

COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE

122nd Meeting
Portrush Town Hall on the
26 June 2009

Present:

Mr P Casement, Chairman
Mr P Archdale, Deputy Chairman
Dr T Bazley
Mr M Hill
Mr D Hughes
Mr J Jackson
Dr H Kirkpatrick
Mrs L McCullough
Mr S McGregor
Mr R Northridge
Mr J Simpson
Mr A Upton

In Attendance:

Mr G Seymour	NIEA
Mr M Wright	NIEA
Dr G Thurgate	NIEA
Dr A Cooper	University of Ulster
Mr J Corrigan	Criminal Justice Inspection
Ms B McAlister	Secretariat
Mrs S Neal	Secretariat

WELCOME

The Chairman welcomed Dr Alan Cooper of the University of Ulster and Mr James Corrigan of CJI.

1. APOLOGIES

Apologies were received from Mr J Anderson, Mr B Black, Mr M Campbell, Mr J Campbell, Mr P Dorrian, Dr R Horton, Mr A Lonergan, Professor B Smith.

2. PRESENTATION ON 'NI COUNTRYSIDE SURVEY: Broad Habitats

Dr Cooper informed Council that the NI Countryside Survey was a field-based sampling programme with a time-series 1986, 1998 and 2007. The survey covered 288 quarter kilometre grid square samples with standardized field survey protocols. Primary habitats were mapped with species, structure and management records. A field manual will be available shortly on the NIEA website. Dr Cooper reported that the locations of sample areas are confidential. The survey was previously entirely paper based and was mapped by pacing out with no GPS used unless in uplands. Each parcel was labelled on the map using a unique code which corresponded to the paper record.

The paper recording sheets featured Woodland, Semi natural, Agriculture and landscape features.

The field procedure for NICS2007 was fully digital, with all paper-based recording replaced by electronic field data loggers and dGPS.

Aims of Presentation

- What is Northern Ireland Countryside Survey?
- Show how we estimate Broad Habitat area
- Describe recent changes in habitats
- Assess the ecology and drivers of change

Reporting tables and Interpretation

- Broad Habitat area: 1998, 2007 (trends), net change and significance (variability)
- Broad Habitat loss and gain (stability)

- Transitions between each Broad Habitat (ecology)
- Primary Habitat transitions (ecology)
- Spatial distribution: lowland and upland land classes

Improved Grassland BH05 (573,010 ha)

2007: 3% increase

1998: 33% increase

- Continuing trend of increase
- Overall gain mainly from
 - Neutral Grassland BH06 (less-intensively managed)
 - Arable and Horticulture BH04 (arable crops)
- Losses also occurred, mainly to
 - Built up Areas and Gardens BH17
 - Broadleaved, Mixed and Yew Woodland BH01 (broadleaf tree planting)

Neutral Grassland BH06 (231,116 ha)

2007: 12% decrease

1998: 32% decrease

- Continuing trend of decrease
- Main loss was to
 - Improved Grassland BH05
 - Built up Areas and Gardens BH17
 - Broadleaved, Mixed and Yew Woodland BH01 (broadleaf planting and succession)
- Primary Habitat loss: Species-rich dry grassland S01 (shrub regeneration and agricultural conversion)

Bog BH12 (160,902 ha)

2007: 2% decrease

1998: 8% decrease

- Continuing trend of decrease
- Reduced loss rate: sustainability progress?
- Loss mainly to Broadleaved, mixed and yew woodland BH01 (bog-edges)
- Some evidence of decline in condition at the upland margins?
 - decrease of *Sphagnum* and *Calluna*
 - increase of *Vaccinium*

Bog is the third most common habitat in Northern Ireland.

