

COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE.
144TH MEETING
PEATLANDS PARK DUNGANNON
FRIDAY 8TH MARCH 2013.

Present

Mr P Casement Chairman
Mr P Archdale Deputy Chair
Dr T Bazley
Dr J Berman
Dr. S Christie
Dr A Cooper
Mr A Cunningham
Dr R Horton
Dr H Kirkpatrick
Prof J Orford
Mr T Traill
Mr A Upton
Mr J Witchell
Ms S Bell [Placement Volunteer from QUB]

In Attendance

Ms H Anderson NIEA
Prof. H Platt NIEA
Mr K Bradley EPD [Items 1-6]
Mr C Savage EPD [Items 1-5]
Ms R Singleton EPD [Items 1-5]
Mr R Allen Secretariat
Mr A Wilson NIEA

1. APOLOGIES AND WELCOME.

An apology was received from Mr S Wolsey.

The Chairman welcomed Ms Anderson to her first meeting of CNCC and Mr Bradley Mr Savage Ms Singleton and Ms Bell who is attending the meeting as an observer. She is currently on placement from Queens University as part of her MSC in Leadership for Sustainable Development.

2. DECLARATIONS OF INTERESTS.

The Chairman asked members if they had any declarations of interests with agenda items. None were declared.

3. CONSULTATION ON PROPOSED SNARES ORDER.

Mr. Savage presented to Council a draft consultation on the Draft Snares Order [Northern Ireland] 2013. He outlined the following proposals which are contained in the Draft Order

Background

1. In Northern Ireland, snares are used for the purpose of controlling foxes. Snares are not intended for and should not intentionally be used to kill animals. They aim to capture target species for later humane dispatch. They are mainly used by game keepers and land owners in areas which are used to rear game birds. Snares are also used on hill farms particularly during the lambing period.

The current law on snaring

2. The use of snares is already subject to a number of legal requirements which are contained in the Wildlife (Northern Ireland) Order 1985, which were strengthened by amendments in 2011 by the Wildlife and Natural Environment Act. Those requirements are:
 - The use of a self-locking snare is prohibited and it is also an offence to sell or offer for sale a self-locking snare, or to be in possession of a self-locking snare without a reasonable excuse.
 - It is a requirement that snares are checked at least once a day (i.e. at intervals of no more than 24 hours) and any animals caught by the snare must be released or removed. Failure to remove an animal, whether alive or dead, during such an inspection also constitutes an offence.
 - It is an offence to set in position or otherwise use any snare which is, due to its design or the manner in which it is used, calculated to cause unnecessary suffering.
 - No-one should be in possession of a snare or set a snare on any land where the permission of the owner or occupier of that land has not been obtained, unless there is a reasonable excuse. This amendment in 2011 means that an owner or occupier of land can determine his or her own policy in relation to snares.

The proposed Snares Order

3. During passage of the Wildlife and Natural Environment Bill through the Northern Ireland Assembly in 2010 there was considered debate on the issue of snaring. Whilst there was support for a total ban on their use, it was subsequently decided that a complete ban may have significant negative implications for countryside management practices such as

farming, game management and the ability to effectively control pest species.

4. However, in recognising the concerns expressed by many, it was widely acknowledged that increased standards should be placed upon those who set and use snares. The Wildlife and Natural Environment Act (NI) 2011 gave the Department powers to set such standards by way of an Order and the flexibility to update those standards at any time, as determined appropriate.
5. Consideration of the law on snaring and the extent of regulation which would be appropriate needs to take account of a number of factors including the humane treatment of wild animals, the practical needs of good land management and nature conservation objectives. The proposals intend to set legal requirements that promote higher technical standards in relation to the specification of the snare itself and operator practice. Each of the proposals is described in paragraphs 7 to 13.
6. The proposed Order will be subject to the Affirmative Resolution of the Northern Ireland Assembly.

Requirement for the fitting of Permanent 'Stops' and Swivels

7. It is proposed that all snares must be fitted with permanent safety stops. The purpose of a 'stop' is to prevent the noose closing too far and inflicting damage to the animal, particularly by strangulation. This has the potential to bring about a significant improvement to the welfare of the animals restrained by snares and would also eliminate issues surrounding accidental capture of the feet/legs of some animals and non-target animals may be more readily able to escape from the snare. The 'Order' will stipulate precise technical specifications for the positioning of the stops i.e. snares for foxes must be fitted with a stop which will prevent the noose reducing in circumference to less than 23 centimetres.

