

COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE

112TH MEETING HELD ON 2ND NOVEMBER 2007 AT THE CRAIGAVON CIVIC CENTRE

Present:

Dr L Blakiston Houston
Mr B Murphy
Mr J Anderson
Mr B Black
Mr J Campbell
Mr M Campbell
Mr P Cregg
Mr J Furphy
Mr A Gibson
Mr M Hill
Mr D Hughes (Item 7,9-14)
Mr J Jackson
Mr A Lonergan
Mr H McBride
Dr A McGarel
Mr J Simpson
Mr P Warner

In Attendance:

Mr G Seymour, EHS
Dr H Platt, EHS

Ms L Moore, DFP
Ms B Traill, DFP

1. APOLOGIES

Apologies were received from Mr R Northridge, Dr B Brown and Mr I McKee, DARD.

2. MINUTES OF THE 111TH MEETING HELD ON 6/7TH September 2007

The minutes of the meeting of the 6/7th September 2007 were agreed.

3. PRESENTATION ON SAC ATLANTIC SALMON BY WWF

Before the presentation by WWF on the SAC Atlantic Salmon, the Chairman advised members that this presentation was requested as a result of the outcome of the discussion on SACs at the Eco-Systems Group of the 17th October. The focus of today's debate was on the EHS recommendation that CNCC should support the opinion of EHS regarding the absence of a need to select additional rivers in NI as SAC for Atlantic Salmon. The Chairman informed members that when the WWF presentation was completed and members had the opportunity to ask points of clarification, WWF and EHS staff would be asked to leave the meeting so that the discussion can be held in camera. Council agreed with this procedure.

Mr Seymour explained that EHS was under pressure from the EC to carry out the designation of more SACs but EHS was not persuaded that this was necessary. EHS believed that the argument for sufficiency of protection of the species had been met. It had to be borne in mind that EHS was seeking clarity from CNCC on the scientific

issues and that it was also consulting with JNCC. He pointed out that it is up to the Minister to make the final decision.

Mr Campbell presented the WWF case on its concerns about the EHS proposal not to designate any further SACs on Atlantic Salmon. He outlined the issues relating to the WWF position, the EHS position, the legal implications, the apparent inconsistencies and inaccuracies of the EHS papers and Quercus Report and other contentious points. Mr Campbell concluded that –

- WWF believes that the current approach of EHS is illegal.
- The Quercus Report provides only a partial picture.
- EHS has given inappropriate, inaccurate and contradictory assessments and
- WWF takes the view that Council should not endorse the EHS position.

Points for Clarification

- A question was raised about the conservation classification of the rivers Faughan and Agivey. Dr Platt advised members that the EHS original classification of category B for these rivers was incorrect and should have been C.
- The lower percentage figures for the existing network of SACs and the Faughan and contained in the EHS paper of 2007 were based on the first Quercus report and shown to be inaccurate.
- Dr Platt informed members that the EHS terms of reference for the Quercus Report No.2 had originally included a request to consider all available data in evaluating the sufficiency of Salmon in Northern Ireland rivers. However, EHS was advised that the best data available for this exercise came from a rod catch methodology to determine the abundance of stocks. The EC reserved opinion letter under Article 226 indicated that the experts believed that the Bush and Glendun rivers merited designation as SACs, but EHS takes the view that after consideration of the data that they are not suitable for SAC designation and had not merited consideration for ASSI.
- In order to ensure economy of effort the Faughan and Roe rivers were assessed for both ASSI and SAC designation concurrently. It was noted that the Faughan was not included in the EHS priority list of 200 ASSIs.
- In response to a query about maintenance and management costs of ASSIs and SACs, Mr Seymour highlighted the difficulties with determining costs and pointed out that the programme was not driven by budgetary issues.
- WWF believes that EHS did not use all available data in making its assessment of the 4 additional rivers and this has been reflected in its outcome.
- Mr Campbell explained that arising from case law the EC must have an exhaustive list of suitable sites i.e rivers with ecological interest and appropriate standard.
- It was noted that EHS had not proposed the designation of the Bush or Glendun on the basis of the information it currently held. Dr Platt pointed out that the river conservation report had still to be completed and there was a need to check the naturalness of the rivers. He again referred to the EC reasoned opinion letter

and emphasized the need to clarify the question of sufficiency. He believes that EHS has done this in line with the procedures of the UK and JNCC agrees with the EHS assessment. Therefore he argued that if the assessment of the EHS is flawed then so must the UK position be similarly flawed.

- It was noted that with the inclusion of the Owenkillew river SAC, the 74% figure relating to the existing network of SACs contained in the Quercus report could be adjusted to 81%.

The EHS and WWF staff left the meeting.