Broadleaved, Mixed, Yew woodland BH01 (81,699 ha)

2007: 28% increase

1998: 9% increase

- Range: established and transitional (scrub) woodland
- Continuing trend of increase
- Tree planting into Improved Grassland BH05 and Neutral Grassland BH06
 - agro-forestry? - amenity?
- Habitat succession
 - threat to small biotopes (species-rich grasslands, wetland, heath and bog)
- Succession on felled conifer sites
 - temporary

Built up Areas and Gardens BH17 (74,098 ha)

2007: 30% increase

1998: 16% increase

- Continuing trend of increase
- Building largely over Improved Grassland BH05 and Neutral Grassland BH06
- Agricultural land loss issue?
- Wide range of semi-natural habitats built over (small area)

Coniferous Woodland BH03 (60,617 ha)

2007: 2% loss

1998: 12% gain

- Felling and planting rotation predominant
- Felled sites: increase of Broadleaved, Mixed and Yew Woodland BH01 (temporary)
- Increased Broadleaved, Mixed and Yew Woodland BH01 (burned and wind thrown sites)
- Planting over species-rich wet grasslands
- Potential threat of afforestation to habitat diversity in the marginal uplands

Arable and Horticulture BH04 (48,917 ha)

2007: 15% decrease

1998: 25% decrease

- Continuing trend of decrease
- Arable crops were converted mainly to Improved Grassland BH05
- Issues - birds and invertebrates?

Fen, Marsh and Swamp BH11 (47,255 ha)

2007: 11% loss

1998: 19% loss

- Range; rush-dominated peats (mainly), species-rich wet grasslands and water-inundated habitats
- Continuing trend of loss
- Loss to
 - Broadleaved Mixed/Yew Woodland BH01 (tree planting)
 - Coniferous Woodland BH02 (tree planting)
 - Bog BH12 (poor quality) – process?
- Increase in species-rich wet grassland: influence of “extensification”?

The increased grassland is of poor quality

Biodiversity issues

Agriculture, Forestry and Building

- Industrial record of biodiversity impact?
- Quantify biodiversity objectives for land use change scenarios?
- Land use impact at the lowland/upland margin?
- Habitat fragments in the lowlands?

Succession processes

- Define end-points conservation objectives?
- Management effort to maintain habitats?

If there is no industrial history we need to determine what sort of conservation objectives and management measures we require.

NI Countryside Survey

Progress on biodiversity

- Reported separately by government sectors

Countryside industries

- Limited records of habitat change maintained

NI Countryside Survey

- Assesses how farming, forestry and building influence change
- Gives “round-table” scientific, ecological context for strategic land use decision-making

Council commented on the large changes and asked if there is an effect from climate change. Dr Cooper noted the survey conducted showed no immediate effect of climate change. Council raised the question of whether this information was being used in economic analyses. Dr Cooper stated the information is available and it would be helpful to identify ownership of land to make the information more useful. Council raised the issue of the high loss of agricultural land. Dr Cooper referred back to the volume of land loss. Another issue raised by Council was the loss of inland rock. Dr Cooper stated there is a very small portion of actual rock and that this category comprises mostly bare ground. In response to a question on habitat fragmentation Dr Cooper reported they have done some work on fragmentation and have detected changes in some semi natural habitats and the simplification of some habitats. Council raised the issue of influence of afforestation and the effect on biodiversity. Dr Cooper reported that the Forest Service has been very helpful and information would be available to show the effects on biodiversity. Short rotation coppice had been recorded for the first time on three plots.

The issue of land-take in the road building programme was raised. Dr Cooper stated that in order to assess the impact they needed a certain amount of road development within the information data. This could not be guaranteed through the sampling method. Dr Cooper responded to the question on under grazing that the report information on scrub colonisation indicates that this is taking place, particularly in wet habitats and in the uplands, but is slower at higher elevations. Dr Cooper reported they have field surveyors working on grassland records to compare to 1992 survey results.

Dr Cooper reported the project has two more years to run, but stressed the importance of continuing this long-term survey. Press releases are being prepared and Dr Cooper noted he was keen to prepare joint press releases with NIEA. Dr Cooper recommended the development of a land use policy and asked for the Council's support on this initiative. NIEA stated this is extremely useful information and it will be used to bring forward the ASSI priority declarations. Mr Seymour reported there will be a State of Biodiversity report published in 2010 which would include the NICS findings. Council will push forward the very positive messages from the report.

