

# COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE

## 127<sup>th</sup> Meeting Portora Royal School, Enniskillen on the 7<sup>th</sup> May 2010

### Present:

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

### In Attendance:

Ms D Stevenson NIEA  
Mr T Waterman NIEA (Items 1-6)  
  
Ms B McAlister Secretariat

### 1. APOLOGIES

Apologies were received from Mr J Anderson, Mr B Black, Mr M Campbell, Mr D Hughes, Mr S McGregor and Prof B Smith.

#### 1.1 Declaration of conflict of interest issues

Mr Andrew Upton and Dr Hilary Kirkpatrick declared an interest in the letter received by CNCC from Heather Thompson, CEO of Ulster Wildlife Trust.

### 2. MINUTES OF THE 126<sup>th</sup> MEETING HELD ON THE 12<sup>th</sup> MARCH 2010

The minutes of the meeting on the 15<sup>th</sup> January were agreed and signed.

### 3. MATTERS ARISING

#### 3.1. Natural Heritage Grant-Aid Programme

Council received a paper on the 2009 outcomes and Criteria for 2010 for review and discussion. Ms Stevenson introduced the paper pointing out that EA are expecting to have £850k to start the programme at the end of May. The focus will be on outcomes that are beneficial for the environment, with halting biodiversity loss as a key target. The criteria will be reviewed over the coming months with a view to revision for next year's programme.

The Chairman reported that NIEA and NIEL had appointed consultants to look at the issue of funding for the eNGO Sector and to identify opportunities for partnerships and collaboration. The results will be fed back into the review of the programme.

The following points were raised in the ensuing discussion:-

- Concern about the amount of funding available.
- Problems that might arise as a result of the timing of 3 year projects coinciding with major reductions in budgets.
- Concern about the lack of transparency in how the stated criteria are used to reach the final decisions on grant aid.
- Concern about the issue of double funding, particularly with reference to NICMS, where there may not be any overlap in the objectives or means of delivery.
- The diversity of different organisations applying for grant – eNGOs, AONB management bodies, and local authorities – and how priorities can be decided between them.
- The issue of whether there is a political mandate for expenditure in developing public access to the countryside. The counter-argument is that there is both a growing public demand and that access is critical to education and raising public awareness of the natural environment.

- The NHGP is producing wider economic benefits including tourism and public health for all of Northern Ireland, but the costs are borne entirely by NIEA. The possibility of sourcing funds from other departments should be explored.
- The need for partnerships between NGOs
- The need for local Councils to work more closely together to make better use of their limited funds. The uncertainty over RPA is exacerbating this problem by creating a mindset focused on the short term within Councils.
- The transfer of responsibility for Biodiversity Officers to new Councils under RPA would mean the transfer of funds which could come out of the NHGP budget.
- The possibility of banding within the grant structure to ensure that smaller projects and smaller eNGOs are considered as well as larger ones.
- The issue of funding landscape-scale conservation initiatives, which by their nature will involve several NGOs and other bodies and will require significant sums of money.
- Tapping in to the experience of the nature conservation agencies in the other devolved administrations in dealing with budget cuts.
- The need for a strategic review of all of NIEA's activities and an appropriate re-allocation of the limited funds.

Ms Stevenson responded by stating that NIEA are carrying out a visioning exercise with the intention of clarifying their strategic priorities and reviewing their funding provisions. The resulting vision document will go to the NIEA Board and CNCC will be given a chance to discuss it in the future.

Council recognised that managing the grants programme was a very difficult task with no easy solutions.

Council agreed to set up a working group to look at the paper on two levels, looking at short term priorities and then taking a broader look at the criteria of the programme and to prepare a response to NIEA on the paper.

The Working Group will include the Chairman, Deputy Chairman and Mr Upton.

On a related issue the Chairman reported that CNCC had received a letter from Heather Thompson, CE, UWT regarding 2 NNR sites that UWT manage on behalf of NIEA for which an annual fee is paid to UWT. The letter indicated a reduction of 25% in the project fee and this was received after the start of the financial year. NIEA had also reduced the budget for the NNRs that they managed themselves by the same amount. Council felt strongly that this was an unsatisfactory state of affairs because of both the large reduction in funding available for managing our most important nature conservation sites, and the timing and manner in which the cuts had been communicated to UWT. It was felt that this was particularly harsh for UWT who had much less opportunity for economies of scale. The outcome is unsatisfactory for nature conservation and for the relationships between NIEA and eNGOs.

The Chairman will write to request a meeting with the Minister to discuss the key issues and emphasise the need to start thinking strategically on how funding is awarded.

The Chairman will prepare a response to the UWT letter outlining CNCC's reaction.

