

# COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE

## 123<sup>rd</sup> Meeting Loughrey College, Cookstown on the 27 October 2009

### Present:

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

### In Attendance:

Mr G Seymour	NIEA
Ms D Stevenson	NIEA
Mr J Warnock	NIEA
Mr R Weyl	NIEA
Mr M Bradley	NIEA
Mr I Enlander	NIEA
Mr K Bradley	PEPG
Ms B McAlister	Secretariat
Mrs S Neal	Secretariat

### 1. APOLOGIES

Apologies were received from Mr B Black, Mr M Campbell, Mr M Hill, Dr R Horton, Mr R Northridge and Professor B Smith.

### 2. MINUTES OF THE 122<sup>nd</sup> MEETING HELD ON THE 26<sup>th</sup> JUNE 2009

The minutes of the meeting on the 26<sup>th</sup> June 2009 were agreed.

### 3. MATTERS ARISING

#### 3.1. Climate Change

The Chairman will finalise the submission for the Minister.

Action	Send submission to Minister	Chairman/Secretariat
--------	-----------------------------	----------------------

Mr Richard Weyl, NIEA reported he will be bringing a paper to the Uplands Biodiversity Delivery Group on climate change and biodiversity which will include a consideration of windfarms on peat. Mr Andrew Upton will be attending the upcoming meeting and will report back to Council. CNCC enquired about an update from NIEA on the issues on peat. NIEA confirmed that although the current policy prepared in 1993 is outdated there are no plans to prepare a new policy statement on peat. Ms Diane Stevenson is currently preparing a paper on peat extraction on designated sites and NIEA would welcome a good policy steer from CNCC on the preservation of peat.

#### 3.2 Designated Areas of ASSI

The Chairman reported that concerns had been raised that nature conservation designations of parkland had conflicted with the appearance of historic landscapes as evidenced by the debate over the Crom estate in Fermanagh. This is relevant to the proposed ASSIs at Caledon and Tynan. The Chairman reported that he hoped to organise a meeting with NIEA built and natural heritage and landowners to discuss the issues before further declarations were made. NIEA advised there is a need to be sensitive on how this is handled with landowners.

#### 3.3 Grant-Aid Update

NIEA provided a copy of the comprehensive review as requested to the Deputy Chairman.

#### 3.4 JNCC strategy paper for the 2012 Common Fisheries Policy.

Deputy Chairman circulated the JNCC paper to members.

### 3.5 Forest Service

Deputy Chairman circulated the Forest Service minutes to Council.

### 3.6 Green Tourism

Chairman to write to Mr Hastings, Chairman of NITB inviting him to present to CNCC.

**Action Write to Chairman, NITB Chairman**

### 3.7 A2 Limavady to Derry

Chairman had been due to write to Road Service about the cutting of hedgerows and trees on this stretch of road. The cutting was preparatory to major road works to convert this section of the A2 to dual carriageway.

### 3.8 Lisnaragh ASSI

Mr Seymour reported that Lisnaragh ASSI has now been redeclared.

### 3.9 CNCC Field Visit to Strangford

Chairman reported the issues of sea level rise have been incorporated into the climate change paper.

### 3.10 Badgers

The Chairman reported that a meeting of the Wider Stakeholder Group scheduled for 30<sup>th</sup> September had been cancelled as DARD had nothing new to report. The proposal for the Prevalence Study is with DFP who were yet to make a decision on funding.

The Chairman and Deputy Chairman met with Minister Gildernew on 29 June. The meeting did not really add anything significant. The Minister appears to be not particularly comfortable with the snaring of badgers and would like to see an All-Ireland policy on badgers. The Chairman reported that he had been informed that all badger culling in Republic of Ireland had stopped and this may be for financial reasons. Mr Anderson reported that he had spoken with Mr Harold McBride on the vaccination of badgers, which seems to offer promising results in controlling TB. Members had received a copy of the licence and a copy of letter addressed to Mr McBride (former member CNCC) from DARD regarding the manufacture, sale and use of snares. Mr Anderson raised a number of questions regarding the wording of the licence. Mr Seymour will provide clarification on the licence questions.