The Chairman thanked Dr Cooper for his presentation and the very useful information.

3. INSPECTION OF ENFORCEMENT IN THE DOE

Mr Corrigan's presentation focused on enforcement in what was EHS and Planning Service. The CJI Report was conducted two years ago in 2007.

As background to the report Mr Corrigan explained that:-

- CJI has a statutory remit to inspect the criminal justice agencies and a range of other organisations which have a criminal justice function
- Examining the interface between the DOE/Agencies enforcement & regulatory activities and the criminal justice system. Role of enforcement in protecting the environment.
- Review of Environmental governance published a few months prior to our report. Led to the setting up of the NIEA. RPA leading to changes in planning including enforcement.
- CJI report published in October 2007. DOE action plan published in 2008. Follow-up review scheduled for end of 2009.

The report's main conclusion was that compliance and enforcement is not providing an effective deterrence to hard core offenders engaged in profit-motivated environmental crime.

The main issues identified were:-

- Confusion within DOE regarding compliance/enforcement approach
- Lack of communication (e.g. enforcement policy)
- Few cases for prosecution
- Sanctions not deterring offenders
- Inequalities

The report recommended that there needed to be improvement in:

- Leadership
- Structures
- Core CJS skills
- Joined-up action
- Specialist legal jurisdiction
- Application of the polluter pays principle

The next steps would be:

- Follow-up review later this year to assess progress against each of the recommendations
- Publish report on website in early 2010

Improvements are required at a high level with a clear level of intent at policy level.

Core CJS skills are required and there are a number of initiatives to increase this skills level.

Council raised a number of issues.

How does Northern Ireland compare to England?

Mr Corrigan reported that they looked for comparison with England, Wales and ROI. The common element is the European Union. The other regions are working at a faster pace and there are more serious crimes committed in Northern Ireland than in other regions and we were slow to realise the problems and then address the issues.

Illegal dumping and the need to challenge attitudes in Northern Ireland

Mr Corrigan reported on *Better Regulation and Enforcement Policy* from DOE and the associated enforcement and sanctions activities. A Statement of Intent was required from the Minister and the Department.

The upcoming changes of the RPA

Mr Corrigan reported that there needs to be clear structure, skills and power to enforce sanctions. Resources are an important element. It was pointed out that the Waste Bill would duplicate some powers. Mr Corrigan commented that CJI has no role on this Bill.

Council would like to see the responses of EHS and Planning Services; they recommended that planning and enforcement should remain together.

The role of the judiciary in setting penalties that are genuinely deterrents

Mr Corrigan stressed that the judiciary do co-operate with the CJI, but need to be handled carefully as they are very mindful of their independence. He suggested that a combination of fines, confiscation of assets and the payment of rehabilitation costs is the most effective deterrent.

Sustainable development - can it be included in the work of CJI

Mr Corrigan stated this may be incorporated at a later stage.

Polluter Pays Principle – what is the status of this issue?

Mr Corrigan reported the tax and rate payers are currently paying. Mr Seymour stated it is the principle that should be applied. For example NIEA have pushed to have ASSI sites restored.

Council are keen to see the follow-up results of the report and would welcome a presentation from the Environmental Crime Unit at a future meeting. The Chairman noted that the Chairmen of the three SACs are working together on a joint approach to environmental crime.

In the follow-up report the CJI will look at reasons why cases have been dropped and if necessary will bring in a specialist prosecutor to review cases.

The Chairman thanked Mr Corrigan for his presentation and for the very useful and informative discussion that followed.

4. MINUTES OF THE 121st MEETING HELD ON THE 8th MAY 2009

The minutes of the meeting of the 8th May 2009 were agreed.

5. MATTERS ARISING

5.1 Badgers

The Deputy Chairman, Mr A Upton and Ms H Kirkpatrick attended a meeting with DARD at Dundonald House for the Wildlife Members of the Wider Stakeholder Group on 4 June 2009. The purpose of the meeting was for an update on progress. The Deputy Chairman informed the Council that two surveys on badgers were discussed. The cost of doing survey work is considerable and they were awaiting the outcome of business appraisals and will recall group again when the results are available.

