

**COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE**  
**147<sup>TH</sup> MEETING**  
**AFBI, HILLSBOROUGH**  
**27 SEPTEMBER 2013**

**Present:-**

Mr P Casement - Chairman  
Mr P Archdale - Deputy Chair  
Dr J Berman  
Prof S Christie  
Dr A Cooper [Items 1-9]  
Mr A Cunningham  
Dr H Kirkpatrick  
Dr R Horton  
Prof J Orford  
Mr T Traill  
Mr A Upton  
Mr J Witchell

**In Attendance:-**

Ms D Stevenson NIEA  
Mr B Jack QUB [Items 1-6]  
Mr C McDaid NIEA  
Mr P Corbett NIEA  
Ms J Kirk- Secretariat  
Mr P Rice – Secretariat

**1. APOLOGIES AND WELCOME**

The Chairman welcomed Mr Brian Jack, Queens University Belfast, Ms Diane Stevenson and Mr Colum McDaid, NIEA. An apology was received from Mr Shane Wolsey.

**2. DECLARATIONS OF INTEREST**

The Chairman asked Council members if they had any declarations of interest in the matters to be discussed. Dr Kilpatrick declared that she had carried out work for the Mourne Heritage Trust, the Chairman declared that he is a member of the Heart of the Glens Landscape Partnership Scheme – Antrim Coast and Glens Area of Outstanding Natural Beauty, while Dr Berman sits on the Strangford Lough and Lecale Partnership. The Chairman considered that these were unlikely to provide any conflict given the general nature of the discussion to follow on AONBs.

**3. EU CONSERVATION LAWS**

As an introduction Ms Stevenson explained that Mr Geoff Campbell had brought Article 38(a) of the Single Farm Payment Directive to her attention. As a result NIEA had commissioned Mr Jack to identify the correct legal interpretation of the single farm payments (SFP) so NIEA could present and discuss with DARD. Ms Stevenson stated that this was the first time NIEA had included legal research within the NHRP budget and this was a very relevant and applicable use of the contract.

Mr B Jack gave a presentation to the Council on EU Nature Conservation Law and Single Farm Payments.

- EU Nature Conservation Law v Single Farm Payments.
  - What happens when the requirements of EU Nature Conservation Law and the Single Farm Payment regime conflict?
  - Are farmers affected by this conflict entitled to receive single farm payments on the land in question?
- Compartmentalising EU Law and Policy.
  - The Internal Market.
  - Common Commercial Policy.
  - Common Agricultural Policy.
  - Common Transport Policy.
  - Environmental Policy
  - Social Policy
- Policy Integration.
  - Single European Act 1987.
  - Article 11 TFEU: "Environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development."
- Cross Compliance and Single Farm Payments.
  - Wild Birds Directive: Articles 3(1), 3(2)(b), 4(1), 4(2), 4(4), 5(a)-(c).
  - Habitats Directive: Article 6 and 13 (1)(a).
- Obligations under the Wild Birds Directive.
  - Article 3: Obligation to preserve, maintain or re-establish a sufficient diversity and area of habitat for all naturally occurring wild bird species.
  - Article 3(2)(b): Obligation to implement measures for upkeep and management of habitats inside and outside protected areas.
  - Article 4: Obligation to designate Special Protection Areas and apply special conservation measures – the most suitable habitats of Annex 1 birds and migratory birds.
  - Article 5: Protection of Individual Birds Identified in Annex 1.
- Obligations under the Habitats Directive.
  - Article 4: Identification and designation of Special Areas of Conservation.
  - Article 6: Management of SAC corresponding to ecological requirements.
  - Article 12: Protection of individual animals identified in Annex IV [deliberate disturbance].
  - Article 13: Protection of individual Plants identified in Annex IV [deliberate picking, collecting, cutting, uprooting, etc].
  - Article 10: Discretion to encourage wildlife corridors – riverbanks, field boundaries, small woods.
- Eligibility for Single Farm Payment.
  - Council Regulation 73/2009: Article 34: Eligible hectare means. Any agricultural area that is used for an agricultural activity.