**Action Provide clarification on Badger Licence**

**Mr Seymour**

### 3.11 Glenarm Quarry

The chairman reported the consultants were seeking a new meeting and correspondence is expected shortly. The Chairman reported that HBC received information on an upcoming seminar on the project and they have written to Larne District Council to request involvement in the seminar.

### 3.12 AONBs

Mr John Anderson raised the question of information received by NIEA with regard to whether AONB boundaries could extend beyond low water mark. NIEA will provide a copy of the advice it had received.

**Action Provide legal opinion on seaward extent of AONBs**

**NIEA**

## 4 CHAIRMAN'S BUSINESS

- 4.1 The Chairman reported that the September meeting was rescheduled due to the funeral of Mr Brian Murphy. The Chairman wanted to pay tribute the amount of time and hard work that Mr Murphy had contributed to CNCC. Mr Murphy was the first person in the role of DARD observer with CNCC and remained in the role for many years. The Chairman stated that even as an observer Brian played an important part in CNCC from the beginning.

The Chairman was very appreciative of the guidance provided by Mr Murphy during his Chairmanship and noted that this wonderful man will be desperately missed.

- 4.2 The Chairman reported that the NI Biodiversity Report was launched on 26<sup>th</sup> October and that Dr Bob Brown will be presenting the report at CNCC's December meeting. Copies were distributed to members at the meeting and the Chairman asked all members to review prior to Dr Brown's presentation in December.
- 4.3 The Chairman reported that CNCC had submitted a response to Planning Service in reference to planning application S/2006/0640/0 – Land at the rear of No.126 Hillsborough Road – for a hotel within Lagan Valley Regional Park. The planning application had been brought to the Chairman's attention by CNCC co-opted member, Mr Harold McBride. It has now been reported that the planning application has been withdrawn.
- 4.4 **Fishing Exclusion Zones – Strangford NDZs**  
 The Deputy Chairman had circulated a digest of the points from DARD prepared for the ARD Committee in September on the proposed fishing exclusion zones in Strangford Lough. The ARD meeting was attended by a group of Strangford fishermen and DARD did not seem to get the response expected from the Committee. NIEA will be meeting with DARD before DARD return to the Committee with best options and seek approval from both Ministers. NIEA reported that Minister Poots will be meeting with the fishermen in November at the request of the fishermen's group.

CNCC reported there could be renewed European infraction over this issue. Mr John Anderson reported he had listened to the audio recording of the Committee's meeting minutes and commented that the Committee members had a poor understanding of the issues and had given DARD very little time to present their case. A recording of the meeting will be circulated to the Marine Group for further discussion. The Marine Working Group will review this issue.

A date for the next ARD Committee meeting has not yet be confirmed. The Committee have requested DARD provide more information. CNCC proposed two courses of action. 1) Invite Liam McKibben to attend the Marine Group to discuss further, 2) CNCC to prepare a letter to Liam McKibben outlining their concerns.

**Action Follow up with DARD and report back to Council NIEA**

## 5 NIEA – DARD Consultation Exercise – Administrating NICMS 2008 Tranche

Ms Diane Stevenson and Mr James Warnock presented a paper to Council outlining the key outcomes and findings from NIEA's close partnership with DARD over the delivery of the NI Countryside Management Scheme (NICMS) (2008 tranche) Ms Stevenson and Mr Warnock reported that NIEA were tasked with designating national and internationally important sites. A government commitment has been made through the Sustainable Development Strategy to ensure 95% of site selection features of these statutory designated sites are in, or approaching favourable condition by 2016.

As of mid September 2009, 284 ASSIs have been declared. Current monitoring highlights that overall 31% of sites are in unfavourable condition. However, 56% of habitat site selection features have been shown to be in unfavourable condition. The majority of these habitats require some form of active management.

