# COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE 146<sup>TH</sup> MEETING **CONFERENCE ROOM, WATERMAN HOUSE** 9 JULY 2013

#### Present:-

Mr P Casement - Chairman Mr P Archdale - Deputy Chair Dr T Bazley Prof S Christie Dr A Cooper

Dr H Kirkpatrick Prof J Orford

Mr T Traill

Mr S Wolsey

#### In Attendance:-

Mr T A'Hearn – NIEA [Items 1-4]

Prof H Platt - NIEA

Mr P Corbett – NIEA [Items 1-5] Ms R McKeown - NIEA [Items 1-5]

Ms J Kirk - Secretariat Mr P Rice - Secretariat

#### 1. APOLOGIES AND WELCOME

Apologies were received from Dr J Berman, Mr A Cunningham, Dr R Horton, Mr A Upton and Mr J Witchell.

Professor Platt recorded apologies for Ms H Anderson, Natural Heritage Director, who is currently on sick leave.

#### 2. **DECLARATIONS OF INTEREST**

The Chairman asked Council members if they had any declarations of interest in the matters to be discussed. No interest was declared.

#### 3. NIEA RE-ORGANISATION – Mr Terry A'Hearn, NIEA

Mr Terry A'Hearn, Chief Executive of NIEA gave a Power Point presentation on NIEA integration.

Mr A'Hearn highlighted the following points:-

- Maribynong River, Melbourne How the river was being polluted and how the local community and businesses cleaned it up. This is the way a lot of Australia's clean up started.
- Northern Ireland faces the same challenges as everywhere else, with some different specifics.
- Northern Ireland makes much less out of tourism with our Built Heritage than England. How can we make much more of what we have got?
- Challenges for the 21st Century are massive compared to the 20th Century.
- What has driven the Agency in the past will be inadequate for the 21st Century.

- Carbon footprint if we keep going at the current rate we would need four planets to sustain our hungry lifestyle.
- Economic and social success creating jobs, delivering social services such as health and education, producing vibrant the dynamic economies that are more resilient, fostering social harmony, creating well-functioned cities and towns.
- NIEA Strategic Objective To create prosperity and well-being through environment and heritage excellence.
- Its about making Environment and Heritage centre stage and bringing economy and environment together.
- Innovation Trials Carrickfergus and Dunluce Castles, Agri-food Sector and New Revenue. Seven more trials to be decided.
- Ambitious Strategic Objective.
- Carrickfergus and Dunluce are two high profile sites.
- Asking people to think simply Steve Jobs.
- Consult local businesses and community.
- Agri-food Sector 40% growth rate and a massive expansion in agri-food will happen.
- Instead of waiting on the industry to approach NIEA, NIEA are approaching the industry first.
- New Revenue Budget restraints, \$26 trillion investment post, need to look at getting as much EU money as possible into Northern Ireland.
- It is about integration and not restructuring.
- That is why Mr A'Hearn is coming to CNCC and other groups to seek their advice.

## Council members commented as follows:-

- Consider how you are going to balance sustainability and growth.
- Agri-food Sector DARD not planning to change.
- Agri-food Sector Growth has to be sustainable.
- Planning Climate Change Bill has raised lots of interesting questions.
- It is felt that the main political parties in GB will have Climate Change on the mandate for the next election.
- AD Plant needs to be controlled what goes in and what comes out is spread on the land (ammonia, eg chicken farms).
- Dunluce car parking problem.
- Need political will to do things.
- Community do not know where to take issues to, ie, house and field flooding etc.
- All the local politicians are interested in is economic growth.
- Trails demonstrate how it works.
- Local Politics is allegedly rife with favouritism.
- Get around clauses.
- Getting new approach will be extremely difficult.
- Fines are not sufficient to deter illegal waste. It costs more to follow the regulations than pay the fine.
- Are you shackled by EU Regulations?
- New Finance
- Need for more holistic approach to research.
- Mitigation against damage.

- Wildlife bio-security DARD
- Build a lot of strategic partnerships.
- Work around political system.
- Right behind Mr A'Hearn on his work.

