

COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE
157th MEETING
CAUSEWAY COAST AND GLENS DISTRICT COUNCIL,
SHEKBURN HOUSE, MARY STREET, BALLYCASTLE
FRIDAY 26 JUNE 2015
10.00 AM

Present:

Dr. A. H Kirkpatrick - Chair
Ms. J. Goldring – Deputy Chair
Prof. S. Christie
Dr. A. Cooper [Items 1- 8]
Ms. P. Davidson
Mr. S. Kelly
Dr. S. McCabe
Prof. J. Orford
Prof. H. Platt

In Attendance:

Ms. H. Anderson – NIEA [Items 1-9]
Mr. G. McNeill - NIEA [Items 1-3]
Ms. H. Thompson – NIEA [Items 1-4]
Mr. P. Rice - Secretariat
Mr. P. Anketell - Secretariat

1. APOLOGIES AND WELCOME

Apologies were received from Mr. O. Murnion and Ms. E. Smyth.

2. DECLARATIONS OF INTEREST

The Chair asked members if they had any declarations of interests in relation to the agenda items. Ms. P. Davidson reported an interest in Cregagh Wood through her work with the National Trust. The Chair noted this but did not think it necessary to ask Ms. Davidson to leave the room for item 4 since the LNR declaration would not result in any benefit to her. The National Trust already manages this woodland under an existing agreement. No other potential conflicts of interest were declared.

3. DE-DESIGNATION OF LOUGH BEG NATIONAL NATURE RESERVE

Mr. G. McNeill (NIEA)

3.1 Mr. McNeill reported on and circulated hardcopy of the proposed de – designation of Lough Beg National Nature Reserve.

3.2 NIEA had been approached by the two landowners with whom they had management agreements in order to manage the Lough Beg Nature Reserve. NIEA had been of the opinion for some time that the management agreements between the DoE and the landowners were not fit for purpose and after long consideration it was proposed to terminate these agreements. The rationale behind this was that this would result in the farmers being able to access the DARD CMS scheme and this would provide more appropriate positive management for the site.

3.3 DoE owns Longpoint Wood and Church Island, both within the SPA/ASSI. Management of Church Island is being taken over by the DoE Historic Environment Division, which will become part of the Department of Communities (DC). The Royal Society for the Protection of Birds (RSPB) has been working with the Department to

support a strategic management approach to the SPA lands and has drawn up individual farm management plans funded by Heritage Lottery Fund.

3.4 While these lands will still be designated as both ASSI and SPA, with the absence of a management agreement, this would result in the Department having to de-designate these lands as a Nature Reserve.

3.5 Mr McNeill reported that the Nature Conservation and Amenity Lands (NI) Order 1985 (NCALO) stipulates the role of the Council for Nature Conservation and the Countryside (CNCC) and that the Department does take their advice on the establishment and management of nature reserves but that the process in relation to the role of CNCC in declaring that land is no longer to be managed as a nature reserve is not clearly stated in the legislation. Mr. McNeill indicated that in bringing this paper to CNCC their comments are welcomed on the individual case and the mechanism for terminating a Nature Reserve.

3.6 Members stated that in the absence of specific legislative clarity on the role of CNCC in declaring that land is no longer to be managed as a Nature Reserve a protocol would need to be put in place. CNCC members expressed concern that such a de-designation could set a precedent leading to further requests and decisions taken without appropriate independent scrutiny.

3.7 Particular concerns were expressed that it was important that site ecological condition should be seen as something that had to be maintained.

3.8 Members also were concerned that the way in which grant schemes were set up had allowed the situation to occur.

3.9 Members stated that they were concerned about the process/concept of de-designation in the wider context and they were concerned about the absence of procedures and /or specific legislative requirements. As a result they had grave concerns about the paper presented at the meeting.

3.10 Ms. Anderson reported that the achievement of a positive environmental outcome was the reason the Department was taking this action of termination of the agreement with the landowners. She stressed that the lands are still designated as ASSI and SPA and these designations will remain to ensure the protection of the sites. Some CNCC members indicated that they accepted that the ASSI and SPA designations would protect the conservation features of the site but others still felt that the Department needed to provide greater clarity and assurances of this.