A review of the legislation led to the introduction of the Environment Order (2002) with stronger protection and greater ability to develop positive management agreements. A more proactive approach (through the MOSS scheme) has been reasonably successful with 124 MOSS agreements now in place but resource constraints have resulted in low numbers of agreements.

This caused NIEA to re-evaluate how it protects and manages designated sites. An opportunity arose to work with DARD on the delivery of NICMS 2008 and this relied on the 'stepping up' process to deliver a higher prescription to manage the 'desired' habitat.

The 'stepping up' process is working and will eventually demonstrate recovery. NIEA handled over 500 of the applications during the assessment period and responded to each with one of 4 options for improvements; it also provides guidance and training to DARD staff.

The total area of land within designated sites covered under the 2008 NICMS tranche was equated to approx 5.1% of the total area of designated land within Northern Ireland and relates to approx 12.2% of the terrestrial component of Natura 2000 sites. NICMS is delivering appropriate management and the exercise set the foundation for the Remedies approach by demonstrating successful environmental benefit and managing change through working with key partners.

DARD is currently spending £650,000 per year targeting appropriate management in ASSIs and this could rise to c£1m in future if NIEA is able to direct it's spending on sites which do not qualify for NICMS. Next steps will see NIEA considering the first draft of a Designated Site Management (DSM) policy which would incorporate the Remedies partnership approach.

The success of the approach taken with NICMS had encouraged NIEA to consider a wider application to other bodies such as Forest Service and Northern Ireland Water, and to wider countryside beyond protected sites.

Questions were raised by Council about monitoring, trialling different prescriptions for similar sites, value for money, Special projects and the value of GIS.

The Chairman thanked Ms Stevenson and Mr Warnock for their presentation.

## **6 REVIEW of the NI PRIORITY SPECIES**

Mr Weyl reported that a review of the Northern Ireland priority species list is currently being undertaken by the recently established Northern Ireland Species Delivery Group. Mr Weyl noted that it is very useful to bring this information to CNCC before NIEA present to NIBG for sign off.

Mr M Bradley reported that in the process began in 1995 with the publication of the UK Priority Species list containing 451 species. In Northern Ireland a list of recommendations involving 72 species were presented to Government by the Biodiversity Group in 2000. In 2004, there were concerns over the conservation status of a number of species and this list evolved into the priority species list. The 2007 review of the UK list resulted in inclusion of 1150 species. The NI review is currently ongoing and data is being provided by experts and volunteers and it is predicted that it will contain 430 priority species. There are significant increases in species as more data is available.

The selection is based on 7 criteria:-

- Listed as a UK Priority Species
- Rapid decline (2% per year)
- Decline (1% year) with Northern Ireland being a stronghold
- Rare – confined to a small population of one or two sites in Northern Ireland with Northern Ireland being a stronghold
- At least 20% of international population of species or well-recognised subspecies occurring in Northern Ireland
- Irish Red Data Book species classed as critically endangered, endangered or vulnerable
- Red-listed species in either Ireland or the UK Birds of Conservation Concern

Not all of the priority species will require individual action plans. Instead NIEA intend to adopt a signposting approach with delivery through Habitat Action Plans, Site Management Plans, survey and research, and thematic action e.g. on invasive species.

NIEA are proposing to produce an audit trail and back-up for all species and criteria for selection. Mr M Bradley reported that the UK is reviewing the mechanisms for grouping species together. There is a need for more research on some species to provide further information and the reasons for decline. NIEA are proposing reviews as and when information becomes available.

NIEA are seeking CNCC's approval on the proposed approach for identifying priority species and will be presenting to the Northern Ireland Biodiversity Group for sign off on the 18 November.

CNCC emphasised the need to ensure delivery of actions rather than more paperwork and discussion and supported the signposting project.

