

COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE

114th MEETING TO BE HELD ON THE 29th FEBRUARY 2008 AT BELFAST CASTLE, ANTRIM ROAD, BELFAST

Present:

Dr L Blakiston Houston
Mr B Black
Dr B Brown
Mr M Campbell
Mr P Cregg
Mr J Furphy
Mr A Gibson
Mr M Hill
Mr J Jackson
Mr A Lonergan
Mr H McBride
Dr A McGarel
Mr J Simpson
Mr R Northridge

In Attendance:

Mr G Seymour, EHS
Prof H Platt, EHS
Mr I Enlander, EHS

Mr P Simpson, Deputy Secretary

Mr P Casement, Chairman Designate
Mr P Scott, DARD Observer

Mr C Francey, Secretariat

1. APOLOGIES

Apologies were received from Mr B Murphy, Mr D Hughes, Mr J Campbell, Mr P Warner and Mr J Anderson.

2. MINUTES OF THE 113TH MEETING HELD ON THE 10TH/11TH JANUARY 2008.

3. CHAIRMAN'S BUSINESS

3.1 Welcome

The Chairman welcomed Patrick Casement as the next chairman for CNCC and wished him and the council well. She also welcomed Mr Peter Scott as the official observer to council for DARD.

3.2 Thanks

The Chairman thanked members for their assistance and commitment to the work of Council during her term of office; it was greatly appreciated. She also thanked EHS staff for their cooperation and guidance over the last 6-years. The Chairman particularly expressed her thanks to Dr J Faulkner, former Director of EHS Natural Heritage, for his guidance and help in the early years of her chairmanship. She thanked the Secretariat for its outstanding service and support. Finally, she highlighted the unstinting support, help and advice she received from the Deputy Chairman, Mr Brian Murphy. He had been instrumental in taking forward many major issues considered by Council.

4. EARTH SCIENCE ASSI PROPOSALS

Mr Enlander introduced the paper on proposals for 4 Earth Science ASSIs i.e. Aughabrack, Cloghfin Point, Creevagh Hill and Mountfield Quarry. He outlined and illustrated the history and features of each site.

Members considered the proposals and raised points as follows:

4.1 Aughabrack

Members were concerned about the level of peat extraction, specifically any future commercial activity. Mr Enlander informed members that if this was the case it would be brought to the attention of Planning Service.

The qualifying features of this ASSI were geomorphological but any biological habitat of the site would probably be protected under PPS2 Nature Conservation.

4.2 Cloughfin Port

Council suggested that the boundary of the Gobbins pASSI should be extended southwards to include the newly identified features of geological importance at this site.

As a general comment members felt that there should be a higher profile for raising awareness of geological matters in Northern Ireland at international and global levels. Members suggested that there should be some form of celebration of Northern Ireland's geological sites which could be linked to the built heritage as well as the natural heritage. It might be useful to have a joint visit of CNCC/HBC/HMC to the Gobbins area to consider the issues. Mr Enlander informed members that progress had been made on an international scale and EHS would keep Council informed of developments.

Council agreed it would be useful to include the Gobbins area as part of its programme of field visits.

**ACTION: Consider extension of boundary
Update Council on possible international recognition
as necessary Ian Enlander
Include Gobbins in programme of field visits Secretariat.**

4.3 Creevagh Hill

Members noted that EHS is to maintain the site through appropriate negotiations with the owner.

4.4 Mountfield Quarry

Members noted that there is a house on this site and EHS would negotiate with the owner about the management of the site. There was some concern that the quarry could be re-opened, but EHS took the view that this was unlikely.

Council endorsed the proposal to designate Aughabrack, Cloughfin Port , Creevagh Hill and Mountfield Quarry as ASSIs.

5. SAC PROPOSAL

Prof Platt introduced the paper on the proposed ASSI/SAC for the River Faughan. He outlined some of the background involving the designation of Atlantic Salmon SACs and particularly the reserved opinion letter dated 15th December 2006 from the EC, in which it had expressed the view that there should be more river SACs in Northern Ireland. A review of Salmonid Rivers was carried out by Quercus in 2007 the outcome of which was based on rod catch. Dr Platt compared rod catch data for the faughan and Lower Bann and the chemical quality of the rivers. He advised that an assessment of the Faughan as an SAC had been carried out and EHS was recommending that the Faughan be added to the UK National List of SACs.

Mr Seymour explained that EHS met the EC in January 2008 to discuss the pending infraction case and it was evident that despite all the scientific evidence submitted to the EC it still required an additional SAC in Northern Ireland. The EC argued that the Faughan was as good as the River Roe SAC. EHS agreed to assess the Faughan for designation as an SAC. As a result the EC will not be referring the infraction case to the European Court of Justice. EHS has presented a timetable to the EC for establishing the SAC and the work has to be completed by the 31st August 2008. Mr Seymour informed members that he would welcome Council's views on the proposal for an ASSI and the proposal to add the Faughan to the National List of SACs.