<b>Action</b>	<b>Identify short term priorities and review criteria</b>	<b>Working Group</b>
<b>Action</b>	<b>Request meeting with Minister to discuss key issues</b>	<b>Chairman</b>
<b>Action</b>	<b>Prepare response letter to UWT</b>	<b>Chairman</b>

### 3.2. Sustainable Development Strategy

The Chairman reported that there are two separate groups, the stakeholder group and the sustainable development implementation group and representations have been fixed for the implementation group. Mr Anderson is the CNCC representative on the stakeholder group and a meeting is scheduled for 25<sup>th</sup> May for this group.

### 3.3. **Planning Service Consultations**

The Chairman reported that Council had received a letter from Ms Maggie Smith, PEPG and expressed concern on several issues, noting fears that National Park legislation is being introduced with no planning powers delegated to the park and CNCC have been excluded from early discussions on this legislation. CNCC have also been excluded from discussions on pending legislation for PPS2, Planning and Nature Conservation. The Chairman will follow up with PEPG to request a meeting to discuss these issues.

The Chairman reported that the Council's sponsors were due to contact Planning Service and DARD Countryside Management Branch on Council's behalf to re-establish observers from them.

**Action Follow up with PEPG and sponsor branch on issues Chairman**

### 3.4. **Business Plans and Balanced Scorecards**

The copy of the letter of 20<sup>th</sup> April from Council to the Minister on the issue of consultation response times was circulated to all members. Council will receive copies of 2010 – 2011 business plans and balanced scorecards from NIEA's Environment Protection Division, Planning Service and DOE PEPG when these documents are finalised.

Ms Stevenson will provide a copy of the CDP Operational Plan for circulate to members and confirmed that enforcement objectives are included in this plan.

**Action Circulate copy of CDP Operational Plan to members Secretariat**

### 3.5. **Proposal for Viking Village in Delamont Country Park**

A copy of the letter of 7<sup>th</sup> April from Council to Councillor Cadogan was circulated to all members.

Ms Stevenson stated that NIEA will be meeting with the Lecale Conservation Group on the 11<sup>th</sup> May and reported that an Article 6 assessment had been undertaken for the Viking Village project concluding no negative impact on the designated site. Amendments to the legislation would be required to meet the objectives of the Lecale Conservation group. Council remains concerned over the possible building of a slipway and dredged channel in Strangford Lough as part of this development.

### 3.6. **2<sup>nd</sup> Report on the NIBG**

The Chairman reported that the Department has prepared its response to the report.

### 3.7. **Designated Areas of ASSIs**

The Chairman reported that there had been a positive response to the proposed meeting and a meeting date was being finalised.

**Action Update on meeting Chairman**

### 3.8. **AONBs**

NIEA paper on Strangford and Lecale AONB Designation 2010 was received by Council. CNCC had been previously been consulted on this AONB and CNCC's recommendations have been incorporated into the paper.

Council welcomed the retention of the Lecale Area and note that this provides the foundation for a unitary management plan.

Council asked for an update on the designation of AONBs in Fermanagh. Ms Stevenson reported that the Marble Arch Caves Global Geopark has taken priority.

### 3.9. **CNCC 8<sup>th</sup> Report**

No report at this time on 8<sup>th</sup> report.

### 3.10. **Green Tourism**

The Chairman reported that Mr Alan Clarke and Mrs Laura McCorry, NITB presented an overview of the proposed Tourism Strategy to members of HBC and HMC on the 6<sup>th</sup> May. Unfortunately CNCC members were not available to attend this presentation. A future date will be arranged for a presentation to CNCC.

The Chairman thanked Dr Bazley and Mr Hughes for their input into Council's response to the Belfast City Council draft Belfast Integrated Strategy.

Council will prepare a response to the DETI consultation on the draft Tourism Strategy for Northern Ireland.

3.11. **Presentation to Mr Francey**

The presentation to Mr Francey is being arranged for early June.

4. **CHAIRMAN'S BUSINESS**

4.1 The Chairman reported that the SACs Chairs and Deputy Chairman will be meeting with the Heritage Council in Dublin on 12<sup>th</sup> May 2010. The Chairman reported that the Heritage Council has recently held a meeting with NIEA to discuss a cross border project on the landscape character assessment.

4.2 The Chairman reported that Council had received a consultation from Colin Buchanan Consultants on a supplementary guidance to PPS21 on siting, design and sustainability. The consultation is requesting views and comments on what the guidance should include. The Chairman will prepare a response on behalf of Council.

**Action Prepare response on Supplementary Guidance to PPS21 Chairman**

5. **COMPLIANCE WITHIN NATURAL HERITAGE**

Ms Stevenson presented an overview of designated sites and compliance. NIEA requested confidentially on the paper provided to Council.