CNCC recognise that NIEA are using base-line data for some species but asked how NIEA will address the lack of data. NIEA reported that information is gathered from various sources including CEDaR and during the ASSI process. Ultimately this will allow NIEA to identify the required conservation action. CNCC suggested the use of Gap Analysis to identify serious gaps in our knowledge. Particular concerns were raised about vascular plants, and suggested that NIEA should liaise with county recorders to improve the level of data provided, which is often purely qualitative.

The issue of climate change was raised, with concern about the inevitable changes in distribution and abundance of many species. Little information is available at present, but some activities such as moth recording are beginning to show some changes.

CNCC endorsed the recommended approach.

The Chairman thanked Mr Weyl and Mr M Bradley for their presentation.

## **7 ASSI PROPOSALS**

Mr Ian Enlander presented an update on the proposed Galboly ASSI which is a multifeature site. Mr Enlander reported there are two distinct areas within the proposed site which is causing problems when trying to set boundaries. NIEA are proposing to opt for a standalone Earth Science ASSI site for the smaller coastal area at Cloghastucan and remove it from the Galboly site. This will achieve better conservation delivery.

CNCC endorsed this recommendation and feel this is a sensible and practical approach.

Mr Ian Enlander of NIEA presented five new Earth Science ASSI proposals for the Council to endorse. He stated that the full Earth Science program will be presented to CNCC at a future dedicated session.

These are part of the Priority List of 200 ASSIs for the ten year period 2007 – 2016. These were especially fragile sites and more particularly threatened. NIEA hope to have 440 sites declared by 31 December 2016.

### **Larkhill**

Larkhill is an exposure of the oldest rocks in Northern Ireland and is seen as a potentially vulnerable site. The site provides exposures of pegmatite veining and was once a source of raw material for Belleek pottery. The site has 2 elements of exposure, a laneway cutting and a trench associated with the pottery extraction. NIEA confirmed they will monitor the small scale stone removal by the landowner from the former exposure.

Council noted that this site has quite unusual veins and it is good to see them protected. It is a very important site and a possible tourist opportunity through a geo-trail.

### **Butterlope Glen**

Butterlope Glen is a glacier melt water channel with exposed Precambrian rocks, the youngest at the top of Glen and the oldest at the north end. The site is in an area of rough grazing and while under no particular threat the site is important geologically in establishing stratigraphic correlations within Ireland and between Ireland and Scotland.

Mr Enlander confirmed CNCC's written comments will be incorporated into the papers.

### **Loughermore Mountain**

This is an exposure of Precambrian rocks from the Claudy Formation, lying on the northern part of the Sperrin Overfold.

The site is within a landscape much changed by forestry with a degree of vulnerability from forestry, illegal dumping and landfill.

NIEA are not aware of any threat from windfarm applications and reported that this type of solid geological site is not viewed as suitable for wind turbine locations.

CNCC recommend NIEA state specifically how the "notional" boundary is delineated.

### **Ederny Quarry**

The site is a disused quarry with exposure of rocks from the Carboniferous age, and includes the type locality of the Ederny Limestone Member of the Ballyshannon Limestone.

There is stratigraphical interest and this is a very important site for tectonic history. The boundaries take in the extent of the quarry and spoil areas.

### **Drumbally Hill**

This disused quarry represents the best example of exposure of Desertmartin limestone formation and the most northerly outcrop of Asbian limestones in Northern Ireland. It is very overgrown and it would require targeted management intervention.

CNCC recommended the need for synergy between departments to promote ASSI sites for tourism opportunities. NIEA confirmed there are links in place to promote sites and reported they handle enquiries from local area school teachers who are aware of the sites and request access for educational purposes.

NIEA confirmed to Council that funding is available through the MOSS programme to undertake site management and to make sites fit for purpose and reported that full exposure is not required on all sites.

Council endorsed the 5 site proposals.

The Chairman thanked Mr Enlander for a very professional presentation.