In discussion, a number of points were raised as follows:

- Members noted the argument that 80% of the Salmon resources in Northern Ireland were protected was not entirely accepted by the EC. Nonetheless, the Chairman expressed the view that it was important to bear this figure in mind in considering any further additions to the proposed designated sites for Salmon.
- Council noted that the boundary of the SAC fell short of taking in the confluence with Lough Foyle. Prof Platt pointed out that the SAC can only include freshwater and must not include tidal waters. However, he felt that there was a strong case for the boundary of the ASSI to extend to Lough Foyle
- There was some concern expressed about the water quality of the Faughan and the effectiveness of buffer boundaries and the impact of tributaries on the water quality of the main channel. It was noted that there would be a 2metre boundary along the main channel except in areas where the river adjoined semi-natural habitats.
- Members were concerned that there could be threats to the waters once the site is designated as a pASSI and before the official designation takes effect. They enquired if the river can be protected in the meantime. EHS advised that there was no provision in the legislation to enable EHS to do this. However, EHS pointed out that any water quality issues could be addressed under the provisions of other legislation.
- There was also the question of influences on water quality from outside the designated area and members felt that it would be useful to have adequate

boundaries or buffer zones to prevent this. EHS informed members that it tends not to use such buffer zones but can control this through other appropriate steps. This could also be covered by the WFD and Nitrates Directive. The Chairman advised that Faber Maunsell was carrying out research into this and other issues relating to Atlantic Salmon and other policy tools which can help to protect habitats and species.

- It was noted that single farm payment cross compliance imposes a 10 m ban on slurry and fertilizer application boundaries along rivers. EHS advised that if the boundary extends beyond 10 metres there could be too much agricultural land for included within the designated area. However the boundary would vary from the standard two meters where the habitat alongside the river demonstrated a nature conservation value of significant quality. It was agreed that it might be useful for the Eco-Systems Group to consider boundaries and tributaries to see if a suitable solution can be arrived at.

Council endorsed the ASSI and SAC but EHS is to consult CNCC on the final boundary arrangements for the SAC.

Mr Seymour informed Council that the workload involved in taking this forward would have implications as far as the programme for the priority list of ASSIs was concerned. This will mean that the EHS target of designating 20 ASSIs this year will be reduced to 15. The other 5 would go forward to next year but it was hopeful that the 2008/09 target of 25 ASSI's would be achieved. He pointed out that in the case of the designation of the ASSI for the Faughan, EHS staff had to liaise with 280 landowners and this will take a considerable amount of time and resources.

The Chairman raised a question about the EHS MOSS Scheme and whether or not it could be linked to DARD agri-management schemes. Mr Seymour informed members that this has been agreed in principle with DARD.

6. SPERRINS AONB

Mr Seymour introduced the paper on the proposal to designate the Sperrins AONB under the Nature Conservation and Amenity Lands Order 1985. He mentioned the previous consultations with CNCC and the meetings to identify the proposed boundary of the AONB. As the consultation process has been completed, Mr Seymour felt that there was no reason not to proceed with the formal designation of the Sperrins AONB.

Council was concerned that there should be an appropriate management plan for the new AONB but Mr Seymour explained that the 1985 legislation is not specific on imposing a management plan. However, it does indicate that an AONB should be managed. EHS has been considering an appropriate body to take this forward and in accordance with its preferred practice to use a local group, EHS was considering linking up with the Sperrins Tourism body.

In terms of some of the concerns of the local communities about restrictions being imposed on rural dwellers by the proposed new AONB, it had to be recognised that there was no one specific planning policy for an AONB and it is therefore a matter for the planners to control development within all areas of the countryside.

Limavady Borough Council had proposed an amendment to the boundary by including Legavannon Pot. Although this feature was outside the proposed boundary, members suggested that consideration should be given to some other form of protection. However, before this could be progressed it would be necessary to have more information on the West Tyrone Area Plan and the other opportunities this could present for protection.

ACTION: Find out possible planning status of Legavannon Pot EHS

Council endorsed the proposed Sperrin AONB .

7. REVIEW OF THE WILDLIFE(NORTHERN IRELAND) ORDER 1985

The Chairman introduced the consultation paper on the Review of the Wildlife (NI) Order 1985. It was agreed that there should be a joint meeting of the NIBG and CNCC to discuss the issues. Both bodies would then make independent responses to the paper.

Council highlighted the paragraphs on fines and penalties and believed that there was a strong view from environmental bodies that government needs to address the effectiveness of the penalties to be imposed. It was agreed that Council should write to the Minister after the consultation process has been completed, emphasising the need to reflect on more stringent penalties.