Members of the Council felt that there was a lack of transparency of reports and that no questions were satisfactorily answered and also that there was a feeling of information being withheld. The Chairman pointed out that DARD had set tight conditions of confidentiality on the discussions, but that Council was getting virtually all of the relevant details that were emerging from these meetings.

The two proposed surveys are:

- (i) The Prevalence Study. A licence had been granted by Minister, Mr S Wilson, to take sufficient badgers (up to 1,000) to enable the prevalence study to be carried out.
- (ii) Case Control Study. DARD were to look at farming practices within an area where TB was common, comparing farms with reactors with those that had remained clear of TB.

The Chairman and Deputy Chairman of CNCC would be meeting with Minister Gildernew on Monday 29 June and the issue of badgers would take up most of the agenda.

5.2 Climate Change

The Chairman thanked members for their comments. The Chairman will edit the CNCC paper on climate change and will send the paper to the new Minister.

Action: Write to Minister Chairman

5.3 RIPPLE Project

RIPPLE project's river action plan was distributed to Council.

5.4 ASSI Proposals

Mr Wright stated that these sites were at risk with North Woodburn in particular having an unprecedented series of finds of rare bryophytes. Of these, the most notable recorded was Prickly Earth-moss. North Woodburn is the only site in the UK for this species. It is hoped that continued sensitive management of the area will ensure that the rich assemblage of species is maintained.

NIEA reported all reservoirs have been surveyed and monitoring is key.

Council endorsed the proposals of the three reservoirs

Caledon and Tynan ASSI Proposal

Caledon and Tynan is an area of very open parkland with a very large number of ancient trees. Caledon and Tynan are privately owned estates planted in the 17th century. The trees are old with dead wood that provides habitat for a whole range of species. The trees are growing in wide open habitat and live longer and die naturally. Caledon meets the criteria on its own for ASSI with a large number of veteran and ancient trees and Tynan contains Sweet Chestnut avenues and has a fen around the lake.

Some of the site management issues are:

- Tree roots
- Grazing/poaching/slurry
- Dead Wood
- Shading
- Water quality

Issues raised on Tynan by Council were as follows:

The area has been extensively modified and is still changing. There is a need to monitor this carefully. A proposal to reinstate the Ulster Canal was known to council members and they were concerned regarding the risk to the surrounding trees. The woods around the trees are unmanaged. There is a need to produce a woodland management scheme. There was no mention of natural regeneration and there is a real case for regeneration. NIEA stated there is a general approach on conservation and it protects what is there at the moment. Mr Seymour stated that the list of Notifiable Operations had to be comprehensive as they do not know what the future holds for these sites. It was also stressed that it was important to have contact with the landowners. NIEA confirmed to Council that landowners are informed of the possibility of an ASSI but they do not know the extent of the proposal.

NIEA are working with the National Trust to develop a joint approach for the management of Crom estate to preserve the parkland there. The lessons learnt will be incorporated into management of Caledon and Tynan.

Council endorsed this proposal.

NIEA reported there were 6 areas of parkland included in the study. Council look forward to the presentation of the other sites.

Council noted they were pleased to see the variety of ASSI's (now including bryophyte sites).

The Chairman thanked Mr Wright and Dr Thurgate for their presentation.

8. GRANT- AID UPDATE

Mr Seymour provided a submission to the Minister who has approved it. NIEA have opened their Grant Programme. Mr Seymour apologised for not providing a table of grants which were given by NIEA last year.

Council discussed possible shortfall in grants and noted that NIEA were going through a process for reviewing grants to ensure the budget was not exceeded.

The Chairman would like to request Aecom (Faber Maunsell) to carry out a study into the value of natural heritage grants. The Deputy Chairman told the committee that the grants programme could be quantified quite easily in terms of benefit. Chairman and Deputy Chairman were going to set up a meeting with Aecom.

Mr Seymour informed committee that the current programme had developed out of a comprehensive review about three years ago. Mr Seymour is to provide a copy of this review to the Deputy Chairman.