8. It will also be a requirement that all snares are fitted with a swivel to facilitate twisting action by the animal caught by the snare without causing damage to the animal.
9. It is worth noting that modern snares sold by appropriate outlets conform to these standards, so placing these legal requirements on users may encourage the disposal of older snares in favour of the most up to date, efficient and effective form of snare.

Location of snares

10. It will be a requirement that snares should not be set in a place or in a manner where an animal is likely to become fully or partially suspended or of risk of drowning e.g. over water courses.

'Free-running' action of snares

11. It will be a requirement that snares users, when conducting their daily checks, ensure that a snare remains 'free-running' and remove or repair the snare if it is not in such a state. A 'free-running' snare is one on which the wire loop relaxes when the animal caught by the snare stops pulling, as opposed to a 'self-locking' snare which has a wire loop which continues to tighten as an animal struggles. While the use of self-locking snares is prohibited, the 'free-running' action of a snare could be impeded if it is damaged in any way, or is old or becomes rusty.

Anchoring of snares

12. It will be a requirement that snares must be firmly staked into the ground or firmly anchored to an object in an appropriate manner, so that the snare cannot be dragged away by an animal caught by it. This will ensure that the operator will be able to locate the snare. It will also ensure that captured animals do not suffer by dragging the snare and becoming entangled over fences or other objects.

Developments in Great Britain.

13. In Scotland, there have been a number of recent changes in relation to regulating the use of snares. It is now a requirement that anyone who

uses a snare is required to have an identification number, to be trained by an accredited training provider in the setting and use of snares, and to attach to each snare an identification tag with their identification number on it.

14. Identification numbers are issued by the police on receipt of proof that the applicant has received the appropriate training. The tags attached to each snare must also indicate which target species the snare is intended to catch. It is also a requirement that the person authorised to use a snare must keep a record of their snaring activities, including the location of every snare set and the date on which it was set or removed, and details of the type of animal caught by the snare and the date removed. Such records must be produced to a constable, if asked.

15. In March 2012 Defra published the findings of a research project it had commissioned into the use and humaneness of snares. The report raises a number of key issues, such as the lack of compliance with the code of practice, the high proportion of non-target species caught, particularly by snares targeted at foxes, and the fact that snares widely available to buy do not appear to meet recommended standards. There appears to be a clear correlation between poor snare design and welfare issues. The report suggests that the use of snares which meet recommended standards would mitigate animal welfare concerns. The report makes a number of suggestions, including consideration of the use of compulsory training, operator licensing and tagging of snares. The reports findings are still under consideration.

16. The Department recognises a need to encourage responsible operator practice and for the public to have confidence that snaring is being carried out by responsible, competent operators to high standards, yet within a legal regime that, from a functional perspective, is practical and not one that places unrealistic burdens on those involved in land

management and control of pest species to the extent that the use of snares simply becomes an unrealistic option.

17. The Department believes that the proposals within this consultation will achieve this and does not consider that additional requirements such as identification tagging is necessary because traceability issues are addressed due to the fact that it is already an offence to set a snare on someone else's land without consent. Such requirements could be considered overly burdensome and a disproportionate response to the overall objectives.

Following the presentation members raised a number of concerns

- Members expressed concern regarding traceability as trespassers could set illegal snares on an individuals land and the snared animal could suffer inhumanely.
- The disposal of snared animals was discussed and it was felt that non target pets such as domestic animals dogs, cats hares or badgers which were caught in snares could be treated by a vet however wild animals snared would not be afforded this treatment.
- In practice the proposals may not work as grass roots knowledge of snaring is poor.
- In instances landowners could be wrongly prosecuted where illegal snares have been placed on their land.
- the placing of snares close to fences could result in the risk of hang-up
- A considerable admin burden will be placed on NIEA
- wild animals will be traumatised due to indiscriminate snaring.

- The practicalities on the issue of rifle licences.

Mr Bradley advised EPD were bringing the draft proposals to CNCC for their consideration and views and wider bodies are also to be consulted.

