

COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE

111TH MEETING HELD ON 6TH/7TH September 2007 AT CITY HOTEL, LONDONDERRY

Present:

Dr L Blakiston Houston
Mr B Murphy
Mr B Black
Mr J Campbell
Mr M Campbell
Mr P Cregg
Mr J Furphy
Mr M Hill
Mr J Jackson
Mr A Lonergan
Dr A McGarel
Mr R Northridge
Mr J Simpson
Mr P Warner

In Attendance:

Mr G Seymour,EHS
Mr P Corbett, EHS
Mr I Enlander,EHS

CNCC FIELD VISIT

Roe Valley

Mr Bleakley, Head of Regional Operations and Mr G Cutmore, Acting Regional Manager, gave members a tour of the new facilities at Roe Valley Country Park. Members had the opportunity to visit the historical hydro-power house and learn of the EHS plans to re-introduce hydro- generation at Roe Valley. A number of difficulties had to be resolved before the system could be regenerated such as the low level of the river and smelt runs. They were also informed of some of the management problems relating to the Roe River ASSI and SAC.

Ervey and Ness Woods

Members visited Ness Wood ASSI and looked at some of the health and safety measures taken to ensure that there was safe access for the public. Members were informed of EHS plans to link the Ness and Ervey woods and establish them as country parks. EHS has purchased land to facilitate this link and provide an information/ visitor and toilet building, car parking and access road and ancillary paths needed to link the two woods. Members suggested that EHS should take into account the mode of transport from Londonderry to the sites, so as to encourage more use of public transport. It was noted that this new development will also link up with Derry City Councils Sperrins Gateway Project.

Creggan Country Park

The last site visited on the 6th September was the Creggan Country Park, Londonderry, a park set up and managed by Creggan Enterprises Limited. Mr G Quinn the Park Manager gave members a tour of the site which included an upper and lower reservoir used for water sports and fishing; a wind turbine and restaurant. The facilities are used by local communities, schools and visitors from other parts of Northern Ireland. Mr Quinn highlighted the joint approach with Derry City Council in

providing a greenways access project. CNCC noted the value of a partnership approach and the different merits of the country park and methods for dealing with anti-social behaviour.

1. APOLOGIES

Apologies were received from Mr J Anderson, Dr B Brown, Mr A Gibson, Mr H McBride and Mr D Hughes.

The Chairman took the opportunity to thank all those involved in arranging the field visit on the 6th September.

2. MINUTES OF THE 110TH MEETING HELD ON 27TH JUNE 2007

The minutes of the meeting of the 27th June 2007 were agreed.

3. CHAIRMAN'S BUSINESS

3.1 Meeting with the Minister

Members noted the report on the Chairman and Deputy Chairman's meeting with the Minister on the 10th July. The Deputy Chairman highlighted some of the issues raised such as the Comprehensive Spending Review, Marine Bill, REGNI and National Parks.

The conclusion was that this had been a very useful and worthwhile meeting.

3.2 REGNI

The Chairman informed members that following the launch of the REGNI Report it had been agreed with the Permanent Secretary that a workshop about this should take place for the 3 SACs. The Chairs of the SACs met on the 15th August to discuss how the Report should be progressed. It was agreed that before the workshop takes place, the Chairs meet with the Department on the 13th September, to establish the content and format of the programme. The Chairman pointed out that in the interim there was a need for CNCC to be proactive and she suggested that the opportunity should be taken by Council to look at how best it can fulfill its present role and also consider the use of more technical support to achieve this.

The Chairman asked members to let the Secretariat have their views on the REGNI Report.

ACTION: Send comments to the Secretariat Members

3.3 Comprehensive Spending Review

The Chairman reported that a request was made to the Department to have sight of the Departmental bid for its funding allocation. This is not yet available.

3.4 Chairman's Post

The Chairman reported that her tenure of office was due to expire at the end of February, 2008. The post has been publicly advertised with effect from 6th

September. She asked that members pass on this notice to anyone who has an interest in the Chairmanship.