3.11 Mr. McNeill reported that the NCALO advises that unless the Department either owns or has a management agreement on a site it cannot be designated as a NNR.

3.12 Mr. McNeill and Ms. Anderson thanked CNCC for their constructive comments with Ms. Anderson agreeing to take CNCC's comments both in relation to this specific site and the process back for further consideration and that the Department would circulate an updated paper before the next CNCC meeting.

ACTION: - Updated Paper on the proposed de – designation of Lough Beg National Nature Reserve.

Natural Heritage

4. PROPOSED DESIGNATION OF LAND AT CREGAGH WOOD, CUSHENDUN

Ms. H. Thompson (NIEA)

4.1 Ms. Thompson reported on and circulated hardcopy of the proposal to declare Cregagh Wood as an LNR. Article 22 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985, gives district councils the power to establish Local Nature Reserves (LNRs) as a means of conserving and raising awareness of local biodiversity, while making them accessible to the public. Although the power to declare LNRs lies solely with district councils, there is a requirement to consult with the Council for Nature Conservation and the Countryside (CNCC). The proposal to declare Cregagh Wood as an LNR was ratified by Moyle District Council on 21st January 2015. Causeway Coast and Glens Borough Council subsequently directed the Northern Ireland Environment Agency, to consult with CNCC to seek its endorsement of the proposal to declare Cregagh Wood, Cushendun as a Local Nature Reserve.

4.2 Ms. Thompson reported Cregagh Wood, also known as Creagagh or Craigagh (meaning rocky) is significant woodland forming a prominent landmark on the south/south-east facing slope of the Glendun River valley approximately 1.5 miles from the village of Cushendun.

4.3 The proposed LNR is a 28.7 hectare privately owned property. It comprises a largely deciduous woodland plantation with about 12 hectares identified as having ancient woodland origins. It is an important stronghold of Red Squirrel in the area. It is currently protected by a covenant between the landowner and the National Trust who manage the woodland. It is designated in the Draft Northern Area Plan 2016 as a Site of Local Nature Conservation Importance (SLNCI).

4.4 The steeper slopes in the Cregagh Wood area are characterised by the presence of large and unsorted boulder grade material. Typically sub-rounded these appear to relate to deglacial events at the end of the last Ice Age.

4.5 Ms Thompson reported on the habitats and species found in Cregagh Wood.

4.6 The site is in private ownership. The local community access the woodland on a regular basis for walking and informal enjoyment of nature.

4.7 The work of the Glens Red Squirrel Group to protect the red squirrel population in the wood has raised awareness of the site's nature conservation value and has increased the site's popularity. The installation of feeding stations close to the roadside allows the public to view and photograph the squirrels from the car without disturbing the wildlife.

4.8 Over the last year, in partnership with the landowner and the Glens Red Squirrel Group, the Heart of the Glens Landscape Partnership have been delivering environmental education, teaching a range of skills in species recording, monitoring

and identification through a project known as 'Habitat Stations' – engaging schools, local interest groups and clubs.

4.9 In March 2015 Moyle District Council and the Heart of the Glens Landscape Partnership signed a ten year lease agreement with the landowner. With the support of the landowner, the Council plan to make improvements to the site access, develop a publically accessible nature trail within the wood and provide interpretation.

4.10 The covenant between the owner and the National Trust limits any actions that would damage the integrity of the broader woodland. Under the ten year lease agreement with the landowner, which came into effect on 1st April 2015, the Borough Council has taken over the management of the site and its access. The Council's Countryside and Coast Officer and Biodiversity Officer will be responsible for the management actions including an annual tree survey, control of invasives and path maintenance. The Glens Red Squirrel Group will continue to manage the squirrel population.