The Chairman thanked Mr Savage for his presentation and Mr Bradley for the advise on the consultation. He said he would set up a working group to formulate a response.

**Action: Set up working group to consider response to consultation
Chairman.**

4. PROTECTED AREAS IN THE 21st CENTURY –A CHALLENGE DOCUMENT.

The Chairman reported that this matter was recently discussed at JNCC.

Members were advised that there was a strategic need to use the economic value as a driver and the principle dynamic was to consider nature conservation.

Dr Berman stated that the minimum specific objectives are been met.

Members also stated that there needs to be more input from the farming communities and that DARD should have more input.

Landowners and famers are constrained and are not permitted to plant trees and the land is locked up.

SAC management in N.I. has specific features involved and has the knock on benefits for tourism and fishermen.

Council are aware that a different approach has to be taken with regards to eco-systems and concentrate on bio-diversity and all Departments should buy into a bio-diversity strategy.

Ms Anderson stated that there are smarter ways of drawing down European funding and the Minister has brought environmental issues to the Assembly which now has a better understanding of these issues.

The Chairman stated that

- he endorsed members comments
- better use of partnerships
- Take the best practice and extend
- He was heartened that NIEA and the Department have taken the issues concerned on board.

Mr Bradley stated he would bring a draft strategy to the next meeting.

Action: Bring draft strategy to next meeting Mr Bradley EPD

Mr Savage and Ms Singleton left the meeting.

5. INVASIVE SPECIES

Mr Bradley advised Council the Department has been tasked with producing a draft strategy for Invasive Species and the implementation plan contains 30 action points.

A number of bodies have shown interest in the strategy and work continues with counterparts in the Republic through a contract which will be renewed. In discussion members stated that there is no promotion of native species and there was importation of seeds which could be contaminated.

Intervention is better than cure and invasive species should be halted by whatever means works and money was wasted on eradication programmes which are not working.

Mr Bradley said he would arrange for the website link to be forwarded to members to consider the document in more detail.

6. JNCC REVIEW.

Mr Bradley reported that the Department has been asked to review its contributions to JNCC and to consider whether the functions carried out by the body are still required and whether the delivery model is right and offers value for money

At present Northern Ireland contributes £372 k to JNCC and the Department reviews this matter every 3 years.
He advised that there is a 12 week window for discussion and the findings will be reviewed at the end of June 2013.
Members were advised that the Barnett formula is used to calculate each devolved administration's contributions.
Should the Department reduce its contributions to JNCC then there is a knock on effect for the other administrations whose contributions would significantly reduce pro-rata.
Discussions are ongoing regarding Northern Ireland's contribution and CNCC will be consulted on the outcome.
Council were advised that N.I has brought proposals to JNCC in the past and JNCC has not in some cases not responded to the proposals.
It was agreed that there is expertise within JNCC and it needs to prove to CNCC that it sells itself, is value for money and viable.

MARINE BILL UPDATE

The Deputy Chair asked Mr Bradley for an update on the Marine Bill.
Mr Bradley stated that the bill received Ministerial approval to the amendments and these amendments were not tabled at the recent Environment Committees meeting.
There was nothing further he could add at this stage.

7. MINUTES OF THE PREVIOUS MEETING

The minutes of the 143rd meeting held on 25th January 2013 were agreed and signed.

8. MATTERS ARISING REPORT.

8.1 PEATLANDS STRATEGY.

The Chairman reported that this matter is on going.
He advised of a long term Water Strategy fro DRD and he asked members to forward any comments to Deputy Chair.

Action: Comments on Water Strategy to Deputy Chair Members

8.2 PLANNING BILL.

The Chairman advised members that CNCC will give an oral presentation to the Environment Committee on the Planning Bill on 11 April 2013 and the consultation response is due back 15 March 2013.
The Chairman will reply to the consultation and he outlined 10 points to be included in the response:

1. Planning Principles—PPS4
2. Redundancy

3. Sustainable Development
4. Appraise and Assess Economic Values
5. Definitions
6. Speed of Process—Appeals and J.R'.s
7. Strategic Environmental Assessments
8. Marine Planning
9. Costs
10. Consultation.

He will forward a draft of the consultation to members for any additional comments they may have for inclusion in the reply.

Action: To seek any additional comments from Members on Planning Bill. Chairman.