3.5 Relationship

The Chairman tabled a revised draft of the relationship drawn up by the Deputy Secretary. The Chairman felt that the revised draft (referred to as “understandings” with “protocol” being dropped) was more amenable in approach and with a few minor amendments shown below Council agreed that the relationship with the Department was now workable.

In her response it was agreed that the Chair should request the following:-

- Para.5 – delete ‘written’
- Para.6 – delete ‘educational’ insert ‘advocacy’

The relationship should also be reviewed and agreed with each incoming Chairman and Council.

4. ASSI PROPOSALS

Mr Corbett outlined the ASSI proposals in the context of the EHS priority list and the criteria used in determining these sites.

Mr Corbett gave a presentation on the proposed ASSI fen sites at Lough Corr and Lough Gullion and highlighted the main features in meeting the criteria.

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

Lough Corr

- Members were concerned about the threat to the site and suggested that as part of the conditions of the DARD Environmental Impact Assessment (EIA), the owner of the land is required to alert DARD of any such threat. Mr Corbett pointed out, however, that EHS needed to have reasonable relationships with landowners to ensure it can establish co-operation when implementing management measures. Members appreciated the difficulty in penalising owners if they fail to comply with regulations and noted that some problems could be overcome at an early stage when DARD consults with EHS in drawing up the EIA.

The Chairman asked that EHS give an update on the history of the site and the application of the DARD EIA.

ACTION: Update Council on history of site etc. Mr Corbett

- Lough Corr was a mesotrophic lake and members were concerned about the eutrophication levels and whether or not they were monitored on an annual basis. Mr Corbett informed members that monitoring was not carried out annually, but as far as he was aware there had been no increase in the levels.
- Members suggested that No.13 of the Schedule relating to the hydrology of the system, should read ‘structure and flow of any watercourse.’

- Members were concerned about the threats to ASSI sites before they are formally declared and suggested that there should be some type of mechanism for freezing activities by landowners until they are declared. EHS pointed out the difficulties with this and advised Council that it tended to depend on planning control mechanisms and the environmental legislation to protect the site. Members suggested that it might be worthwhile for the Department to consider a change in the legislation which could protect sites before they are declared. Members were reminded that Council is carrying out a study on environmental protection/conversation mechanisms applied to sites which could provide a suitable option for protecting sites.

Lough Gullion

- Members noted that this site had good biodiversity interest and no particular management issues.

Generally

Members noted that there was a lack of designated fen sites in the North and West of the country. They queried how EHS found appropriate sites for designation. Mr Corbett informed members that EHS employed contractors to identify suitable sites.

Council endorsed the proposals to designate Lough Corr and Lough Gullion as ASSIs.

EARTH SCIENCE SITES

Mr Enlander gave a presentation on the proposals for five earth science sites ie Castle Point, Tardee, Sandy Braes, Glarryford and Lisnaragh.

In discussion, members raised a number of points as follows:-

Castle Point

- Members felt that it was important for the conservation objectives to recognise the intertidal habitats.

Sandy Braes

- Members noted the problem of fly-tipping at this site. There were also some concerns raised about the mining of peodite????????? However, EHS took the view that the exploration mining licence did not pose a threat to the site.

Tardree

- Members were concerned that with the site being a disused quarry there could be significant planning matters relating to the site. In addition there could be an issue relating to licences for the removal of substantial amounts of material. EHS pointed out that this was a matter for planning control. If planning permissions are involved PS will normally consult with EHS.

Lisnaragh

- A question was raised about the status of eskers. It was noted that they are designated as SACs in the RoI. There was a view that the designation of this ASSI was dismissing the botanical features. EHS pointed out that eskers in Northern Ireland are on a small scale and have not been surveyed with SAC designation in mind. Mr Enlander also pointed out that the management principles identify sensitive elements for use in planning permissions. Members highlighted the management cost in maintaining sites, including the handling of planning applications.