4.11 A Management Plan has been drawn up by the heart of the Glens Landscape Partnership and Moyle District Council.

4.12 Ms. Thompson concluded by saying Causeway Coast and Glens Borough Council, through the Northern Ireland Environment Agency, seeks the endorsement of the Council for Nature Conservation and the Countryside (CNCC) for its proposal to declare Cregagh Wood, Cushendun as a Local Nature Reserve (LNR), under Article 22 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985.

4.13 Members had a number of comments on the proposal. It was noted that rationale and ecological outcome needed to be more explicit in the text of the management plan. Site environmental history (including pollen analysis if possible) could be helpful in providing a context for management. This might be efficiently achieved via a dissertation topic in conjunction with a university specialist. Whether the case for tree-felling was being made on safety or ecological grounds needed to be clarified. It was noted that professional advice should be taken and it is important to select the right person with the appropriate ecological knowledge to carry out the tree survey in order to avoid spending more money than necessary or damaging the reserve. The option might be there to manage Cregagh Wood as a resource with the timber from any maintenance being used to enhance and improve the site.

4.14 Members commented that the environmental history of the site would be interesting and could be helpful in providing a context for management. This might provide a dissertation topic for a student and could present a cost saving on the work.

4.15 Members stressed the importance of the educational value to local primary and secondary schools and community groups. CNCC were particularly pleased to note how much the local community were involved in the site. The site could also provide economic benefits to the area as the red squirrel is an iconic species of interest to visitors.

4.16 Members suggested that NIEA should discuss an approach to LNR Management Plans with the new local authorities. A relatively straightforward approach would be to have a generic template which could be adapted to suit the site. It should include headline points which can be understood by the general public and need not be very descriptive. In response to comments at the last LNR presentation Ms. Thompson had made available detailed species lists. Members suggested that not all of this needed to be in hardcopy and that an electronic list might be adequate

4.18 Ms Thompson thanked the members for their comments.

4.19 The Chair thanked Ms Thompson for her presentation and noted Ms. Bain's contribution to the presentation. CNCC unanimously endorsed the proposal.

5. MATTERS ARISING

5.1 From meeting (08.05.15) Ms. Smyth noted that the EU had produced a document on Green Infrastructure about two years ago.

The Chair reported that the EU Communication on Green Infrastructure May 2013 had been circulated to members. This item can be removed from matters arising.

5.2 Re-wilding (5.5.18) July meeting the Chair to circulate points to members for consideration. The Chair met with Prof. Rotherham before a JNCC meeting on the 17th September. The Chair circulated points to members for consideration. The Chair suggested an ad hoc meeting to explore this further.

Ongoing

5.3 The Chair to write letter in relation to the coastline (**para 7.7.4**). This refers to further publicity in relation to the presentations at the Shoreline Management Conference. Professor Christie reported that people had been approached and this matter was ongoing. Members reported that producing DVD's from the Shoreline Management Conference in November 2012 had been a very good idea but with the budget constraints it would have to be on hold, and asked for this item to be removed from the matters arising. A member reported that they had recently attended a Shoreline Management meeting in London organised by the National Trust at which no NI public body was represented. Government needs to be more involved at a high level in shoreline planning. They noted that last week Climate NI is going through a process of engagement with stakeholders and that shoreline issues should be in there as part of an adaptation programme. A member reported that the National Trust is working with affected communities on this issue. MCWG have engaged with the issue and identified a need for greater government engagement with the matter. The Chair noted that the issue of funding for shoreline management needs to be addressed.

5.4 The Chair reported that following a decision taken at the meeting on 8th May 2015, a letter had been sent to the Minister on 28th May highlighting the potential legal risks associated with the cancellation of the *Modiolus* research and a reply received. Members had provided relevant information. Copies of the letter have been circulated to Council. The Chair thanked members for their comments which

had been used to formulate the letter. This item can be removed from matters arising.

5.5 Members commented on their concerns in relation to the termination of the research partnership and other projects affected by DOE cuts. There is also the issue of what research will be carried out when the two Departments are brought together. It was also noted that there needs to be an effective mechanism for gathering data on habitat change in order to inform future policy and decisions. Ms Anderson reported that the financial situation is very difficult and the Department is looking at outcomes they need to achieve. Discussions with QUB are ongoing. At the same time officials are identifying key areas of work, prioritising, and finding funds through all available channels. Ms Anderson reported that the letter from CNCC was taken into account. The Minister has lobbied hard for additional funding to be made available. Any infraction risks/fines will be the responsibility of the new Department.