# Mr A'Hearn responded:-

- Change in two ways.
- Take starting point. Where does society need to be.
- NIEA investing time with large businesses, eg, Moy Park, and meeting Permanent Secretary of DARD and hope to get them on the pathway to be radically different.
- What are we trying to achieve various outcomes.
- How do we get there using existing and new levers.
- Refreshing to hear someone talking about being proactive.
- Minister's response to Climate Bill depressing.
- Have to think cleverer to help other Department buy into our strategy.
- ADP Planning guidelines no planning permission required for extensions up to 500 m<sup>2</sup>.
- All points emphasise approach.
- Firmly believe in using the power of the law.
- Environmental Impact having a social impact In Australia when children were not able to participate in sport, then something was done.
- Make sure we make the most of public opinion.
- Used to dealing with big companies.
- Need to have discussions with senior colleagues.
- Regulation reform.
- If they are always complying easy to implement and less checking required.
- Organised Crime there will be Enforcement, using the law.
- EU regulations are what they are and it is how you can use it to your benefit.

The chairman thanked Mr A'Hearn for coming to the meeting and giving his presentation to the Council.

# 4. HABITATS DIRECTIVE - ARTICLE 17 REPORT

Mr Paul Corbett NIEA gave a Power Point presentation on Article 17 of the Habitats Directive.

Article 17 of the Habitats Directive requires Member States to report every six years about the progress made with maintaining and/or restoring favourable conservation status for habitat types and species of community interest. The Third UK Report is due for submission to the European Commission in July 2013.

Council members were presented with an update on the Article 17 reporting process in September 2012. The current paper provides members with a summary of the UK results and how NI compares. It identifies the main pressures on Annex 1 habitats and Annex 2-5 species.

The report is in two parts:-

# General report

The content of the general report covers the implementation and achievements under the Directive, such as legal transposition, monitoring, species protection and Natura 200 site coverage.

# Assessing species and habitats

A separate assessment is required for each species and habitat listed on the annexes of the Directive that occur in the Member State's territory. For the UK, there are 77 habitats and 93 species to report on (excluding 32 vagrant species). For NI there are 49 habitats and 46 species. Note that 14 of these – mostly marine habitats and species were reported on at the UK level (i.e. no separate NI report).

The European Commission stipulates that each individual species and habitat assessment requires information on four parameters, which are brought together using an evaluation matrix to form an overall assessment. For species the parameters are range, population, habitat for the species and future prospects. For habitats the parameters are range, area, structure and functions and future prospects. Each assessment needs to conclude whether the species or habitat is in one of the following states:

- Favourable
- Unfavourable-Inadequate
- Unfavourable-Bad
- Unknown

Details of exactly what information is to be delivered and how it should be formatted, is laid out in the report format and guidance, and is strongly prescribed.

For each species and habitat an audit trail was required to document where the information within the report forms came from. Key information, such as population estimates or favourable reference values, has been fully documented. Information on trends has been particularly important to enable a judgement for unfavourable assessments as to whether they are improving or declining. Information for each species and habitat on the threats and pressures that they are facing has formed part of the evidence required to make this assessment of overall trend, and has been particularly relevant to the future prospects parameter. In addition, for both species and habitats, information about the proportion of the resource within the *Natura* 2000 network, and on management measures is stipulated in the report framework.

The overall conclusions make depressing reading – although a reasonable number of Annex 2-5 species are assessed as being in favourable conservation

status, Annex 1 habitats are generally faring very badly. Agriculture, development, eutrophication of freshwaters, aerial deposition of nitrogen and invasive species are the key issues affecting conservation status. In addition, compiling the NI parts of the report has highlighted a lack of adequate information on many of the annexed habitats and species.

NIEA is obliged to take action to address these issues. The paper recommends the setting up of two separate Task and Finish Groups – one to consider "remedies", and the other to look strategically at the surveillance of habitats and species in NI. Both strands of work are likely to have resource implications.

CNCC members are asked to note the work that has been undertaken on Article 17 reporting and to consider whether the recommendations represent an appropriate way forward.

Council members commented as follows:-

- Farming intensification.
- Ammonia from spreading.
- Number of measuring sites in Northern Ireland.
- Power lever in getting businesses and people to change the way things are done.
- New species person in CEDAR.
- Nitrogen not much being done.
- Need to do things differently as nothing has changed in six years.
- Reporting capability has changed. Has that been detrimental to managing sites?
- Bad news but not NIEA's fault.
- Inventory pre-supposes you have recorded everything can't do as everything changes quickly.
- Data collector organized.
- Bad report use it as a tool for change.
- Got the data, now start solving problems.
- Isotope work on Nitrogen.
- Go through habitats reasons why they have started to draft or go backwards.