Council discussed the issues and a number of points emerged as follows:

1. Some members took the view that CNCC did not necessarily have to confine itself to the science only. There was a need for Council to consider the widest possible picture; it may have to reflect on the data, methodologies, inconsistencies and uncertainties of the reports. For example, it might have to consider the increase of salmon in the Bush and therefore protect beyond the overall figure of 81% covered by the existing SACs.
2. It was noted that in Scotland there is only 56% of salmon protected by SAC designation and this seemed to highlight an inconsistency in the approach of the EC in proposing the designation of more sites in Northern Ireland.
3. A view was expressed that salmon stocks in NI rivers had decreased over the years and this was partly due to various activities including pollution of our rivers. The question has to be asked if designating SACs will make a difference in protecting salmon.
4. Many members felt that they had not heard a satisfactory explanation why there was such a substantial variation between the percentage figures shown against the SACs and the Faughan river in EHS reports.
5. Members were informed of a similar situation arising from the EC requirement for more raised bog sites in England to be designated. Lists are submitted to the EC and the Commission then assesses whether or not there is a shortage of Bog SACs. If additional sites have to be designated the member state might be entitled to compensation.
6. It was recognised that in the case of the selection process that member states do not have to propose all sites. It could be that there might also be some misunderstanding of the litigation process in that NI would not necessarily lose an infraction case. It had to be recognised that this was a conservation issue and NI could argue that 75% of its Salmon stocks are protected. The feeling was that the Salmon species was better protected than most other species in NI.
7. Members believed that all scientific evidence including rod catch and counter data should be updated by EHS at regular intervals. They also suggested that the catch figures recorded by the Atlantic Salmon Trust could be used.

8. Members were informed that angling clubs across NI have consistently taken the line that Salmon is not protected properly. In the case of the Glendun, fish counters indicate there is a decrease in stocks.
9. Members took the view that based on the current data there is protection for Salmon, but there should be further investigations to establish if the sufficiency question has been complied with.
10. It could be argued that the protection afforded by ASSI designation would not be that much different to the protection given by an SAC.

The Chairman put the motion that 'Council agrees that there is sufficiency of Salmon protected by SAC designation based on the current data sets but EHS should further review its datasets for these rivers with a view to designating them as ASSI sites'. On a vote of 5 for 2 against and 6 abstentions, Council did not accept the motion.

EHS and WWF staff were re-admitted to the meeting.

The Chairman advised Mr Seymour that as a result of the discussions in camera, Council took the view that it did not have sufficient clarity of data to make a decision. She undertook to write to Mr Seymour clarifying Council's views.

ACTION: Write to Mr Seymour Chairman

4. CHAIRMAN'S BUSINESS

4.1 Minister's letters

Members noted the various recent letters from the Minister.

4.2 REGNI Workshop

The Chairman reported that a facilitator has been appointed for the SACs workshop on REGNI. She and the other Chairs are to meet the facilitator on the 8th November, to discuss arrangements for the workshop programme. Members are to be notified of the date of the workshop following the meeting with the facilitator.

**5. PRESENTATION ON –
EU Review of Regional Policy and
Outline of the 2007-13 Competitiveness and Employment Programmes**

The Chairman welcomed Ms Lynsey Moore and Ms B Traill of the DFP European Division to the meeting. Ms Moore outlined the background and history of Regional Policy since 1965. She highlighted some of the key areas and objectives of the Cohesive Policy. The fourth Cohesive Report was published in May 2007 and focused on economic, social and territorial cohesion. Ms Moore informed members that the consultation process on this review was open until January 2009.

Ms Moore outlined the main area of Future Funding 2007-13; this included convergence, competitiveness and employment and territorial co-operation. Three key priorities emerged as follows:

- Sustainable competitiveness and Innovation

- Enterprise
- Improved accessibility and protecting and enhancing the natural environment.

The cross-cutting themes relating to this funding programme involved:

- Promoting sustainable development and creating sustainable communities
- Equality of opportunity and good relations.

Members noted that sustainable development recognises the natural environment and will be addressed through Working Groups. CNCC will have representatives sitting on these groups.

The Chairman thanked Ms Moore and Ms Traill for their presentation. She also thanked those members who have participated in the various EU Committees and groups over the years.

It was noted that the consultation on the strategic environmental assessment had been completed. Most of the points submitted by CNCC have been accepted. Ms Traill undertook to send CNCC the appropriate website to access the SEA. This impact on structural groups is to be discussed at the first meeting of the Environmental Working Group.

6. MOURNE NP WORKING PARTY REPORT

Mr Seymour introduced the Mourne National Park Working Party Report to the Minister which was launched on 27th September 2007. He also referred to the Minister's letter dated 22nd October 2007 seeking Council's views on the Report. The Report has also been submitted to the Assembly's Environment and Agricultural Committees. Mr Seymour pointed out that the MNPWP was constrained by its remit because a previous Assembly Minister had made a statement that a National park for Northern Ireland should proceed. It was not therefore a matter for the MNPWP to take a simple yes or no vote. Council can approach its response to the Report without any of these constraints. The Minister had indicated that she would like to have Council's response by the end of December.

Members raised the questions of the uncompleted Economic Appraisal for the proposed National Park. Mr Seymour informed Council that because the EA was based on a specific model and the Minister did not want to be constrained to one model for this study, work on the EA ceased.