Council appreciated the exposure to the regulation and compliance information and recognised the balance between compliance and prosecution and suggested the need to have a high level of publicity of successful prosecutions making clear the potential threat of severe penalties to offenders.

Ms Stevenson reported that following the conclusion of pending court cases, NIEA press office will launch a major press release and stated that press articles on the importance of ASSIs are ready for publication after the general election.

Council expressed their concern about the capabilities of many 'competent authorities' in making Article 6 Assessments and asked if there was some way that environmental NGOs could gain the status of competent authority through a benchmarking scheme. This could lead to a more rapid and less bureaucratic approach to management operations within ASSIs and Natura 2000 sites.

Ms Stevenson reported that NIEA have been meeting with competent authorities to outline their roles under the Habitat's Directive seeking to ensure that Article 6s are completed as required in line with the legislative requirement.

Council stated that there are quality assurance issues due to a lack of expertise, caused by statutory agencies and government departments securing the expert talent.

Council emphasised the importance of guidance notes and asked if NIEA were developing fresh guidance notes.

Ms Stevenson reported that in determining the impact of plans or projects on designated sites, a scientific assessment is made on the proposed activity; this forms the basis of the CDP casework decision and report. A guidance notes paper relating to the assessment of the impact of peat cutting within designations will be presented to CNCC at a later date.

The Chairman thanks Ms Stevenson for her presentation.

## 6. ASSI PROPOSALS

Mr Waterman of NIEA presented five new freshwater ASSI proposals for Council to endorse.

### **Tempo River**

The Tempo River rises near Dooneen Forest at an altitude of 190m, flows through Tempo town finally joining with the Colebrooke River before it enters Upper Lough Erne. The river runs through predominantly agricultural land and semi-natural woodland and is lowland riffle-and-run dominated with occasional deeper sections of glide.

Council recommended information on the crayfish population in the river should be included as a designation feature. Mr Waterman confirmed that NIEA will have up to date information on the Northern Ireland crayfish population within the next two years and this feature can be added to the designation at a later date. Council welcomed the fact that features can be added at a later date.

Council stated that there was no mention of the presence of European eels and recommended the need to draw attention to this in the designation. Mr Waterman confirmed that Eels will be added into the citation.

Council raised the issue of both natural and agricultural silting in the river which threatened pearl mussel beds and endangered the survival of young mussels. Mr Waterman confirmed the presence of silt in the water and in the beds and reported that discussions are underway with NIEA Water Management Unit to try and get the river into a good condition enabling recruitment to *Margaritifera* populations.

Council recommended the need to include the important issues of removal of gravel and water extraction from the river

Ms Stevenson reported that the Water Framework Directive may include this legislation. Mr Waterman will look into this.

Council endorsed the site proposal subject to recommendations being considered.

### **White Water River**

The White Water which has a catchment area of 4253.29ha. rises on the slopes of Slieve Muck and flows into Carlingford Lough near Greencastle. It is an outstanding example of an upland, oligotrophic (nutrient-poor) river in NI with very little human impact and in a highly natural state. It is of particular note for both the naturalness of the river channel, which exhibits all the physical attributes of in-channel features, flow and river bed types typical of the unaltered upland rivers, and the richness of its associated plant community. Adjoining stands of woodland enhance bank stability and provide food and shelter for associated animals. It is also an important salmonid river supporting Salmon *Salmo salar*, Brown trout and Sea Trout *Salmo trutta*.

Council endorsed the site proposal.

### **Lough Macrory**

Lough Macrory is a mid-altitude lake with steep slopes on three sides and within 1km of the lake shore. Peat substrate dominates the south and west shores of the lake in the form of sheer peat face. This sterile peat substrate results in this area of the lake being devoid of macrophyte growth. Marginal mixed substrates dominate the remaining shoreline with sand along the north shore and silt in the open water. The diverse aquatic plant community is characteristic of unpolluted water bodies with low levels of plant nutrients and is comprised of rosette-like species with Shoreweed *Littorella uniflora* abundant along the shore and in the shallows and Quillwort *Isoetes lacustris* in deeper water. Beyond this are the Greater Water-moss *Fontinalis antipyretica*, Canadian Pondweed *Elodea canadensis* and Perfoliate Pondweed *Potamogeton perfoliatus*. In addition, dense beds of Water lobelia *Lobelia dortmanna* occur below the *L. uniflora* zone where the east shore of the lough drops off at an acute angle.

Council recommended core sampling for sediment to assess the impact of the disposal by NI Water of flocculant containing high concentrations of aluminium over an extended period.

