will meet with CNCC's Marine Working Group on a date to be arranged.

10. SHALE GAS

Dr Tony Bazley (CNCC) made a presentation to Council on the extraction of shale gas by hydraulic fracturing ('fracking').

Tamboran, a company based in Australia are of the opinion that there is the potential for a natural gas project in the Bundoran Shale rock formation between 500m to 1,500m deep below parts of Leitrim, Cavan, and Fermanagh. The initial work programme involves gathering, assessing, and reprocessing data collected by prior explorers, collecting surface samples for analysis, obtaining rock chippings at shallow depths from sample boreholes. They hope to obtain a licence to undertake exploratory drilling in 2012-13, obtaining rock samples from the centre of the shale formation with a 1,000m sample borehole. If this shows the presence of shale gas in sufficient quantities Tamboran hope to have up to fifty drilling rigs in operation on both sides of the border from South Fermanagh to North Leitrim. No gas drilling can take place until Spring 2013 at the earliest.

The visual impact would involve a series of about 100 2-3 hectare industrial sites where drilling and hydraulic fracturing would take place over 12-18 months, when the gas would be tapped off, leaving a very low key site. The gas (>90% methane) comes out at low pressure, requiring no major on-site development. The area has the potential to provide 20% of Ireland's gas for between 20 and 50 years.

Other environmental concerns include heavy traffic on rural roads during the drilling and fracking phases, and the possible impact on tourism, though the main focus will not be in the major tourist area of Fermanagh.

Council raised a number of issues (Responses in italics):

- ▲ The route of pipelines. *These would generally follow roadsides. The pipes would not carry liquid gas, and the gas would be at low pressure.*
- ▲ The materials needed to construct the drilling pads would need to be quarried and imported to the sites.
- ▲ Water contamination. *This has proved to be an issue in the USA, but there should be no danger if the wells are properly constructed with adequate concrete sheathing to well below the water table.*
- ▲ Water usage. The fracking process uses significant quantities of water. *This should not be a problem in Fermanagh, and much of the water is recovered and re-used in the next drilling.*
- ▲ Disposal of potentially contaminated waste water. *Suitable sediment and purification treatment will have to be devised and installed.*
- ▲ Emissions of gas. *This should not be a problem with well constructed wells. The risk is much lower with the gas at low pressure.*
- ▲ The French ban on fracking. *Largely a result of intense lobbying by the nuclear power industry which is very powerful in France.*
- ▲ The risk of earth tremors. *The area involved is not known for tremors, unlike NW England. Tremors are possible, but are normally no worse than a heavy lorry passing by.*
- ▲ Potential takeover of Tamboran by a larger company with lower environmental standards. *A strong and effective licensing and inspection regime should ensure that environmental conditions are adhered to.*

The Chairman thanked Dr Bazley for his interesting presentation. He felt sure that the Council would be considering this development again before long, and welcomed the opportunity to become acquainted with the issues raised.

11. CNCC WORK PROGRAMME

Details of the forthcoming work programme were distributed to members

12. MEMBERS REPORTS

Mr Hughes attended a meeting of the Lagan Valley Regional Park.

Mr Hughes is also to liaise with Mr Larry Tohill who is organising a workshop on Managing Wildfires, and will circulate details to members.

The Deputy Chairman informed members of a very interesting conference he attended in Sheffield, entitled Animals, Man and Treescapes. Speakers included Oliver Rackham and Frans Vera. Of particular interest were papers on:

- ▲ The dynamic nature of woodland, and evidence that beneath many areas of 'ancient woodland' lie Neolithic fields.

- △ The Knepp wildland project involving 3,600 acres of the Sussex Weald, fenced off and grazed by deer, ponies, cattle and pigs.
- △ The creation of a 6,000ha wilderness on polder land with no human intervention.
- △ The inevitability of change in our woodlands

14. GENERAL INFORMATION

14.1 Events List No. 122 distributed

14.2 Details of consultations completed were circulated

15. ANY OTHER BUSINESS

Northern Area Plan

The Chairman reported on an article from a local paper in Ballycastle, voicing concern over relaxation of planning restrictions in the wider area around the Giant's Causeway World Heritage Site, announced immediately before the opening of the public enquiry into the Draft Northern Area Plan. He undertook to find out more about this issue.

P. J. Casement

2/12/11