Council endorsed the proposals to designate Castle Point, Sandy Braes, Tardree, Lisnaragh and Glarryford as ASSIs.

It was agreed that EHS provide an update on the status of geological designations and give an overview of management costs at Council's meeting in January 2008. It was also agreed that Council should have an agenda item on Forest Nature Reserves at a future meeting.

**ACTION: Provide update and overview of management costs EHS
Include Forest Nature Reserves as agenda item Secretariat**

5. REPORT FROM WORKING GROUPS

5.1 SEA Group

Mr Campbell reported that he and the Chairman met representatives of EHS to discuss how SEA is being implemented by government departments. There was a problem of resources in meeting this legislation. An audit has been carried out and a number of recommendations have been put forward for consideration. He will follow up the outcomes of these in due course.

ACTION: Follow up outcome of recommendations Mr Campbell

5.2 Eco-systems Group

Dr A McGarel gave a report on the meeting of the Eco-systems Group held on 4th September. She highlighted the work on the WFD and the consultation relating to 3 of the River Basin districts and the corresponding Significant Water Management Issues (SWMI). Each of the 3 districts are to have 3 sub-catchment stakeholder groups. A number of workshops are to be held across Northern Ireland and it was important that Council should have representation at each of these workshops. The Secretariat is to let members know the dates of these meetings and send them a copy of the SWMI Reports along with the general flyer relating to River Basin Management.

ACTION: Send SWMI Reports etc.to members Secretariat

5.3 Field Visits

Members noted the notes on the field visits to the Sloblands and Myroe Levels and Murlough Nature Reserve and Tyrella.

6. PPS 14

The Chairman referred to the workshop meetings with DRD during August about PPS14.

At the meetings the DRD Minister said that the Executive Sub-group felt that the policy was too restrictive but it was generally agreed that there should not be a return to a free-for-all in planning permissions for single dwellings in the countryside.

At this stage of the meeting Council was informed by Mr Seymour that it had just been announced that the judge sitting on the judicial reviews for PPS14 and the Northern Area Plan and Magherafelt Area Plan, had ruled that they were unlawful. In the case of PPS14 the judge had ruled that PPS14 was a matter solely for the DOE and not DRD. There is to be a remedies hearing next week about these rulings. There were also likely implications on how SEA has been implemented by PS.

Mr Seymour undertook to send Council clarification on these rulings and the outcome of the remedies meeting.

ACTION: Advise Council on rulings and remedies meeting

Mr Seymour

7. MEMBERS REPORTS

7.1 WFD Conference

Members noted the report of Dr McGarel on the WFD conference held on the 26th June in London.

7.2 PPS19 (Planning and Minerals)

Mr Jackson reported that the first meeting of the Stakeholder Group on PPS19 was held on the 24th July . The meeting dealt mainly with policy context and the terms of reference.

7.3 PPS18

Mr Jackson reported that the public consultation process on PPS18 – Renewable Energy was due to be launched soon.

7.4 Lagan Valley Regional Park Board

Members noted the report of Mr H McBride on a number of issues relating to the LVRP Board. Mr Furphy pointed out that the Board of Directors had still to be constituted. Members also noted that the management of the car park has been handed over from EHS to Roads Service.

Mr Seymour informed Council that the composition of the Board was a replication of the LVRPAC. He believed that the Board was broadly balanced and that the Board was mindful of its role to protect the environment.

7.5 ARC 21

Members noted the report of Mr Jackson on the ARC 21 public consultation meeting held on the 14th August about the criteria for siting of waste management facilities. It was noted that no account had been taken of the other two waste consortia.

7.6 Badger Stakeholder Group

Members noted the report of Mr McBride about the meeting of this Group held on the 28 August, 2007.

Council agreed to ask Mr McKee, DARD to give an update at the next meeting on what progress is being made to resolve the Badger issue.

Mr Warner informed members that it was some 2 years since he had a meeting with the Department of Agriculture in the RoI about the Badger problem. There was a tendency for the Department of Agriculture to act on its own volition and apparently ignore the scientific input.

