

**COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE
169th MEETING**

KLONDYKE BUILDING
GASWORKS BUSINESS PARK, BELFAST
Friday 30th June 2017
10.00 AM

Those present:

Members:

Dr. A. H. Kirkpatrick (Chair)
Prof. H. Platt (Deputy Chair)
Prof. S. Christie
Dr. A. Cooper
Ms P. Davidson
Mr S. Kelly
Dr. S. McCabe
Mr. O. Murnion
Prof. J. Orford
Mrs. E. Smyth

Officials:

Dr. S. McGuckin
Mr. Ken Bradley
Mr. P. Corbett (Item 3)
Mr. S. McDougall, Secretariat
Mr. J. Ramsey, Secretariat

The Chair welcomed everyone to the meeting.

1. Apologies

Apologies were sent by Ms H. Anderson. Dr. McGuckin was deputising for Ms Anderson. Dr. McCabe and Ms. Davidson made their apologies as they would both be leaving the meeting early. Mr. Murnion sent his apologies as he had been delayed and would be attending as soon as possible.

2. Declarations of interest

The Chair asked if there were any declarations of interest in terms of the items on the agenda and reminded the Council that it was acceptable to declare at any point during the meeting. None were declared.

3. Presentation by Mr. P. Corbett – Brexit means Brexit – but what will it mean for NI habitats and species?

3.1 The Chair welcomed Mr. Paul Corbett to the meeting, briefly explained the rationale for the invitation to Mr. Corbett and thanked him for agreeing to make the presentation.

3.2 Mr Corbett began by stating that the presentation he was about to give was a personal view. It focused on species and habitats of nature conservation interest where agricultural use was a factor in maintaining that interest. He noted that the Common Agricultural Policy (CAP) and markets for agricultural products were

relevant factors and post EU exit, these could change. He also noted that Northern Ireland contained a number of plagioclimax habitats of nature conservation importance where agricultural management, particularly low intensity grazing, was important. He illustrated this point with reference to a number of habitat types, including semi-natural grassland, heathland, fens and dune slacks. He explained that certain species can depend on access to varied vegetation structure created by grazing animals. In addition, even some plant communities which were not dependent on agricultural management, did sometimes benefit from it from time to time, for example, some woodlands.

3.3 The Chair thanked Mr. Corbett for his presentation, commenting that it had given the Council food for thought, and opened the topic to the floor for questions. Prof. Orford congratulated Mr. Corbett on his presentation, but noted that ecosystems would be facing adjustment to a changing climate over the same period that they would be adjusting to post EU exit economic conditions and that the former could be the more important driver. Mr. Corbett replied that there was value in getting habitats in the best possible condition to improve their resilience to the impacts of climate change. Prof. Cooper commented that it was debateable if climate change would be a bigger factor than others in driving change over the next decade or so. He noted that allowing succession to proceed would not necessarily result in more biodiversity. He could already see land parcels in Fermanagh that were no longer in agricultural use under the current conditions and where woodland was developing. Much depended on what biodiversity was being gained or lost in the process and that a 'free for all' approach was potentially flawed. He noted that an important question was what future agricultural support would look like. Prof. Orford said that he thought payments for ecosystem services was the way forward.

Prof. Orford pointed out that external markets would need to be found or developed for the agricultural industry which would impact on habitats.

Dr. McCabe informed Council that while New Zealand did not pay subsidies directly to its farmers it paid the export tariffs.

A number of Members commented on the need for future policies that were tailored to the NI situation.

3.4 Members noted that there was potential for significant change to the countryside after the UK leaves the EU. CAP payments are a major factor in farm business viability here. The trend towards intensification would continue for the immediate future to meet the demands of the export market but this could also be accompanied by a reduction in other types of land use. Mr. Kelly pointed out that producers and processors were starting to realise that they could not compete on price, but needed to focus on quality in their products. He said that a key question was "What does environmental sustainability look like?" He requested a copy of the presentation. Prof. Platt mentioned Northern Ireland's geographical position and speculated if Northern Ireland should be looking at changes in collaboration with the rest of the UK or as an island issue. It was noted this depended on the powers that were devolved from central government. Members also held a brief discussion on the future possibility of farmers being paid to deliver environmental services.