It was agreed that the Report should be considered at a special meeting of Council to be arranged for the end of November.

ACTION: Arrange a Special Meeting **Secretariat**

It was also noted that the public consultation process for the Sperrins AONB boundary changes is due to be completed before March 2008.

7. WILDLIFE ORDER NI

Mr Bradley tabled copies of the draft public consultation document on Amendments to the Wildlife Order 1985 and the Environment Order 2002. The Minister has agreed the paper and it is to be submitted to the Environment Committee in December. It will then be referred to the NI Executive because of the cross-cutting

issues contained in the paper. Generally, these amendments will update the wildlife schedules and introduce 'stop orders' for unauthorised work within designated sites.

A number of points were raised including issues relating to the schedules, fines, resources, alien species and use of licences.

Council agreed that a joint sub-group of the NI Biodiversity Group and CNCC should be set up to consider the proposed amendments. It was also agreed that the appropriateness of Game Licensing should be considered by this Group. Members are to inform the Secretariat if they are interested in participating in this joint sub-group.

ACTION:	Contact the Secretariat re joint sub group	Members
	Send CNCC final consultation paper and set up joint sub-group	Mr Bradley

8. GIANT'S CAUSEWAY VISITOR CENTRE

The Chairman referred to the recent controversy involving a proposed visitor centre for the Giant's Causeway because of its siting within an AONB and close to the World Heritage Site. She had recently written to the Minister asking when CNCC would be consulted.

Mr Seymour reminded members that the Minister made an announcement that she was 'minded' to approve the Seaport Investments planning application for a visitor centre. The Minister had some issues to be resolved before she could make a final decision on this application and in the meantime the Department's Officials have been tasked to engage with the applicant and other stakeholders.

In considering some of the wider issues relating to this proposal, the Chairman expressed concern that the Group set up to develop and implement the Department's WHS Management Plan had been suspended. Mr Seymour explained that because of the current discussions with stakeholders, some of who sat on the Group, it would not be helpful to have parallel discussions. The Department had decided therefore to postpone the meeting of the Group for a few weeks.

The Chairman requested that EHS reports to Council on how it intends to meet the Plans priorities and what funding will be available to implement them. Mr Seymour undertook to give an update on the WHS Management Plan at Council's next meeting.

9. REPORT FROM WORKING GROUPS

9.1 Planning Group

Members noted the minutes of the Planning and Landscape Group meeting of the 12th October. The issues covered included the outcome of the Judicial Review on PPS14 and Area Plans; Giant's Causeway and Mourne National Park.

Members noted that in the case of the court ruling on Area Plans it is likely that the Department will appeal the decision.

9.2 Eco-systems Group

Members noted the minutes of the Eco-systems Group meeting of the 17th October and endorsed the EHS proposal for the designation of 7 Local Nature Reserves.

9.3 Field Visit

Members noted the notes on the field visit of the 3rd October, which had as its theme 'Renewable Energy'.

10. MEMBERS REPORTS

Members noted the various reports on conferences.

EEAC

Mr Anderson reported on the EEAC 13th Annual Conference he attended in October. The theme of the conference was centred on energy efficiency.

It was noted that CNCC has been accepted as a full member of the EEAC and indeed is the only full member from the UK.

Council agreed that Dr B Brown should represent CNCC as an active member of the EEAC Biodiversity Group. Mr J Anderson is to act either as an active member or observer in its Governance Group.

The Secretariat is to circulate members with the information on the EEAC conference in due course.

ACTION: Circulate information on EEAC

Secretariat

Lagan Valley Regional Park Board (LVRPB)

Mr McBride reported that directors have been appointed to the LVRPB.

11. MATTERS ARISING REPORT FROM THE 111TH MEETING

11.1 Badgers

In addition to the report from Mr McKee, DARD about badgers, Mr Mc Bride reported that QUB is to carry out a population study on badgers in Northern Ireland before any decision is taken on culling.

12. GENERAL INFORMATION

Members noted the contents of the events and publication lists No.100 and consultation responses.

13. ANY OTHER BUSINESS

13.1 CNCC Access Position Statement

It was agreed that the Minister's response of the 25th October, should be included on the Council's website.

13.2 Programme for Government 2008- 2011

The Chairman asked that members send her their comments on the NI Executive's Programme for Government by mid-December.

ACTION: Send comments on Programme Members

13.3 EHS Budget

The Chairman commented that Council was still to be advised about the breakdown of the EHS budget allocation. It was agreed that the Chairman write to the Permanent Secretary(PS) seeking this information.

ACTION: Write to PS Chairman

13.4 DARD Representative

The Chairman informed members that Mr Ian McKee had moved to another position within DARD and he will be replaced by Mr Peter Scott as the DARD representative on CNCC. The Chairman thanked Mr McKee for his work and wished him well in his new post.

14. DATE OF NEXT MEETING -

The next meeting of Council is due to be held on the 10/11TH JANUARY 2008.

(the meeting finished at 2.45pm)