

COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE

133RD MEETING

AFBI COMPLEX DROMORE ROAD HILLSBOROUGH

9TH MAY 2011

Present:

Mr P Casement, Chairman
Mr P Archdale Deputy Chairman
Mr B Black
Dr T Bazley
Mr J Campbell
Mr D Hughes
Mr J Jackson
Mr R Northridge
Mr A Upton
Mr J Simpson
Prof B Smith

In Attendance

Mr G Seymour NIEA
Mr R Allen Secretariat
Ms B McCartan Secretariat
Mr K Bradley EPD
Mr D Mc Mahon EPD

1. APOLOGIES.

Apologies were received from Mr M Campbell, Dr R Horton and Mr J Anderson. Dr H Kilpatrick and Mr S McGregor were not in attendance. The Chairman stated that he will write a letter of condolence to Dr R Horton following the recent death of his mother.

2. DECLARATION OF INTEREST.

There were no areas of conflict declared.

3. NIEA PAPER ON TURF CUTTING.

Mr Seymour presented to Council a Position Statement on Peat Cutting at Designated Sites and he advised that the document sets out NIEA's approach to consent applications for cutting turf on ASSIs and does not impose a blanket ban on turf cutting. The paper is primarily a guide for field staff to help them make decisions. It allows for the removal of a small amount of turf for domestic use in some cases and consent can be refused if there is damage to the bog.

Council raised a number of issues :

- The political nature of the status of turf cutting, as evidence by the reaction to the halting of machine cutting in the Armoy area. Mr Seymour stated that the site in question was designated as a SLNCI and as such the operator did not have Planning permission to extract turf from this location and enforcement action is being pursued. The politicisation of the situation in the Republic of Ireland was also noted, where candidates had made turf cutting an election issue.

- Cross-border consistency. There appears to be no harmonisation of approaches in some areas, such as Slieve Beagh. Mr.Seymour pointed out that only parts of Slieve Beagh are ASSI, and that NIEA maintain a regular interchange of information with National Parks and Wildlife Service.
- Protection of non-designated sites, particularly from commercial exploitation for horticultural peat. Mr.Seymour pointed out that there is increasing protection through recognition of peatland as a priority habitat, as evidenced in the RDS and in Draft PPS2 Natural Heritage.
- The need to encourage a peat-free approach to horticulture. This is slowly happening, and the UK governments have agreed to phase out the use of peat on their estate by 2014. It was suggested that CNCC should write to the Peatlands and Uplands Biodiversity Delivery Group to encourage them to press for a halt to the use of peat in horticulture.
- The importance of peatland as a carbon sink, and the problem of carbon loss through oxidation when peat is exposed to the air. These issues should be stressed more explicitly in the NIEA paper

Action: Chairman to write to the Peatlands and Uplands Biodiversity Delivery Group.

The Chairman stated that CNCC had produced a Peatland Conservation Strategy in 1992 and suggested that this document should be re-visited and issued to the new minister. Council supported this suggestion and Mr Upton and Mr Hughes agreed to assist in a review of the document.

Action: A small working group to be set up to review and revise the CNCC Peatland Conservation Strategy.

The Chairman thanked Mr Seymour for presenting the document and Council agreed to endorse the paper.

The issue of the proliferation of windfarms on peatland was also raised. There was particular concern about the number of planning applications for wind farms in the West of the province. AONBs were being affected by these wind turbine sites both through cumulative effects and as additional power lines were required to connect them to the grid. PPS18 did not appear to be helping to protect AONBs from inappropriate development.

Another issue with regard to wind turbines was the growth of wind farms by applications for several individual turbines close to each other. This appears to be driven by changes in the planning fees regime.

Council agreed that a meeting between Council and the Planning Service be set up to discuss the planning process for wind turbines.

Action: CNCC to meet Planning Service to discuss planning process for wind turbines.