## **8 GRANT- AID UPDATE**

Mr Seymour introduced this item and the paper from Maia Taylor and requested confidentiality as some applicants had yet to be informed in writing of the outcome of their applications. The NIEA paper circulated to Council highlighted the outcomes of the 2008 grants programme and provided a snapshot of the projects supported by NIEA. Mr Seymour reported that most grants are sought for a 3 year period and each application is assigned, ranked and are scored against rigorous criteria. Mr Seymour reported the programme was oversubscribed but he did not expect any additional funding to become available.



- 3 Planning Service consultations received – response due 22/1/10 - Mr Jim Jackson will review to determine if response from CNCC is required. Mr Jackson reported the consultations are based on the English set up which flopped but were not withdrawn.
- Proposed Changes to Householder Permitted Development Rights
- Proposed Changes to Non-householder Permitted Development Rights
- Proposed Permitted Development Rights for Microgeneration Development
- Mr Dermot Hughes requested copy of Microgeneration consultation

**Action                      Distribute consultation papers as requested                      Secretariat**

- Update to the 2005 Detergent Regulations – due 21/1/10
- Independent Review of Public Policy – Dr Hilary Kirkpatrick will review to determine if response from CNCC is required.

**Forecast of major work**

RPA implications

Deputy Chairman raised the issue of RPA implications and reported that the SAC group held a meeting with Mr Ian Maye, Under Secretary on 28 September. The SAC raised various issues including the concern for the level of environmental expertise within the system and suggested the idea of the formation of a group similar to CNCC to oversee assessment of SEA. The SAC group will prepare a recommendation to Mr Maye after the SAC meeting in early December. Other issues discussed covered enforcement and the coastal zone management and marine bill.

Regional Development Strategy – Inter-departmental consultation October, prior to Executive clearance, then public consultation “before Xmas” (consultation events in each of the 11 new council areas)

Regional Transportation Strategy – postponed to 2010. Will be higher level and encompass Accessible Transport Strategy, SDS elements & existing RTS

New strategic energy framework expected from DETI soon, with promotion of renewables and energy efficiency

Offshore wind & marine renewables Scoping Report – due 10/09 (3 months consultation)

PPS 2 (Planning & Nature Conservation) – to Minister & Executive Oct, then 4 months consultation, but delayed “due to legal opinions”

PPS 20 – not on the radar. How do we make sure it is covered in RPA/Planning Reform?

Loughs Agency Strategic Implementation Plan - Shellfisheries & aquaculture licensing – 9/09 – no information to date

**Council Forward programme**

14 December Council Meeting Agenda Items

- Presentation from Jim Kitchen, Sustainable Development Commission
- PPS2
- 2<sup>nd</sup> NIBG Report – Dr Bob Brown

Presentation to WG Chairs (before next plenary)

NIEA Environmental Crime Unit

Later meetings

Presentation from Ian Raphael, DRD, on Regional Development Strategy

**10 CNCC WORKING GROUPS**

**Upcoming working group meetings**

5 November, Agri Environment & Forestry (Hill Street) 10:30 – 12:30

9 November, Marine & Coastal, (Calvert House) 10:30 – 12:30

13 November, Access and Amenities, (Calvert House) 10:30 – 12:30

10 December, Chairs Group (Calvert House) 10:30 – 12:30

Date for Ecosystem & Area Designation working group in progress.

## 11 FIELD VISITS

Chairman's reports on field visits conducted over the last few months had been circulated via email to Council. The Chairman noted that the field trips allow CNCC to see first hand how organisations implement and monitor environmental projects and thanked the Department for their continued support for these visits. The Chairman thanked Mr Archdale and the Secretariat for their organisation of the field trips.

Mr Ken Bradley reported that the Department is revisiting the proposed legislation for National Parks in Northern Ireland and discussions are ongoing. A paper will be presented to the Executive before year end. The paper will be presented to CNCC when approved by the Executive.