At this point Mr. O. Murnion joined the meeting (11.10)

Dr. McCabe commented that environmental NGOs had the potential to act as honest brokers in ecosystem service delivery. Mr. Murnion commented that farmers should see themselves as the natural guardians of their land and local place. Dr. McCabe agreed. Ms. Davidson stated that there was a need to engage farmers in discussions about ecosystem service delivery because it will involve culture change and noted the importance of farming in NI culture. Dr. Cooper pointed out that pollution in all its various forms needed to be tackled to get positive outcomes for many habitats.

Action 3.4.1 Secretariat to request copy of the presentation from Mr. Corbett for circulation to Council members.

3.5 Discussion then moved on to the issue of rewilding. Prof. Christie reminded Council that rewilding could be labour intensive and that Northern Ireland had no remaining large animals. Habitat connectivity was important for functionality and countries with large semi-natural or natural areas had the advantage of economies of scale. Mr. Murnion described a rewilding project he had visited in Latvia and noted that he thought welfare concerns and other livestock management issues would make this impractical here. Concern was also expressed about the potential impact of invasive species on post abandonment successions. Prof. Christie also noted that there would be opportunities to come up with local solutions to suit NI or regions within it and stated that targeting would have to be much more detailed in future. She mentioned that the poultry industry was addressing the issue of ammonia.

3.6 Ms. Davidson asked what route CNCC had to progress the issue. It was noted that CNCC was represented on the DAERA Environment Stakeholder Group.

3.7 Mr. Kelly informed Members he was coordinating a number of working groups on EU exit issues on behalf of NI Environment Link (NIEL). At this point the Chair asked the Council members if they were content to take a short break and then move on to the next agenda item.

4. Progress on the review of outdoor recreation legislation (Mr. K. Bradley)

4.1 Mr. Bradley gave an update on the review of outdoor recreation legislation and referred to the draft 'synopsis of responses' document that had been circulated to the Council. He discussed the responses received to date and stated that he expected a few more to come in. Mr. Bradley stated that it was the Department's intention to meet respondents to discuss their comments in more detail.

4.2 Prof. Orford commented that it was unfortunate that only three of the eleven local councils had responded and suggested that part of the problem was the large range of issues to be considered. Mr. Bradley responded that it is the intention of the Department to draft a paper for the cross-departmental Strategic Outdoor Recreation Group.

4.3 At this point the Chair invited Mrs. Smyth to update Council on the background research she had done into the matter. Mrs. Smyth commented on the four main pieces of relevant legislation and then noted some of the barriers

such as blocked paths, concerns about privacy, crime or liability as well as land tenure. It was noted that some of the difficulties may be operational rather than legislative. Ms. Davidson commented that compared to some English regions NI does not have many public rights of way. Members noted that local government has a duty to keep rights of way open though most members of the public are unaware of this. Members also noted that historic tracks could potentially be re-invented as routes and that this had been successfully carried out in other countries. Developments in the Republic of Ireland were noted as was the potential value of the Ulster Way in attracting tourism. Members also commented on the potential of local paths to contribute to health and wellbeing outcomes in the draft Programme for Government. The value of community led work was mentioned.

4.4 The Chair asked what was the legal test was for a public right of way in Northern Ireland. Mrs. Smyth responded that written evidence had to be sent to the relevant Local Authority.

4.5 At this point discussion moved to coastal access. Members noted that the relevant part of the UK legislation was not extended to NI. The Chair asked the Council if it was its view that the current legislation was not fit for purpose and Council agreed. Mr. Bradley asked the Council to provide detail. At this point the chair suggested that Mrs. Smyth's paper on this matter be circulated to the Council with Council members asked to respond to the Chair via the secretariat by the 21/7/17. It was noted that the final response to the Department was required for the 31/7/17.

Action 4.5.1 Progress on the review of outdoor recreation legislation – Secretariat to circulate Mrs. Smyth's paper to Council members.

Action 4.5.2 Progress on the review of outdoor recreation legislation – Council members to respond back to Chair via secretariat by the 21/7/17.