### **Lough Anierin**

Lough Anierin is a mid-altitude lake generally surrounded by hill slopes. The lake margins around the western half of the lough are predominantly peaty while the eastern half is a mixture of sand and rock (gravel, cobble and boulder). In the south west corner the peaty substrate is covered by a submerged root mat. Silt occurs in the deeper water. The diverse aquatic plant community is characteristic of unpolluted water bodies with low to medium levels of plant nutrients. The eastern end of the lake shows the typical species zonation for this lake type with Shoreweed *Littorella uniflora*, Water Lobelia *Lobelia dortmanna* and Quillwort *Isoetes lacustris*. The lough is also characterised by a fringe of emergent swamp and fen with *Phragmites australis*, *Schoenoplectus lacustris* reed beds and *Juncus acutifloris* and *Carex rostrata* in the margins. Stands of submerged and floating vegetation *Potamogeton natans* and *Nymphaea alba* are found in the open water.

NIEA confirmed they have mentioned the need for sympathetic forestry in the VAM and have made direct reference in the Conservation Objectives to the adjacent conifer plantation and the need for NH to liaise with Forestry Service on management

### **Lough Cowey**

Lough Cowey is a low-altitude inter-drumlin lake sited within an arable and pastoral farming landscape. The aquatic plant community is species-rich and characteristic of a naturally eutrophic lake with moderate levels of nutrients and thus high natural productivity. This community appears to have been very stable over a long period.

The Lough is used as a top-up reservoir by NIW, and concerns were raised about abstraction in periods of drought which could lower water levels below a critical limit. NIEA confirmed that the Water Management Unit set limits through licences.

Council endorsed the three Lough proposals subject to recommendations being considered.

The Chairman thanked Mr Waterman for his presentation and for including the principles of river selection with the papers which was very useful information.

## **7. CNCC WORK PROGRAMME**

The list of forthcoming events, pending consultations, forecast of major work was circulated to members.

## **8. CNCC WORKING GROUP REPORTS**

The Chairman reported that the Marine and Coastal working group met on the 5<sup>th</sup> May and received part of the presentation of the marine plans and the draft marine policy statements. The presentation on the marine bill was postponed. Council has submitted a response to the pre-consultation of the Marine Policy Statement. The Chairman reported that there was no progress to report on the no-disturbance zones for Strangford Lough and stated that he was not confident that anything will take place in the near future.

The Chairman reported that Council had received a response from the Minister on the issues raised by Council on the Marine Bill. The Minister confirmed that the DOE will be the Marine Authority. The letter was otherwise misleading in suggesting that Northern Ireland was on course to meet targets for marine nature conservation when this is patently not the case. The Chairman will respond to the Minister's letter and will request a meeting to discuss the issues further.

**Action Request meeting with Minister**

**Chairman**

## **9. MEMBERS REPORTS**

The Chairman thanked members for the reports and noted that he had prepared a report on the recent JNCC meeting and that full JNCC minutes would be circulated to members who request them.

**Action Circulate full JNCC minutes to members who request them**

**Secretariat**

The Chairman, Deputy Chairman, Dr Bazley and Dr Kirkpatrick attended a very useful workshop on the preparation of the NI Chapter of NEA and that Dr Kirkpatrick and the Chairman will be preparing articles for the Chapter. The Chairman reported that the NEA aims to put an economic value on ecosystem services as well as providing a picture of the state of our major habitat types and the threats and pressures facing them.

10. **GENERAL INFORMATION**

Council's event list and completed consultation responses were circulated to Council via email.

11. **ANY OTHER BUSINESS**

11.1 Dr Bazley reported the regrettable loss of a geologist post at NIEA.

11.2 Dr Bazley recommended that CNCC should be contributing articles to the JNCC Nature News magazine and the need to identify CNCC as the Northern Ireland body sitting on JNCC in the publication. The Chairman reported that the NI representatives on JNCC (Chairman, Deputy Chairman and Dr Bob Brown) are pushing to raise awareness of Northern Ireland environmental issues within JNCC. The Chairman will address these recommendations with Mr Marcus Yeo, JNCC.

**Action Discussion recommendations with JNCC**

**Chairman**

11.3 Dr Bazley raised the issue of a contingency plan for environmental accidents (e.g., oil spills) in Strangford or Belfast Lough following the oil spill in the Gulf of Mexico.

Ms Stevenson reported that NIEA regularly review contingency plans and a major exercise was undertaken within the last year.

The Chairman reported that he was aware that regular exercises were conducted and this was reassuring to know and emphasised that it is necessary to keep plans up-to-date.

The Chairman thanked Dr Bazley for raising these issues.

11.4 At the request of Council, reports, consultation responses and correspondence will be circulated in a timely manner to allow members to review prior to Council meetings.

11.5 Mrs McCullough extended her thanks to the Secretariat for preparing and circulating the glossary of terms which she noted was a very useful document.

12. **DATE OF NEXT MEETING** - 29<sup>th</sup> June 2010 will be held in the Manor Suite, Greenmount College, Antrim.