4. NATURAL HERITAGE GRANTS PROGRAMME.

Mr Seymour advised Council that it had been a difficult year for NIEA in relation to the grants programme. Recently the Minister had finalised the Department's budget for 2011/12. The budget for the Natural Heritage Grant Programme in the current year is £1.7 million where in previous years over £3 million had been spent. NIEA has continued to issue letters of offer since December 2010 and the NIEA will shortly be seeking applications for 2012/13.

Council raised a number of points:

- The overall impact on the environment of cutting grants. NIEA relies heavily on the NGO sector to deliver a wide range of actions
- The leverage effect of NIEA grant aid, enabling NGOs to source large amounts of finance from other sources.
- The potential for NIEA to act as a facilitator for NGOs to access other funds such as the European LIFE Fund.
- Other opportunities for funding. Mr. McMahan pointed out that the Barroso Task Force had targeted a 20% increase in European funds coming into NI. NIEA had recently held a seminar on funding opportunities in Newry which the Chairman had attended.
- The Envision report on funding opportunities prepared for NIEL. It was agreed to circulate this to Council members.

Action: Circulate Envision Report to Council.

Secretariat

Mr Seymour agreed to update Council at the July meeting.

Action: Update Council on Grants Programme at July meeting.

NIEA

5. MARINE SAC REPORT.

[1] Proposed SACs

Mr Seymour advised that the two marine SACs (Maidens and Skerries/Causeway) were late going to consultation because of the need for further consideration regarding the presence of harbour porpoise within the Skerries SAC. The consultation period had therefore been extended and responses from stakeholders are currently being considered.

He also stated that JNCC had written to NIEA about the SACs and had advised they did not have issues with the Maidens but that they could not support the inclusion of harbour porpoise at the Skerries/ Causeway SAC-proposal. JNCC stated that there were no other sites yet identified for the inclusion of harbour porpoise and that harbour porpoise does not currently qualify as feature for a SAC in UK waters. Mr Seymour advised that NIEA had responded to JNCC on this matter advising that the data supplied was adequate in its support of the presence of harbour porpoise and the case presented remains strong. CNCC Marine Working Group had looked at the issues raised by JNCC, and felt that NIEA had addressed them all. The evidence appeared strong enough to support the inclusion of Harbour Porpoise as a feature. Mr Seymour stated that NIEA would have to go back to the Minister or the Secretary of State regarding this SAC proposal. He pointed out that following designation there

is no mechanism to provide supporting additional data, so the Harbour Porpoise could not be added to the qualifying features. The Chairman advised that the situation was further complicated by the fact that Europe could take proceedings against the UK government for not protecting harbour porpoise if no sites included the species as a feature.

Council agreed to support the SAC and the inclusion of harbour porpoise in NIEA's proposals.

[2] Potential Infraction in Strangford Lough SAC.

Mr Seymour updated Council on the Strangford Lough infraction case: In February NIEA issued a response to the Commission and to date the Commission has not responded and is considering the evidence provided.

A meeting to sign off the final report from the Queens University survey team is to be arranged and a copy of the final report will be forwarded to the Commission. Two small fishing exclusions zones to prevent pot fishing have been established by DARD. However there does not appear to be any formal adoption of the Voluntary Code of Practice for pot fishing in Strangford Lough.

Regarding the seal population in Strangford Lough, Mr Seymour confirmed that there had been a decline in the common seal population.

NIEA is to provide an update at the next Marine Working Group meeting.

Council queried what action is been taken against the offenders who are constantly observed intertidal harvesting in SACs and ASSIs. Mr Seymour reported that there has been no substantive progress on the matter of intertidal harvesting and NIEA is to engage with DARD regarding legislation on this matter. Mr Seymour advised that NIEA receive reports of these activities however the department requires irrefutable evidence to bring any kind of case against the individuals concerned.

Council expressed concern and requested progress on a number of points on this matter:

- The impact on the ecology of the Lough. Harvesting on this scale cannot be sustainable as DARD Fisheries Division claim.
- inadequate tools to deal with this matter in terms of legislation and resources.
- the disturbance of the seals and other wildlife when this activity is being carried out.