5. Organisation and timing of CNCC field visit (Mr. S. McDougall)

5.1 Mr. McDougall informed the Council that it was proposed to visit the Bann Estuary SAC within the week beginning 7th August 2017. The aim would be to better understand the Department's long term vision for conservation management planning and Council would be accompanied by Mr. Geoff Campbell, NIEA and Mr. Colin Armstrong, MFD. Ms. Davidson suggested that visit to a nearby National Trust site could be arranged as well. It was agreed that Mr. McDougall would liaise with Ms. Davidson regarding access to the National Trust site.

Action 5.1 Organisation and timing of CNCC field visit – Mr. McDougall to liaise with Ms. Davidson in relation to the National Trust site.

6. Departmental update on designated sites and information technology (Dr. S. McGuckin)

6.1 Dr. McGuckin updated the Council on the programme for management plans for SACs and how the information would be captured to demonstrate how targeted management will lead to improved conservation status. Mr. Murnion commented that he could see the positive effect of the new DAERA structures and responsibilities in the way this was developing. Dr. McGuckin also gave an update on a recent Eurosite meeting on adaptive conservation management planning and the potential for an advanced information management system (CMSi) to support the development and implementation of conservation management plans. Ms. Davidson commented that the GIS mapping element is critical to management planning. The value of the approach outlined by Dr. McGuckin and the associated information management systems was enthusiastically noted by Council.

Action 6.1.1 Departmental update on designated sites and information technology – Dr. McGuckin to send links to CMSi and the Natural Env't map viewer to secretariat for circulation to Council.

Action 6.1.2 Departmental update – Dr McGuckin to respond to Mr. Murnion about the extent of common land EFS applications.

At this point the Chair decided to take agenda item 9 next due to time constraints and members with relevant expertise having to leave shortly.

9. Forward Consultations

9.1 The Chair drew Members' attention to two prospecting licences currently on the Department for the Economy's consultation list. Members noted the prospecting licences would cover a large area and that there was no information on what would be permitted under these licences. It was agreed that the matter should be looked into to see if a response from CNCC was required at this stage.

7. Departmental Update (Dr S. McGuckin)

7.1 Dr. McGuckin updated the Council on matters within the Department. The review of Science delivery is coming to a close and will go to a project board in July. The Department was of the opinion that it had been a useful exercise. The Chair asked if there had been any reference to the role of CNCC in the review. Dr. McGuckin replied that there had not.

7.2 Dr. McGuckin informed Council that NIEA has provided planners with a map viewer of designated sites and priority species and that links could be sent to Council. Dr. McGuckin concluded by conveying apologies from Ms. Anderson who was chairing an interview board.

Action 7.2 Dr. McGuckin to send secretariat links to the map viewer. for circulation to Members.

7.3 Mr. Bradley informed Council about developments in relation to natural capital and the visit of a member of the Natural Capital Committee. He noted there may be an opportunity for CNCC members to meet them although at this stage he was unclear as to how many places would be available.

7.4 Mr. Bradley stated that in light of developments and the call on all departments to review their Arms Length Bodies, the Department intended to carry out a review of CNCC. It was intended that this review would be initiated during Sept/Oct 2017 and would take around three to four months to complete. Business Consultancy Services would carry out the review. The Department considered that Business Consultancy Services were far enough removed from the Department to take on this task. A short discussion took place on the issues that would be covered by the review and Council welcomed the proposal.

7.5 At this point Mr. McDougall updated the Council on the implications of the review combined with the lack of a Departmental Minister. He stated that the Department would be asking members of the Council if they would be prepared to extend their current terms for an additional six months. A boarding process would normally have been instigated to be completed by February 2018. However, the impact of the review was unknown and the boarding process would thus be delayed for a few months.

Action 7.3 Departmental update – Mr. Bradley to share the details of the Natural Capital invitation with CNCC.

Dr. McCabe left the meeting at 13.00

Lunch 13.00 – 13.30

Mr. Bradley left the meeting at 13.30

Dr. McGuckin left the meeting at 13.30

Mr. Corbett left the meeting at 13.30

8. Chairman's Report

8.1 The Chair gave Members an update on the recent meeting of JNCC, including progress on the organisation's strategy. Members were also informed about JNCC's work on Earth Observation data and its potential for economies of scale in wider use. The Chair noted that earth observation techniques could be used to monitor within, and between, year changes in factors affecting habitats. The Chair had attended the company board meeting on 8th June. There had also been a staff engagement event on 7th June where the Chair met staff of the JNCC support company. The Chair had also participated in a Joint Committee workshop on the afternoon of 7th June to examine the purpose and management of non-GIA income.