6. MINUTES OF PREVIOUS MEETING

6.1 A number of Members expressed concerns that the section of the Minutes of the 156th Meeting that dealt with the NI Regional Landscape Character Assessment did not fully reflect the detailed and lengthy discussion of this item. The focus of a question on base evidence was on how *subjectively* recorded base evidence could be used reliably for decision-making. A clear statement on *types and distribution* of natural resources was also needed. It was therefore agreed to defer the signing until the next meeting. A member wished to table amendments to 10.21 and 10.2 and it was agreed these should be forwarded through the Secretariat for consideration at the September Meeting.

6.2 After some discussion the Chair suggested that to assist the process of minute taking that after all agenda items there would be a recap of the item and any action points agreed. The Chair also recommended that Agenda items should be tabled well before CNCC meetings and not on the day of a meeting.

Action; - Members' comments on the minutes to be sent through the Secretariat.

Members

7. CNCC WORKING PROGRAMME

7.1 CNCC's effective role in the crucial developing issue of the future of Environmental concerns within the Structure of NI Governmental responsibilities. Ms Anderson stated that work has already begun to prepare for the restructuring of Departments in May 2016. A Departmental Restructuring Programme Board has been created to coordinate this important change programme. The Programme Board includes senior management staff. Ms Anderson updated members on the ongoing change to the structures within the Civil Service. Representatives from Departments have been brought together to ensure that all the necessary restructuring activities are completed in time for the next Assembly Election in 2016. It will also provide a forum for considering and taking decisions on issues that cut across the overall programme of Departmental restructuring. Within the programme there are separate projects to ensure the establishment of the new Departments,

each of which are overseen by a Permanent Secretary with a grade 3 as a Senior Responsible Owner. Regular updates from each of these projects and key messages and updates from the Head of the Civil Service are given to staff. Ms Anderson reported that the NICS Voluntary Exit Scheme (VES) was launched in March 2015 and had been put in place to reduce staffing numbers across the NICS on a voluntary basis during 2015-2016. Directors are currently considering the potential impact on their business of staff leaving under the terms of the Scheme and will work with their Deputy Secretaries to draw up plans to manage the position throughout the rest of this financial year.

7.2 Ms. Anderson reported that The Deputy Chair had represented CNCC at a workshop on the key outcomes for the Natural Environment Fund (NEF). A full and frank discussion had taken place. 21 organisations are funded by the NEF and this will be the funding used by NIEA for the rest of the financial year. There is £1.25 million funding available for key developments for positive outcomes. Ms Anderson reported that this was a positive development with the workshops in July and September also looking at outcomes and mechanisms. NGOs had had a positive meeting with DARD. NIEA are looking at a Prioritised Action Framework (PAF) update.

7.3 Ms. Anderson reported that issues regarding the move to the Department of Agriculture Environment and Rural Affairs (DAERA) need to be addressed. As a result workshops are being organised by DOE for the end of July and September to look at where gaps may appear. The workshops will cover both the Natural and Built Heritage.

Action: - Ms Anderson to forward dates of workshop to Secretariat for circulation to members.

Ms Anderson

7.4 One member reported that Mr Patrick Casement, Chair of Northern Ireland Environment Link (NIEL), had written to the Ministers of DoE and DARD asking what CNCC's role would be in the new Departmental arrangements.

7.5 The Chair suggested a special meeting of CNCC ahead of the workshops and a meeting the Chair will be attending with the Chairs of HBC and HMC on the 1st September with Ian Maye and Wesley Shannon. This would give CNCC a chance to discuss its role going forward, focusing on where CNCC can make a difference and highlighting outcomes. The Chair asked members for a suitable date with the 20th July being selected for this meeting. The Chair asked Ms Anderson to draw up key points for the meeting that could be circulated to members before the 20th July.