Action: Convene a meeting of Planning Working Group. Chairman

8.3 OUTDOOR RECREATION PLAN.

The Chairman has responded to this consultation.

8.4 SHORELINE MANAGEMENT PLANS.

Group commissioned to report on Seascapes and NIEL to reactivate debate.

8.5 ASHDIE BACK.

The Chairman is seeking a meeting with NGO's including RSPB, National Trust, Ulster Wildlife Trust and W.T.

9. CHAIRMANS BUSINESS.

The Chairman and Deputy Chair recently met with Mr Andrew Wilson, Line Manager to the Secretariat to discuss draft Service Level Agreement and Memorandum of Understanding documents.

The Chairman thanked Mr Wilson for drafting the documents and the Chairman has raised some points which need to be incorporated into the documents.

The Chairman and Deputy Chair also met with Terry A'Hern the Chief Executive and a broad range of concepts and working methods were discussed.

The Chief Executive is to attend the May meeting of Council.

Members were reminded by the Chairman to return their Members Interests from to the Secretariat at their earliest convenience.

The Chairman advised members that following the decision to allow the development at Runkerry to proceed he is seeking permission from the Department through Helen Anderson to write to DCMS.

At the Judicial review the Judge gave an oral judgement indicating that development is to proceed. In reaching this decision the objections were dismissed.

The National Trust has the right of appeal to the decision however this may incur additional costs and also the cost of the JR.

While UNESCO and RUCN are very focused on World Heritage sites there is no legal requirement to consult these bodies.

Members quoted the John Lewis application, where the First Minister has the right to "call in " this application and if this happens then it calls into question the law, the Planning and democratic processes.

Action: Write to DCMS through Department. Chairman

10. CNCC WORK PROGRAMME.

The Deputy Chair to circulate details of the work programme to members.

Action: Circulate work programme to members. Deputy Chair.

Points to Note:

The Deputy Chair advised members of a forthcoming CAP event to be held in AFBI on 14th March 2013.

A response to the Water Frame Directive is due on 20 March 2013.

The deputy Chair proposes to convene a meeting of the Marine Working Group.

11. CNCC WORKING GROUP REPORTS.

No working groups have met since the last meeting.

12. MEMBERS REPORTS.

No reports were tabled at the meeting.

Members were advised of an event taking place in Coleraine:

Coleraine future search –scoping what's in the Borough and energy going forward.

TEST AND VACCINATE OR REMOVE [TVR].

The Chairman advised that DARD are carrying out a badger sett survey to help establish the number and location of badger setts in two 100km² areas between Banbridge and Rathfriland and between Castlewellan, Slieve Croob, Seaforde and Dundrum. This information will help the Department to design the TVR study.

The TVR study will also be subject to the necessary business case and the issue of the necessary licences.

CeDAR

Professor Platt reported that the CeDAR review of projects and Terms of Reference has been extended to provide advice to NIEA and the Museums. The post funded by JNCC will be advertised soon.

13 GENERAL INFORMATION.

Details of events attended by members and consultations completed since the last meeting were distributed prior to the meeting.

14. ANY OTHER BUSINESS.

14.1 ABSTRACTION LICENCES.

The Chairman reported that there was an increase in the number of applications for abstraction licences. He advised that the quality of the applications has improved and in some instances Council have been unable to respond to applications.

14.2 RTPI "MAP for ENGLAND" PILOT

The Chairman advised that The Royal Town Planning Institute (RTPI) has launched a pilot 'Map for England' website which allows users to view the main strategic planning issues affecting their areas.

14.3 OIL & GAS –DETI INVITE

The Chairman advised that DETI is currently consulting on policy proposals for an Offshore Renewable Energy Bill and plans to hold consultation events in Belfast, Portrush and Newcastle in March/April 2013, in order to gather views on these proposals.

14.4 FORTHCOMING EVENT

Mr. Cunningham advised members that Craigavon Borough council's Good Life Festival promotes self-sufficiency, creativity and living life to the full. The festival takes place at Oxford Island Nature Reserve, 27th & 28th April 2013.

15. DATE OF NEXT MEETING

The next meeting will be held on 10th May 2013 at Tollymore National Outdoor Centre Bryansford Co. Down.

Patricia Cawment
31st January 2014