8.2 The Chair attended a meeting of the Biodiversity Forum on 15th June and had discussed Council's recent thoughts on the strategic role of Local Nature

Reserves with Forum Members. The Chair noted that the discussion had raised a number of points including the importance of the local enthusiasts for a LNR voicing their support and that local councillors have an important role in championing public open spaces. Ongoing funding of site management can be a challenge and while it is often possible to get project based funding for a number of years, there is a need to investigate more innovative longer-term financing. Sites put forward for designation as a LNR tended to be those easiest to progress rather than the result of a systematic survey of the local authority area. Finally, some members of the public believe all public open space should be kept as neat as possible with short grass and bedding plants and this is a challenge in managing for biodiversity, for example, some areas needed to be mowed after wildflowers had set their seed. A number of Members expressed surprise this was still the case and noted that over the past two decades there had been increased innovation by councils such as mowing strips alongside hard paths in wildflower meadows or cutting a grass based path to facilitate access for walkers. Members noted that LNRs were important because they provided places where people could go for a walk close to where they lived and that as more of the population lived in towns the demand for such spaces would increase. Local Authorities needed to consider this in their forward planning. Dr. Cooper expressed concern that there were semi-natural grasslands of High Nature Value being currently managed by ageing farmers. These were not formally protected by national level designation but were an important resource for nature at a local level. Ms. Davidson drew attention to the useful guidance being developed via the All-Ireland Pollinator Plan.

8.3 The Chair drew Members' attention to the Department of Infrastructure review of the 'development in the countryside' policy as set out in the Strategic Planning Policy Statement. Fleming Mountstephen consultants have been commissioned to conduct the review and have been supplied with the past consultation input from stakeholders. The Chair had been invited to meet with Mr. Peter Fleming and noted they are interested in examples of good practice from elsewhere between the equivalent of the Infrastructure department and a local authority.

Mrs. Smyth asked if a written remit for the review was available. The Chair undertook to send further details to Members.

Action 8.3.1 Chairman's report – Chair to send Members further details of the review remit.

Action 8.3.2 Chairman's report – Members to send comments on the review of development in the countryside to the Chair for collation by 20th July.

8.4 The Chair informed Members that DAERA had received a request for information under the Environment Information Regulations 2004 from Mr. Chris Murphy for documents relating to the A6 road. This had included a reference to copies of communications received by CNCC and the Department had

accordingly contacted CNCC and Mr. Murphy had been supplied with the documents.

9. CNCC and EU exit issues

9.1 The Chair updated the Council on the 2nd June 2017 meeting of the Environment Stakeholder Working Group. This group is to be jointly chaired by Mr. David Small and Mr. Graeme Wilkinson. The Chair, Deputy Chair and Mr. Murnion attended the meeting. DAERA has established a number of groups as well as this one and the others are trade, food and farming, fisheries and marine, animal and plant health and rural society. The Chair outlined the role of the working group and noted key deadlines as well as issues of confidentiality. The Chair had asked the Department for access to relevant information from the Trade Working Group as trade could be a big driver of habitat change in the wider countryside. The Department was considering this request. The Chair noted that Council should be alert to opportunities to do things better in some areas following exit from the EU.

9.2 The Chair thanked Prof. Christie for the background briefing paper she had provided for the meeting.

Prof. Orford left the meeting at 14.30.

Prof. Christie left the meeting at 14.40.

10. Marine and Coastal Working Group Update (D. Chair)

10.1 Prof. Platt briefly updated the Council on the Marine and Coastal Working Group. Council were informed that the Marine Plan was ready for Ministerial approval and the Department intended to hold a series of stakeholder workshops early next year. Prof. Platt noted there were marine and coastal issues relevant to agenda item 13.