#### NIEA responded as follows:-

- Task and Finish Group will look at agricultural support and funding, Development Control (PPS2), Water Framework Directive (WFD) Rivers Basin Management Plans, aerial nitrogen – Integral Pollution, Prevention and Control (IPPC) and invasive species.
- Assessment for Northern Ireland in UK context.
- Species and especial habitat in poor FCS.
- Determine what information we do not have in relation to species and decide what needs to be done and commission surveys.
- Conditioned monitoring in some sites.
- Already collecting data.
- Limited amount of monitoring in some sites, cliffs etc.

- Do not have much information in un-designated sites reasonable amount of information in designated sites. Need to invest resources.
- Do not have air pollution expert.
- UK reporting has changed.
- Northern Ireland carried out own assessment.
- Four-layer strategy
- Permanent and systematic recording asked for.
- Condition survey of ASSI. We know there is a nitrification problem, but in some cases you cannot contribute cause.
- Every report has audit trail.
- More data on aerial nitrogen.

Mr A'Hearn said that he would like to have some of the information in Mr Corbett's presentation that he could take to large businesses as evidence.

The Chairman thanked Mr Corbett for his presentation and hoped that the Task and Finish group would provide more action than talk.

The Chairman also thanked Mr A'Hearn again for coming along to the meeting. Mr A'Hearn left the meeting at this stage.

# 5. WINDMILL HILL PROPOSED LOCAL NATURE RESERVE – Ms Renny McKeown

The proposed Local Nature Reserve (LNR) is a 5.2 hectare Down District Council (DDC)-owned woodland site with a historic Windmill stump, situated in the centre of Ballynahinch. It is surrounded by housing and with three kissing gate entrances, the woodland is permanently open to the public. The top of the hill/drumlin is relatively flat while the sides slope relatively steeply. An old field wall and ditch runs along the top of the hill from SE to NW.

Up until its acquisition by the Council in 2000, the field had been farmed, but had become very overgrown by gorse. Hawthorn bushes throughout the site were retained while the gorse was cleared and the site was planted in 2001 with 60-80 stock of native species. A grass path network runs through the site. It is an accessible and valuable biodiverse site containing native trees, areas of scrub/grassland and associated flora and fauna.

The purpose of declaring Windmill Hill as a LNR is to ensure that management for nature/biodiversity conservation remains the primary land use for the site while at the same time providing opportunities for informal recreation, education and research.

#### Conclusion and recommendation

It is proposed that under Article 22 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985, Down District Council (DDC) declares Windmill Hill as a Local Nature Reserve (LNR) and through the Northern Ireland Environment Agency, consults with the Council for Nature Conservation and the Countryside (CNCC) to seek its endorsement of the proposal.

Council discussed the proposal and made a number of points:-

- Local business and community should be contacted and encouraged to get involved.
- Aerial view species data list should be taken and used to show the changes that take place, before and after.
- There is a geological story to be developed here.
- A management development plan must be produced on Nature Conservation, and how the LNR will be brought forward.
- Restoration habitat corridors developed, linking up with other LNR's.
- The involvement of local people, Down District Council and The Woodland Trust in the management of the site could be of very real benefit in ensuring the conservation value of the site and making it accessible to local people to enjoy and appreciate.
- The educational value to local primary and secondary schools.

The Chairman thanked Ms McKeown for her presentation and stated that CNCC endorsed Windmill Hill.

Action: Woodlands Trust to contacted on management development plan

Ms McKeown

Mr Corbett and Ms McKeown left the meeting at this point.

# 6. EUROPEAN UNION FUNDS UPDATE – Mr Peter Archdale

Mr Peter Archdale, Deputy Chairman, presented a paper to brief the Council on European funding from a Northern Ireland perspective. It sets out the current programme scope and how the future programmes appear to be evolving.