Action: - Ms Anderson to forward some bullet points NIEA would like CNCC input on before the meeting for circulation to Members.

Secretariat will book a suitable venue to hold 10 to 12 people for the 20th July.

Ms Anderson/Secretariat

8. CNCC WORKING GROUP REPORTS: Marine and Coastal Working Group (MCWG).

8.1 Professor Platt, Chair of MCWG, reported on the MCWG meeting held in the Design Centre on the 8th June. Professor Platt circulated and discussed the action points from this meeting (see appendix 1).

8.2 Professor Platt reported that the Tuesday before a CNCC meeting a MCWG meeting would be held and he would report on the MCWG meeting at the CNCC meeting. Professor Platt proposed the 22nd September and the 24th November as the dates for the next two MCWG meetings. Professor Platt reported that all papers from the MCWG meeting held on the 8th June would be sent to the Secretariat for circulation to members and tabled at the next CNCC meeting along with the Terms of Reference he had drawn up. At MCWG meetings they had agreed members' names would be placed against their comments.

Action: - Professor Platt to forward MCWG papers to Secretariat for circulation to members.

Professor Platt

8.3 Action point 7 was discussed and the Chair offered to meet with Mr Campbell from Marine Environment Division (MED) to highlight CNCC's concerns over coastal issues.

Action: - Chair to request meeting with Mr Campbell to discuss coastal issues.

Chair

9. GENERAL INFORMATION

- **Events List**
- **Consultations Completed**

9.1 The Chair reported on the Future Places and Spaces Conference on the 1st July. The event was hosted by Landscape Institute Northern Ireland (LINI). This was a one day conference relating to the design, implementation and management of Northern Ireland's places and spaces. The Chair sought Members views on an issue raised in Pete Mullin's presentation, namely why landscape value is strong in some places and weak in others. Council was also invited to discuss whether greater engagement with the Landscape Institute could be of benefit. Members discussed the pros and cons with some members stating that the LINI view is cultural rather than natural. Some members believed that with Ms Smyth a member of CNCC and LINI that this line is already open. The Chair expressed the view that dialogue would enable any Council perspective to be taken into account.

9.2 The Chair reported on the SCAMP NI Steering group meeting and a report was circulated to members. The meeting included a presentation from Scottish Water and among the issues highlighted was the impact windfarms can have on water quality.

Colour is clearly a big issue for the water companies because of the cost of treatment but technically it is not a pollutant and so can be off the scoping radar of other organisations whose activities have the potential to increase it. While NI Water

is picking up issues that impact upon it as a result of other organisations focus either on agricultural production, forestry production or renewable energy production etc. There is also the tendency for NI Water to itself focus on what land management will deliver for it without looking at impacts elsewhere. Therefore the idea of multifunctional/ integrated land management needs generally to be more on the radar. There may well be win/wins from Scamp projects but there will also be trade-offs and it is important to know what these are to make informed decisions. The Chair noted an example of a trial of rush control methods up at Glenwherry. This included liming as well as different methods of pesticide application but because the focus was on water the impact on soil biodiversity did not seem to have been recorded. While NI Water could not pay for this aspect it is not difficult to offer the opportunity of involvement to soil invertebrate specialists eg as a small project or MSc dissertation.

9.3 All-Ireland Pollination Plan

This plan was initiated by Dr. Una Fitzpatrick (National Biodiversity Data Centre) and Dr. Jane Stout (Trinity College, Dublin) and developed by an all-island steering group on which DOE was represented. CNCC had provided input to the draft plan and the Chair was now seeking formal agreement to CNCC being listed as supportive of the plan. Formal agreement received from CNCC members.

9.4 The Chair reported on consultations completed. The NI Regional Landscape Character Assessment was submitted on 9th June 2015. The Chair thanked Dr McCabe for his input to the consultation on River Basin Management Plans. The Chair reported on the upcoming consultation on the Water Framework Directive Priority Substances and Classification Regulations due on 21st August 2015. Dr McCabe offered to read through and discuss with the Chair.