11. Meeting Reports

11.1 The Council briefly discussed the meeting reports that had been circulated for the CNCC meeting.

11.2 The Deputy chair briefly updated the Council on an EU event he had attended in the Plaza hotel, Dundalk. The event had been financed by the European Parliament. Those attending had been focused on all Ireland issues. Prof. Platt said he had observed that the Republic of Ireland was taking Brexit very seriously.

11.3 The Council briefly discussed the meeting UWT had organised with the TB Strategic Partnership Group. A correction in the cost of herd testing was given by the Deputy chair. The figure was about £30 million. The Deputy chair asked whether CNCC should be represented on the TB Eradication Partnership. Members decided to ask for a departmental briefing on the matter, in particular the role of CNCC.

Action 11.3 Meeting reports – Chair to write to Ms. Anderson seeking clarification on the role of CNCC.

11.4 Mr. Kelly informed the Council of a new NIEL led initiative to assess and respond to the challenges and opportunities associated with leaving the EU. Its structure consisted of a Project Board, a project team and four issue specific working groups;

- Sustainable Land-use;
- Nature and Environmental Protection;
- Marine and Fisheries; and
- Advocacy, Campaigns and Communications.

Mr. Kelly said that it was possible for independent experts as well as NIEL Members to get involved in the process. The intention was to present papers in both Parliament and the Dáil on key asks and that they also intended to go to the European Parliament in Brussels seeking support for their developed arguments.

Action 11.4. CNCC and EU exit issues – Mr. Kelly to send background details of NBC group to secretariat for circulation to Council.

Ms. Davidson left the meeting at 15.10.

13. Critical Issues.

13.1 This matter was briefly discussed. It was agreed that there was merit in this proposal. The Chair asked Council members to consider what issues should be included in a CNCC critical issues list and it was agreed to explore this.

14. Minutes of previous meeting (Chair) and matters arising.

14.1 Due to the reduced number of Council members remaining at the meeting, the Chair requested the secretariat e-mail the Council seeking their approval for the minutes as a correct record.

Action 14.1 Minutes of previous meeting (Chair) and matters arising. Secretariat to e-mail Council.

14.2 Matters Arising

14.2.1 Chair to Contact Dr. Cooper regarding status of paper and input - All Council Members to provide comment on the revised draft Peatlands Strategy paper and Dr. Cooper to lead on drafting the paper. Dr. McCabe to lead on drafting a summary paper once the strategy has been finalised and agreed by Council (item 4.2 of minutes of 25/11/2016). **Ongoing.**

14.2.2 Mrs. Smyth to phone relevant parties - Mrs. Smyth to report back to Council in relation to heritage and AONB funding (item 8.5 of minutes of 25/11/2016). **Ongoing.**

14.2.3 Intranet – Chair and secretariat to explore idea (item 7.5 of minutes 27/11/15). Members expressed support for the idea of a dedicated CNCC internet space to facilitate handling of information. **Ongoing.**

14.2.4 Departmental reorganisation. Clarification from the Department- **ongoing** covered as a standing item in the Departmental update.

14.2.5 Mr McDougall to raise the issue of further recruitment to the Council with Helen Anderson (item 4.2.1 of minutes of 27/5/16). **Issue has been raised and an update provided under 7.5 of the meeting. Ongoing.**

14.2.6 Chair to develop a paper for Ms. Anderson outlining the Council's ambition for its working groups and its wish to develop, subject to resources (item 4.3.2 of minutes of 27/5/16). **Ongoing.**

14.2.7 Consideration of Landscape Character Assessment process in relation to Sustainability Appraisal – Mrs. Smyth **Ongoing. The Chair to contact Mr Pete Mullan (Landscape Institute for (NI)).** The Chair reported that Mr. Mullan had been e-mailed but no reply had been received as yet.

14.2.8 Secretariat to contact the DAERA greenhouse gas team (item 10.2 of minutes of 27/1/2017). DAERA team requested questions from CNCC. **Ongoing – questions have been sent and the team is reviewing these. GHG team have responded to CNCC. CNCC to draft reply and if necessary ask for another meeting. Dr. Cooper to attend any such meeting.**

15. Date of next meeting.

15.1 Date of the next meeting 8th September 2017.

AoB.

The Chair updated the Council on the matter of a FoI request received from Mr. James Rainey.

The meeting concluded at 15.45.