The main points were:-

• Current budget period (2007-13)

There are four major programmes that deliver European funding to NI:-

- Interreg IVA, managed by SEUPB;
- Peace III, managed by SEUPB;
- Competitiveness and Employment (C&E), managed by DETI; and
- Rural Development Programme (RDP), managed by DARD

Each of these programmes is overseen by a Monitoring Committee (MC), upon which CNCC has a seat. Environmental oversight is delegated to two working groups, one of which covers the RDP and the other the remainder, both chaired by CNCC.

Outside the Structural Funds, the EU also provides financial support for:-

- Rural development, which is financed by the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD);
- The sustainable development of the fisheries sector, fisheries areas and inland fisheries through the European Fisheries Fund (EFF); and
- The International Fund for Ireland (IFI) which supports activities in Northern Ireland and the Border Region.

# Future programmes

The current European funding period is due to end on 31 December 2013, so new instruments are being drawn up that will cover the period 2014-20 to fund Rural Development, Investment for Growth and Jobs (ERDF and ESF), Interreg V and Peace IV.

#### Budget

These programmes are funded from the EU Multiannual Financial Framework (MFF). At the time of writing this has been agreed at €960 Billion by the Member States leaders, but has to be formally endorsed by the European Parliament and the Council.

# Assessment

The draft programmes for RDP and the ERDF were issued for consultation on 1 July 2013 and it is anticipated that the remainder will follow shortly. All these programmes fall under the remit of the SEA Directive and Scoping Reports for the RDP and ERDF were issued to NIEA in May for a five-week consultation period. ADAS are now in the process of completing the Environmental Reports, which is the main reporting mechanism in the SEA process, based on the scope outlined. It is anticipated that the Environmental Report for the RDP will be completed shortly and that the ERDF in August 2013 and will be presented for public and statutory consultation for a 12-week period until December 2013.

It is anticipated that the Peace and Interreg programmes will be issued for consultation in August, along with their SEAs.

ERDF and DRP responses are due on 21 October. It is intended to form a CNCC Working Group to consider responses to the draft programmes.

#### Council is asked to:-

- Note the context of future EU funding programme and the opportunities for contribution to biodiversity and sustainability goals they represent; and
- Contribute to consultation responses to the proposals for the new programmes.

Professor Platt explained the European Commission had recognised that the application process was too complex, while bids have often not been considered within the overall strategy for the Member States applying.

He went on to explain that Prioritised Action Frameworks (PAFs) were a planning tool which sets out Member States' and Regions' priorities, plans and aspirations for the period of the next funding round. The European Commission use the PAFs to line up bids with the EU strategy and with the approach taken in each Member State.

Professor Platt learned of their existence through his involvement as UK representative on a European Working Group on Common Implementation Framework. DEFRA has done nothing though it is co-ordinating a UK-wide

approach. Scotland and Northern Ireland prepared their own PAFs, which form Annexes to the UK submission.

Northern Ireland has sent its completed PAF direct to EU as well as to DEFRA. The completed document includes potential joint projects with Ireland.

Professor Platt provided further information on the LIFE fund through Multiannual Financial Framework (MFF), which will provide over €3.618 billion across Europe. While this is small compared to other EU funds it is intended that it should be used as a lever to access these other funds through integrated projects. It was stressed that funds could be used for compensation to land owners, fishermen for not carrying out harmful activities as well as for habitat management.

A project on Peatland conservation could involve LIFE funds for work on the peat bog, also Structural Funds for building a visitor centre for example.

The Chairman thanked Professor Platt for his presentation and for his contribution to CNCC as this would be Professor Platt's last meeting as he would be retiring shortly.

Action: Chairman to write to the Chief Executive and request an extended contract is offered to Professor Platt to bring the important projects he is working on to a conclusion.

Chairman

# 7. MINUTES OF PREVIOUS MEETING

The Chairman apologised that he has not yet finalised the minutes of the CNCC meeting held on 8 March 2013.

The minutes of the CNCC meeting held on 10 May 2013 were agreed, with two typographical errors, and signed by the Deputy Chairman.

## 8. MATTERS ARISING

<u>Management of Periwinkle Harvesting</u> – Council comments on the report were fed back to Ms Nolan.

<u>Management of Periwinkle Harvesting</u> – Ms Nolan to prepare a separate Advisory Committee Paper.