**ACTION: Arrange joint meeting of CNCC and NIBG Secretariat
Write to Minister after consultation phase Chairman**

8. REPORT FROM WORKING GROUPS

Members noted the various draft minutes of the Working Groups.

8.1 The Marine Group

Mr Seymour referred to the item on Seals and in view of the comprehensive presentation on Seals by Prof I Boyd to the CNCC on the 16th January 2008, he felt that EHS could not make any further significant contribution to the issues.

The Chairman suggested that the work by Faber Maunsell on how environmental policies protect habitats and species should include seals.

8.2 SEA Group

Members noted the SEA project being undertaken by Faber Maunsell. The Group had also suggested that additional work should include how effective the EIA directive is in protecting the environment.

8.3 Special CNCC Meeting

Members noted that the Deputy Chairman is drafting a response to PPS18 – Renewable Energy and will circulate this to members in due course.

9. REPORT ON EEAC WORKING GROUPS

This item was deferred until the next meeting in May.

10. MEMBERS REPORTS

10.1 Council noted the various reports from members on the various conferences and events attended by them. The Chairman thanked those who attended these various proceedings.

10.2 Report on Badger Stakeholder Group

Mr McBride introduced the draft report on Badgers which had been agreed by the stakeholder group on the 25th February. He explained the difficulty in arriving at an agreed position because of differing views of those representing the various stakeholder bodies.

It was interesting to note that despite the introduction of a cull in the RoI, the disease was on the increase, whereas in Northern Ireland there was a decrease. The scientific analysis carried out so far shows that there is no justification for a cull. Council took the view that it was fully behind the scientific analysis and would champion any move which would seek to reinforce the scientific outcomes.

So far JNCC has not taken any position on a badger cull and it was agreed that this should be raised with them.

ACTION: Raise badger issues with JNCC Chairman/Dr Brown

11. MATTERS ARISING REPORT FROM THE 113TH MEETING

11.1 ASI Bloody Bridge

Mr Seymour reported that he had raised the matter of dumping on the ASI at Bloody Bridge, Newcastle with the EHS Waste Management section. He was informed that currently the main priority of the environment enforcement team was dealing with unauthorised dumping of commercial waste and at this stage the team could not commit its resources to this type of offence.

Council agreed that the matter should be referred to the Mourne Heritage Trust in order to establish the extent of the problem and what action can be taken to resolve it.

11.2 Forest Service

It was agreed that the Chairman and Chairs of the Eco-systems and Access Groups should meet with the Chief Executive of FS to discuss the issues around an FS strategy for its forests.

ACTION: Arrange meeting with Mr Small, FS Secretariat

11.3 Modiolus

Members were concerned that CNCC has still not been involved in the Steering Group for the restoration of Modiolus in Strangford Lough. Mr Seymour undertook to follow this up.

ACTION: Follow up

Mr Seymour, EHS

12. GENERAL INFORMATION

Members noted the events and publication lists No. 102

13. ANY OTHER BUSINESS

13.1 EHS Corporate Plan

Mr Seymour introduced the paper on the EHS Corporate Plan 2008-11 and highlighted 5 key performance targets for the Natural Heritage.

Points emerging included:

- Reduction of biodiversity loss; Northern Ireland did not fair well compared to GB habitats and species and it was therefore important for EHS to have targets to maintain these. It was noted, however, that the 6-year monitoring cycle for habitats and species was due to be completed this year and EHS would be presenting its findings to Council in due course.
- Council emphasized the need for monitoring if biodiversity loss is to be prevented. Members suggested that it would help EHS resources if it could work with DARD on monitoring. However, Council recognised the difficulty in monitoring species compared to habitats, nonetheless BAPs have species targets in them.
- The NIBG is to publish its 3-year progress report soon and it needed information from the various delivery groups, such as DARD, to complete this.
- Council noted that the Department is to issue a state of the environment report in early April 2008. This report will have good long term information.
- Members suggested that it was important to have objectives relating to public awareness, particularly in the area of environmental education and school curriculums.
- In the case of landscape protection it was important to revisit boundaries and draw up appropriate management plans which will involve local communities.

- Members noted that there was a total of 19 local council biodiversity officers. This tended to reflect the grant-aid from EHS for this resource but it was debatable whether funding to this level was sustainable. Members recognised the contribution of these biodiversity officers but were concerned that plans drawn up by them could be discarded by councils.

Council recommended that EHS includes monitoring of designated sites and reports on their condition as part of its Action Plan.

14. DATES OF MEETINGS FOR REMAINDER OF THE YEAR -

Members noted the dates of meetings for the remainder of the year as follows:

- **FRIDAY, 9TH MAY**
- **TUESDAY, 17TH JUNE**
- **THURSDAY/FRIDAY , 4TH/5TH SEPTEMBER**
- **FRIDAY, 7TH NOVEMBER**