Action: - Water Framework Directive Priority Substances and Classification Regulations, Dr McCabe to view and then discuss whether CNCC should take this further with Chair.

Dr McCabe

9.6 The Chair had carried out an initial read through of the draft Waste Management licensing (Amendment No 2) Regulations (NI) consultation due on 25th September 2015 consultation and noted the material was quite specialised and technical. Some members suggested that CNCC did not need to comment on this as it was not within CNCC's remit.

10. CHAIRMAN'S BUSINESS

10.1 The Chair informed Members of the Secretariat move from Waterman House to Causeway Exchange.

10.2 The Chair reported on the June JNCC meeting. The evening presentation was given by James Pearce-Higgins from BTO on making the most of data likely to be of interest to DEFRA. The importance of making through use of data that has already been collected is being stressed by DEFRA. Citizen science is also of interest. Funding pressures continue to be an issue for JNCC. Joint Committee received the end of year performance report. The annual audit and risk assurance report and a

paper on corporate planning for 2016/17 and beyond. The Chair also had the opportunity to talk with Prof. Ian Bateman on the subject of natural capital and he is willing to engage with the devolved administrations if they so wish. There was also some discussion in the margins of the meeting about potential communication among the UK countries to consider and learn from the approaches taken to natural capital. There may be opportunities for JNCC to facilitate a natural capital workshop. The next strategy sub-group meetings will be held on 23rd July and 7th September. A discussion document is being drafted to underpin consultation with JNCC's main stakeholders. JNCC will hold a species and habitats surveillance meeting in NI on 1st -2nd July. In relation to the Harbour Porpoise draft SACs the JNCC Chair has been authorised to work with the MPA sub-group to approve any changes requested by JNCC and the country conservation body approval process (on behalf of Joint Committee) in time for the July 2015 public consultation.

11. ANY OTHER BUSINESS

11.1 The Chair briefed Members on the background to the European Intelligence call-off arrangement being put in place by JNCC and noted that JNCC needed an updated list of Council Members to arrange access to IEEP briefings that were still available under the arrangement.

Action: - Secretariat to clarify with JNCC the details and arrangements that will provide Members with access.

11.2 Mr Kelly reported on the Nature Directives REFIT process. The European Commission has asked for further information from NGOs (including on the ecosystem approach and biodiversity) and Jennifer Fulton attended a meeting in London on behalf of the NIEL working group. There is now a citizen's review on naturealert.eu. It is possible the Birds and Habitats Directives may be amalgamated and the Commission is keen to simplify Directives. DOE responded to REFIT via the DEFRA UK MS response. Mr. Kelly offered to circulate the summary when he received it.

11.3 Professor Platt reported that it is still JNCC's intention to establish new SACs for harbour porpoises (HPs) to avoid deterioration of their habitats or significant disturbance and thus ensuring that the integrity of sites for them are maintained and the site makes an appropriate contribution to maintaining Favourable Conservation Status for the UK harbour porpoise. However, JNCC reiterated that HPs are protected everywhere within a Member State's marine waters under the provisions of Annex 4 and Article 12 of the Habitats Directive.

Initial JNCC advice suggests there are 8 potential sites around UK waters, spanning the four UK administrations. However, further work is needed to refine these areas, gather information and develop relevant documentation in preparation for a formal consultation. The 8 potential sites are located in: North Minch; Southern Hebrides; North Channel & Northeast Irish Sea; North Anglesey; West Wales; 3 UK Offshore Waters around Wales, England and Northern Ireland.

SACs for HPs need to ensure that any anthropogenic activity does not:

- Deliberately kill or injure HPs (directly or indirectly)
- Prevent use of significant parts of the site by HPs (disturbance / displacement)
- Significantly damage habitats that support the HPs
- Significantly reduce the prey base for HPs

However, the draft SAC Site Assessment Documents (SAD)) are not currently in the public domain.

The Chair thanked everyone for their attendance

12. DATE FOR THE NEXT MEETING – 25th SEPTEMBER 2015

Venue: - Causeway Exchange Belfast.

See Appendix 1