Action: Ms Nolan to prepare separate Advisory Committee Paper

Ms Nolan

<u>Management of Periwinkle Harvesting</u> – the Marine Working Group to consider the intertidal harvesting issue at their next meeting.

Action: Discuss Management of Periwinkle Harvesting at next MWG Meeting Deputy Chairman

NIEA Research and Evidence – Secretariat sent Mr A'Hearn's video to all CNCC Members.

NIEA Research and Evidence – The Deputy Chairman invited Mr A'Hearn, Deputy Secretary, Environment and Marine Group to the CNCC meeting on 9 July 2013.

NIEA Natural Heritage Research and Evidence Strategy 2020 – Secretariat sent a copy of Professor Platt's paper to absent members.

<u>JNCC</u> – Secretariat sought permission for the Chairman and the Deputy Chairman to attend the JNCC meeting on 20 June 2013.

<u>Article 17 Report</u> – Professor Platt to let Secretariat know the timeline from now until publishing the report, so that a suitable date can be set up for the working group. Professor Platt advised that the public consultation exercise closed on 10 May 2013.

JNCC has circulated a paper which provides an update on the revisions made to the UK-level conclusions and/or qualifiers as a consequence of stakeholder submissions to the consultation. It is sent to CSG for information and approval, and is also being sent to the Joint Committee Chairman. No changes affect NI habitats and species.

Chief Scientists' comments have been submitted.

The next stage of the sign-off and approval process was to present the UK Reporting information to the Executive Steering Group (of the Article 17 Steering Group) on 14 June 2013.

After that DAs will need to obtain approval for the Report to be submitted via Defra to the Commission by end July. There are no intermediate dates but I will be doing a submission to Alex Attwood by end next week.

The Chairman and Deputy Chairman to discuss this issue from JNCC perspective.

<u>Article 17 Report</u> – The Chairman to investigate dates for a working group meeting.

<u>Article 17 Report</u> – The Deputy Chairman advised Ms Swift to put this item on the Agenda for the JNCC.

<u>Article 17 Report</u> – Professor Platt to advised JNCC of European Commission Infraction.

<u>Planning Bill</u> – The Chairman submitted a response to the Assembly Environment Committee on 15 March 2013 and the Chairman/Deputy Chairman presented to the Environment committee on 11 April 2013. The Chairman is to convene a meeting of Planning Working Group.

Register of Members' interests - Council members need to update their entries.

<u>Protected Areas in the 21<sup>st</sup> Century</u> – Mr Bradley EPD to bring draft strategy to CNCC. This is out for consultation and the closing date is 30 September 2013.

<u>Chairman's Business – Seascape</u> – Secretariat checked timings and other projects with Ms Howie. There are no other projects. Fieldwork is complete. Draft report for consideration on 8 August 2013.

<u>CNCC Working Programme</u> – The Deputy Chairman circulated an up to date CNCC Working Programme.

<u>CNCC Working Group Reports</u> – The Deputy Chairman to arrange a new date for the next Marine Working Group in consultation with Secretariat.

<u>Peatland Strategy</u> – The Chairman reported that he has received no comments. Irish Peat Strategy – The Chairman will get a copy of this and check it is in line with Northern Ireland and send to the Minister and the NIEA.

Chalara Ash Die Back - NIEA to bring any further updates to the Council.

Action: Chalara Ash Die Back Updates

**NIEA** 

# 9. CHAIRMAN'S BUSINESS

The Chairman asked Professor Platt to pass on his best wishes to Ms Anderson.

Planning Bill – Major concerns raised.

JNCC – Triennial Review has now reported.

Offshore Renewable connections.

ASSIs – Forecase for the way forward.

Update on Infraction.

PPS2 – Does not include Supplementary Guidance. The Chairman is to write to the Minister regarding this issue.

Action: Chairman to write to write to the Minister

Chairman

The Chairman had circulated papers on the following:-

- Brief Synthesis on the Giant's Causeway and Causeway Coast
- World Heritage Site Steering Group 16 May 2013
- Causeway Coast Area of Outstanding Natural Beauty Plan Stakeholder Workshop – 20 May 2013.
- NI Regional Seascape Character Assessment 23 May 2013.
- TB Stakeholders Meeting 5 June 2013.
- What Nature Does for Northern Ireland NIEL Conference 6 June 2013.
- Peatland and Upland Biodiversity Delivery Group 12 June 2013.