Mr Bazley reported that during the visit to the Cors Goch Nature Reserve in North Wales he obtained an excellent geological leaflet of the site but unfortunately the local people were unaware of the facts. Mr Bazley suggested this type of information could be used for ASSI sites and AONB in Northern Ireland.

Deputy Chairman commented that biodiversity exists because of the geology and recommended that NIEA should review how they could incorporate all features into these sites.

The Chairman reported the Council's January meeting usually involves an overnight meeting to incorporate a short field trip followed by Council meeting the following day and requested suggestions from members for possible locations. The Chairman stated a business case would be prepared and submitted to the Department for review and recognised the pending implications of a reduced budget.

Deputy Chairman will prepare and circulate the Ballinderry field trip report.

<b>Action</b>	<b>Prepare and circulate report</b>	<b>Deputy Chairman</b>
---------------	-------------------------------------	------------------------

- 11.1 The Chairman welcomed Mr Ken Bradley from PEPG to the meeting. Mr K Bradley has taken over from Ms Margaret McClenaghan as of 1 October. Mr K Bradley reported that the Department is faced with a reduction in budget and the Department are looking closely at PEPG staff resources and has imposed a restriction on travel and conference attendance and any unsigned contracts will not go ahead. The Department are proposing a major reduction in the sponsorship fees for JNCC. Mr K Bradley asked CNCC to share the budget cuts and reduce costs where possible. Mr K Bradley confirmed funding for Council meeting and the Secretariat will continue.

The Chairman reported that the two areas of major expenditure for the Council were the EEAC membership and the AECOM contract which is due for renewal next year.

The Chairman offered an open invitation for Mr K Bradley to attend future meetings.

## 12 AECOM REPORTS

Deputy Chairman reported that there are 14 reports in variety stages of development and these will be reviewed by the relevant working groups and that 3 reports have been completed and agreed. Deputy Chairman thanked members for their input and is currently reviewing potential new report topics

The research project endorsed by Council on Windfarm Energy and Carbon Footprint at the June meeting was commissioned by the Department.

The Council endorsed the AECOM brief for Single Dwellings in the Countryside.

<b>Action</b>	<b>Submit final brief to PNRD for commissioning</b>	<b>Secretariat</b>
---------------	-----------------------------------------------------	--------------------

Mr Seymour noted that these reports were extremely good value for money and the reports were commissioned with a purpose and were a very efficient way to receive advice on topical issues and offered a clear outcome on providing advice and recommendations to Government.

**13 REPORT FROM WORKING GROUPS**

Mr Anderson will prepare an update report after the upcoming Marine Group meeting and circulate to Council.

<b>Action</b>	<b>Prepare and circulate report</b>	<b>Mr Anderson</b>
---------------	-------------------------------------	--------------------

**14 MEMBERS REPORTS**

Members reports were circulated to Council.

**15 CNCC 8<sup>th</sup> REPORT**

Chairman stated he was preparing an outline for the report to reflect the important work of the Council and the working groups. He will also look for ways to get the timing of the report in sync with the tenure of Council.

**16 AOB**

**16.1 NIBG Chair**

Mr K Bradley reported that Dr Bob Brown's tenure as Chairman of the Northern Ireland Biodiversity Group would come to an end on 31 January 2010 and an advertisement will appear in the press on the competition.

**16.2 Wildlife & Environment Bill**

Mr K Bradley reported he hoped the finalised Wildlife & Environment Bill will be presented to the Executive towards the end of November. Mr K Bradley confirmed the biodiversity duties will not be diluted and the Department would welcome comments from CNCC and will bring to the January meeting.

**16.3 Presentation to Mr C Francey**

Chairman is trying to set up a meeting with Mr C Francey to present a farewell gift from the Councils and this may possibly occur at the December HBC meeting in Hillsborough.

**17 DATE OF NEXT MEETING**

The next meeting is to be held on the 14 December 2009 at Greenmount College.