ACTION: Give update on badger issue.

Mr McKee

8. WORK PROGRAMME FOR FABER MAUNSELL

Council approved the items on the work programme schedule to be carried out by Faber Maunsell.

9. MATTERS ARISING REPORT FROM THE 110TH MEETING

9.1 Glenarm Quarry

The Chairman reported that legal representation can be made available for Council if it attends the local public inquiry relating to the Glenarm Quarry planning application.

10. GENERAL INFORMATION

Members noted the contents of the events and publication lists No.99 and consultation responses.

11. ANY OTHER BUSINESS

11.1 Irish Hare

Mr Warner reported that the results of the Quercus all island of Ireland Irish Hare survey for the year 2005/06 were recently released. This shows that the Irish Hare population has doubled. This could have possible implications for policies on both sides of the border. In the case of Northern Ireland this could affect the Government's policy on hare coursing. Mr Warner undertook to send a copy of the Quercus Report to the Chairman.

ACTION: Send Chairman copy of Report

Mr Warner

11.2 Water Framework Directive(WFD)

Mr Warner reported that he was concerned about the deterioration in the population of the Freshwater Pearl Mussel which is a species protected by the EC Habitats Directive. It was important that this should be a priority in the implementation of the WFD.

11.3 Interreg Funds

Mr Warner informed members that currently funding from Interreg 3 was under consideration for biodiversity action plans to be drawn up by local councils which have a cross border application. This offered a good vehicle for the potential harmonisation of wildlife protection.

He also advised members that efforts were being made in the RoI to review its Open Seasons Order. This would also have cross-border implications and he would update Council on the consultation process.

Members noted that the revised Wildlife Order (NI) had still not been released for public consultation.

ACTION: Update members on the RoI consultation process Mr Warner

11.4 National Trust Survey

Mr Furphy reported that the National Trust had carried out a survey on the impacts of sea level change on its properties. In some cases it had proved difficult to predict this at micro-level without appropriate information from OSNI. There was a need to have such data in order to determine what areas of the coastline should be protected. Mr Enlander informed members that this isostatic data was not currently available and was being re-assessed at GB level.

11.5 Whelks

Mr Black reported that the whelk population of Gunn's island has been plundered and this had impacted on the livelihood of local people. He understood that there are no mechanisms to stop this practice.

It was noted that Gunn's Island is an ASSI and the foreshore is owned by EHS. The matter was therefore one for enforcement of the conservation status. Also DARD was required to licence shell fishing activity and it could also be involved in implementing action.

There was also concern expressed about the dredging of Mussels off the Copeland Sound by foreign vessels and whether or not the Fisheries Division was aware of this activity.

Members agreed that these matters should be referred to the Marine Group.

ACTION: Refer to the Marine Group Secretariat

11.6 Coarse Fish

Council was informed about the illegal netting of coarse fish such as Pike and Perch. Members were concerned about the potential impact this could have on the tourist

industry. It was agreed that the matter should be taken up with the Fisheries Conservancy Board and the Loughs Agency.

ACTION: Follow up with FCB and Loughs Agency

Chairman

11.7 Belfast Port

Mr Lonergan reported that the Belfast Port Authority is proposing to reclaim 140 hectares of the Belfast Lough SPA. Mr Seymour advised members that EHS had been consulted about this proposal and subsequently met the Port Authority to make them aware of the requirements of the Habitats Directive. It was clarified that the proposed GB City Airport runway extension would be on land within the airport boundary.

11.8 Proposed EC Floods Directive

Mr Murphy informed members that the Rivers Agency has a presentation on the proposed new floods directive. He suggested that it would be useful to have an update on this from the Rivers Agency.

ACTION: Arrange presentation by Rivers Agency Secretariat

12. DATE OF NEXT MEETING

The next meeting is to be held on the 2 November 2007.

(the meeting finished at 12.45pm)