- Greenhouse Gas Implementation Partnership Sequestration Sub-Group
   18 June 2013.
- JNCC 20 June 2013.
- Land, Landscape and Land Use 25 June 2013.

# 9.1 ASSI Designation Programme

The Chairman voiced his concern that no ASSIs had been presented to Council. This is of considerable concern given both national and international targets. The target each year is 15.

**Action:** Write to NIEA requesting an update.

Chairman

#### 10. CNCC WORKING PROGRAMME

The CNCC working programme was circulated to members at the meeting.

DEFRA and DEC Workshop on 24 July 2013 – Dr Christie attending this one. Measuring and Monitoring Biodiversity Offshore Conference, Bangor on 12-13 September 2013.

The Chairman to raise, with JNCC, regarding the keeping of NIEA informed of Marine issues.

Shoreline Management Plans – incorporate into Marine and Planning regimes. Mullaghturk Mountain Wind Farm – H/2004/1395/F - Secretariat to check current position on this application.

Wind Turbines – there should be consultation with NIEA on these.

# 11. CNCC WORKING GROUP REPORTS

(i) Mr Traill briefed the Council on the first Visibility working group meeting for First Flight Wind.

Mr Traill had circulated to members, documents from this meeting which was held on the 6 June. He had asked Council for input on this before the 26 June so he may reply on time.

Mr Traill stated that Renewable Energy Systems (RES) did not seem to be aware of the supplementary guidance for wind turbines to PPS18. As a result he has sent the supplementary guidance the original draft version and various links along with an example project modelled on Google Earth to Ingrid Pearse of RES.

Mr Traill said that they need to confer between the various working groups as there will probably be information in the working groups that needs to be cross referenced. He also thought that visibility will be a major issue here. There are two issues on which he would like CNCC input.

 The position of eight viewpoints for the initial photomontages for public consultation; and 2. The register of critical questions.

He made the following points:-

- The ZTV has been modelled using 15MW turbines at the extremities of the Geophysical Survey Area. If that is the case why is the ZTV to the south east longer than that to the south when they are both seascapes?
- He has already raised the point that any work done on visibility is entirely theoretical (and useless from a practical point of view) until the make, model, hub height, colour and exact location have been defined as, for example, the cumulative effect of tightly spaced large turbines will be completely different from that of small turbines and be completely different from the same viewpoint.
- As a result of point two above, he took the view that any modelling carried out at this stage (before the engineers have even defined position and size or options for these) is really a waste of resources. Furthermore, it could be argued that by modelling worst case scenarios for initial public consultations the public (and planners) will be 'softened up' to become relieved when the actual scheme is modelled with a considerably lower impact – not really cricket in his view.
- RES have no idea where the cables will come ashore, nor how many, nor what size they are likely to be. RES have no idea where they will connect to the grid. RES are unlikely to be able to look at these until they have decided on the turbine models and positions. Until RES have some idea of this, approaching landscape character assessment and coastal zone impacts will be like looking for a needle in a haystack – pointless.
- (ii) Dr Kirkpatrick briefed the Council on the NIEL meeting on Landscape/ Land use.

The Rural Development Plan is light on detail. Pillar 1 and Pillar 2 have movement between them. As a result the outcome could lead to significant reduction.

#### 12. MEMBERS REPORTS

## 13. GENERAL INFORMATION

**Events List** 

Mr Archdale, Mr Traill, Professor Orford all tabled the events they attended since the last meeting held on 10 May 2013.

#### Consultations Completed

CAP reform and EU programmes outworkings.

- RPA and Planning Reform detailed proposals.
- MSFD/Marine Bill/Marine Planning issues.
- Input to NI Biodiversity revisions.

#### 14. ANY OTHER BUSINESS

Mr Traill raised a few items as below:-

Water Directive Framework. Water Works, Ballyclare. Septic Tanks – Pilot area – useful report. Impact of Hydro Schemes - recent one in the Roe.

Professor Orford asked if the CNCC will be producing a report. The Chairman reported that the Council should produce a report every three years. The Chairman plans to produce a paper before his term ends.

## 15. DATE FOR THE NEXT MEETING

The next meeting of the CNCC is scheduled for 27 September 2013, venue to be confirmed.

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