Action **Copy of Grants Review to P Archdale** **Mr Seymour**

S McGregor commended the Chairman on his letter to the Minister regarding Grant Aid.

9. CNCC WORK PROGRAMME

The Chairman informed committee of the large number of consultations coming through at present and that he may call on them for support in replying to them.

The secretariat diarised and tracked the incoming consultations and CNCC do respond to a wide range of environmental statements, particularly for windfarms and major infrastructure projects.

10. CNCC WORKING GROUPS AND REPRESENTATIVES ON OTHER GROUPS

The Chairman informed committee that the list was now completed and everyone should now know which groups they are on.

CNCC had one withdrawal from the Marine Working Group and the Chairman asked members if they were interested in this working group to let him know. CNCC were relying heavily on Bob Brown and Dave Erwin who are co-opted members on this group at the moment. There was a lot going on in this group at the moment with the Marine Bill coming forward and the marine environment being outside of devolved administration.

11. FIELD VISITS

Chairman informed members of the recent field trip to Baronscourt. He is writing a report on this field trip and will circulate to members of Council.

Action **Circulate report on Baronscourt field trip** **Chairman**

The next field trip will be on 28 July to Ballinderry.

The field trip on 24 August to either Lough Foyle or Carlingford Lough was discussed and it was agreed to go to Lough Foyle as Derry is the Loughs Agency headquarters.

The Chairman discussed with members the draft programme for the proposed field trip to North Wales on 3rd and 4th September. The Chairman thanked the Deputy Chairman and B McAlister for their work in drawing up the programme and for making the contacts in Wales. Chairman told committee that members would be flying to Wales as the ferry times were not suitable on this occasion.

Mr Seymour suggested that one or two staff from NIEA go on this field trip. Chairman asked secretariat to circulate the draft programme to committee members and asked members to sign up if they were interested.

Action	Circulate draft programme to members and prepare attendee list	Secretariat
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12. FABER MAUNSELL / AECOM PROJECTS

The Chairman and Deputy Chairman informed committee members of the stage of work on these programmes.

Chairman informed members that there was still a lot of the research budget to spend. If CNCC do not spend this budget by the end of next March it will be lost.

Chairman and Deputy Chairman will be looking for further projects and asked committee to let them know if there was anything particularly relevant for research to let them know.

Action	Members to submit topics for Research projects to Chair/Deputy Chair	All members
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13. REPORT FROM WORKING GROUPS

The only group which have met since the last full council meeting is the Marine Working Group. J Anderson, Chairman of this working group will provide a report on current issues.

Action	Circulate report on Marine Working Group	J Anderson
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Members of this working group had a long session on the SEA Scoping document for Marine Renewable Energy. This scoping document was compiled by Faber Maunsell / Aecom, who did an equivalent scoping document for Scotland a couple of years ago. There was a lot of discussion at this meeting around the data from the tidal generator in Strangford. David Erwin was able to update them on some of the developments at Strangford. The turbine is able to operate at a much lower tide speeds than what was originally predicted and the implications of that are very wide ranging. Basically this scoping study was only going to look at tidal energy at a few tide races around the coast and the work that is coming out of Strangford now indicates that there are a vast number of sites that will be much more suitable and much easier for installation of the tidal turbines than the very fast races, which also happen to be biodiversity hotspots. Chairman informed council that they now wanted them to widen this study out to cover these sites.

The Chairman informed committee that Strangford Lough Pot Fishery was also discussed at the Marine Working Group meeting. There is a very stringent set of measures to be brought into Strangford Lough with individual licences for pot fishing. At the moment if you are granted a Pot Fishing License it is applicable to the entire United Kingdom and you can fish as many pots anywhere you like once you have the license. Periodically, people from Scotland and the Isle of Man appeared in Strangford with large numbers of pots and just set them down and cleaned up everything. These new measures will set a limit and every pot will be tagged. If the fisheries vessel finds an untagged pot it will be confiscated. They are also looking at the design of fishing pots to ensure that they catch only certain sizes of crustaceans.

The Marine Working Group also had a discussion on the River Basin Management Plans.