6. BALANCED SCORECARD.

The Chairman advised Council members that he had agreed to Mr Seymour providing details of the Natural Heritage Directorate Balanced Scorecard as an agenda item. Mr Seymour explained that the Minister has not as yet signed off the targets.

He gave a brief overview to members on the targets set out in the scorecard, and invited comments from Council members when they had had an opportunity to study them.

7. MINUTES OF 132nd MEETING HELD ON 14th March 2011.

The minutes of the 132nd meeting were agreed and signed.

8. MATTERS ARISING

8.1 Regional Development Strategy [RDS] 2025

The Chairman thanked members for their input to the consultation response.

8.2 CNCC 8th Report.

The Chairman stated that due to a heavy workload he has been able to progress the report and he hopes to re-visit this matter shortly.

8.3 Decline of the Common Seal Population on Strangford Lough.

This item was discussed under item 5 of the main agenda.

8.4. State of the Seas Report.

The Chairman apologised to Council that he had been unable to respond to the paper and it was now too late to do so.

8.5 Planning Application at Runkerry.

The Chairman advised Council that he had forwarded a robust letter of objection to this proposal, on the basis that it ran counter to a significant body of planning legislation and PPSs. He thanked Prof. Smith for his help in preparing the response.

8.6 Natural Heritage Grants Scheme.

This item was discussed under item 5 of the main agenda

8.7 Wild Birds Directive

Council had responded to the Environment Committee on this matter.

9. CHAIRMANS BUSINESS.

The chairman had attended a seminar organised by IUCN in Bristol on Category V Protected Areas (Landscape).

He gave a brief outline and details of the seminar to members and agreed to draw up a report.

10. CNCC WORK PROGRAMME.

Details of the forthcoming work programme were distributed to members. The Chairman stated that a number of working groups will need to meet to discuss forthcoming responses to various consultation documents.

11. CNCC WORKING GROUP REPORTS.

The Chairs Working Group had met on 20th April.
The Marine Working Group also met on the 20th April.
Minutes from both meetings will be circulated in due course.

12. MEMBERS REPORTS.

Mr Jackson had attended an RTPi event re: PPS23 and PPS24 and copies of his report were distributed to members.
Mr Northridge reported that he had attended a meeting of Invasive Species Ireland. The situation with regard to the spread of invasive species, particularly in aquatic habitats, was of great concern.

13. GENERAL INFORMATION.

13.1 Events List.

Details were distributed.

13.2 Consultations completed.

Details were circulated.

14. ANY OTHER BUSINESS.

14.1 JNCC Visit 22nd to 23rd June.

Mr Seymour advised that members of JNCC will be visiting Northern Ireland on 22 June 2011 for a meeting on 23 June.
A reception will be held in the Hilton Hotel Belfast on 22 June at 6.00pm and members are invited to attend.
Further details of presentation and networking will be forwarded.

Action: Details of JNCC meeting to go to members Chairman/NIEA

14.2 Gorse Fires

Members expressed concern and frustration regarding the recent spate of gorse and heather fires which have destroyed thousands of acres of mountainside vegetation, significant hen harrier habitat in North Antrim, Mullaghcarn ASSI in Tyrone, and 11 square kilometres of vegetation in the Mourne.

Mr Seymour stated that NIEA recognised the seriousness of the fires and had staff on various sites to assess the damage caused.

Some reports were stating that the fires were started deliberately by arsonists while other reports cited farmers as starting the fires in order to clear scrub land in order to qualify for their Single Farm Payment subsidy.

The Ulster Farmers Union has reported that the "burning season" is over.

If climate change brings an increased frequency of significantly drier Spring seasons this could become a regular threat to upland ecosystems.

The Chairman said that this matter would be raised at the Farmland Biodiversity Group meeting on 24th May.

15. DATE OF NEXT MEETING.

The next meeting will be held on 1st July 2011.

The venue is to be confirmed.

The Chairman thanked members for their attendance.