The Working Group also had a brief discussion on whether CNCC should be inputting feedback into the Common Fisheries Policy. P Casement and P Archdale advised that a lot of very good work was ongoing at JNCC on the Common Fisheries Policy and CNCC could utilise that. They also stated that they had a paper from JNCC with the strategy for the 2012 Common Fisheries Policy and they would circulate it if members are interested.

Action	Circulate JNCC Paper on Common Fisheries Policy to members	Deputy Chairman
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The Inshore Fisheries Review was also discussed and the Deputy Chairman has spoken to Paddy Campbell of the Fisheries Division about issues he has in relation to shellfish fishing. The Chairman hopes to get Joe Breen along to talk about this at a future Council meeting.

Members of Council then discussed how often working groups met and how this was dictated by the work that comes along for each group.

14. MEMBERS REPORTS

The Chairman thanked all members who produced reports.

In particular, the Chairman thanked Professor Bernard Smith on his report on his visit to a conference in England entitled Geodiversity in a Changing Climate.

The Chairman is concerned about how Northern Ireland is dealing with geodiversity – not just the rocks but also the landforms and geomorphology.

The Chairman and Deputy Chairman have raised this issue with JNCC where a high amount of assistance to the Geological Conservation Review has been given by them in Britain. Whereas, in Northern Ireland the NIEA is tied in with the Earth Science Conservation Review and the Chairman felt that Northern Ireland was not getting good service from JNCC. Mr Seymour said that Northern Ireland was catching up with geological sites. The Chairman informed the committee that CNCC had commissioned a paper from Faber Maunsell about a year ago. CNCC would need to revisit this.

The Deputy Chairman informed the committee on his meeting with the Forest Service. The Deputy Chairman has minutes and he offered to forward these on to committee members who were interested in this.

Action	Circulate Forest Service minutes to members	Deputy Chair
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15. ANY OTHER BUSINESS

15.1 Long documents

Mr M Hill commented on the number of long documents being sent to members in the electronic mail system. It was agreed that the secretariat would provide hard copies when requested of large documents. There was also the question of filtering out unnecessary documents but this was quite difficult for the secretariat.

15.2 Aecom/FM Reports

J Jackson commented on the fact that he had not seen any Faber Maunsell reports coming through recently. The Chairman informed members to ask for any reports in which they have an interest.

15.3 National Parks

Mr Seymour informed members that there would soon be an announcement on National Parks from the Minister. The Minister intends to proceed with National Parks legislation. The Chairman advised members that he has arranged a meeting with the Director of NRPD to talk about PPS18 and National Parks.

15.4 NAAONB Conference Coleraine

Mr Seymour informed members of the National Association of AONB conference taking place in Coleraine. The Chairman also said he would be attending this conference.

15.5 Green Tourism

Members discussed the lack of green initiatives in tourism in Northern Ireland. Green initiatives were not part of the current marketing strategy of Northern Ireland Tourist Board. The Chairman informed members of council that he would write to the Chairman of NITB on the issue of green tourism and also invite Mr Hastings to give a talk to CNCC on this issue.

Action Write to Chairman NITB Chairman

15.6 Floods Directive – Stakeholder Working Group

The Deputy Chairman informed members that he had attended the first meeting of the Working Group. He informed members of the importance of CNCC being involved in this group.

15.7 A2 Limavady to Derry

S McGregor raised his serious concern to council regarding the cutting of hedgerows and trees on this stretch of road and the resultant damage to wildlife. The Chairman said he would write to Road Service on this and asked S McMcGregor to provide details of when the hedgerows were cut down and whether there was any breach of guidelines.

Action Write to Road Service Chairman

15.8 Presentation evening for Cyril Francey

The Chairman said that a date of 26 August in the evening had been set for Cyril Francey's presentation evening. The Deputy Chairman has been collecting donations for a presentation gift. Committee members who wish to make a contribution to Cyril's presentation gift please send to Peter Archdale.

16. DATE OF NEXT MEETING

The next meeting is to be held on the 29 September 2009 at Greenmount College.