- Agricultural Activity: 'production, rearing or growing of agricultural products...' – but use for Nature Conservation? The LandKreiss Bad Durkheim [2010] ECR 1-9763 case established that the mere fact that arable land or permanent pasture is managed for over-riding purposes of nature and landscape conservation does not prevent that land from being recognised as being part of the agricultural area of a holding eligible for single farm payments. It found that as long as the agricultural area was being used for an agricultural activity it was irrelevant whether this activity had an essentially agricultural or nature conservation objective. The Court noted that this was the case even though the farmer was subject to the instructions of a nature conservation authority in managing this land.
- Agricultural Area: covers arable land, permanent pasture etc. Commission auditors? Cross Compliance?
- Integration and Entitlement to Single Farm Payments.
  - Council Regulation 73/2009 Article 34(1)(b). Land which qualified for SFP in 2008 and which no longer complies with the definition of eligible land as a result of the implementation of the Wild Birds/Habitats/Water Framework Directive shall be considered to be eligible for payment. Agricultural and environmental activities are now part of the same policy.
- Agriculture and EU Nature Conservation Law in the ECJ.
  - Case C-96/98 Commission v France [1999] ECR 1-8531, concerning degradation of bird habitats as a result of CA -related activities.
  - Case C-117/00 Commission v Ireland [2002] ECR 1-5335.
    - Owenduff – Nephin SPA.
    - Red Grouse.
  - Case C-418/04 Commission v Ireland [2007] ECR 1-10947: cuckoo, swallow, skylark, sand martin (Article 3 obligations).

Mr Jack gave a summary of the Common Agricultural Policy. He explained that the policy has been a central part of European law since the early 1960s. Direct payments to farmers, in the form of single farm payments, form an important part of the modern Common Agricultural Policy. These payments are calculated on the basis of the amount of eligible agricultural land that each farmer farms.

In contrast to the Common Agricultural Policy, environmental law and policy has been a more recent development in European law. Today, however, environmental protection is an important aspect of the European Union's work. In particular, the European Union has developed a number of laws to protect wild birds, plants and animals. However, questions have arisen as to the compatibility of these nature conservation laws with the legal requirements that arise when identifying land upon which farmers can receive single farm payments. This is the issue examined in this paper.

The paper examines the obligations imposed upon Member States by European Union nature conservation laws. In particular, it sets out the obligations that these laws create to designate protected areas, to protect and

manage the habitats in which vulnerable species live and to protect individual birds, plants and animals.

The paper also examines the principal requirements imposed by European Union law, in terms of identifying the agricultural land upon which farmers can claim single farm payments.

However, European Union nature conservation law may also require farmers to adopt management techniques which conflict with those that would otherwise be required to ensure that their land is recognised as being part of the agricultural area of a farm and therefore eligible for single farm payments. In this situation, the fact that farmers are complying with management obligations stemming from European Union nature conservation law should not result in previously eligible land becoming ineligible for single farm payments.

Mr Jack referred to page 24/25 of his report, Article 34(2) (a) and 34(2) (b). Article 34(2) (a) of Council Regulation 73/2009 provides that eligible hectares qualifying for Single Farm Payments must be entirely or predominantly used for agricultural activities. It might, therefore, be questioned whether the management of land for nature conservation purposes, under the obligations resulting from either the Wild Birds Directive or the Habitats Directive, can be recognised as being an agricultural activity: If it is not, then this might suggest that the purpose of Article 34(2) (b) of Regulation 73/2009 is to ensure that the fact that land is managed for nature conservation purposes, under either Directive, does not disqualify farmers from receiving Single Farm Payments.

Ms Stevenson stated that Mr Terry A'Hearn had met with Mr John Speers DARD with a further meeting to take place in November. Ms Stevenson was concerned that senior management in DARD are not aware of the issues, but this is an opportunity for DARD to incorporate this research into the development of the current agri-environment schemes under the new RDP, especially regarding eligibility of the new single farm payments scheme. Where land is being farmed to achieve an ecological outcome and provided it meets SFP eligibility rules, farmers can receive single farm payments. This will be dependent on NIEA verifying the ecological management.

The Chairman thanked Mr Jack for the presentation and NIEA for commissioning the very timely report.

A number of questions were posed:-

- Who brings cases to the European Commission's notice? This is generally either NGOs or individuals.
- Has the European Court of Auditors looked at the effectiveness of Cross Compliance? The Court looked at 7 states in 2011.
- Are the cases quoted about general theory or individual practice? Individual judgements set the policy, which remains theoretical until it is tested in court.

- Is there a need for further cases? Cases may be very specific to a particular state or region, and so there will always be the need to test them.
- What has been the approach of other Member States? There appears to have been no common approach to interpreting SFP rules.

Ms Stevenson pointed out that eligibility of land remains the issue, and NIEA believe that DARD has interpreted the SFP regulations very harshly. This research has shaped NIEA thinking and is now being discussed with DARD, though without much progress to date. NIEA is convinced that where land is managed for ecological purposes it is eligible for SFP – this management is a key means of achieving favourable status for Natura 2000 sites. NIEA is putting together a team who will look at the whole question of RDP funding for nature conservation, which will need to be underpinned with surveys and management plans.

Members then raised further points in discussion:-

- The need to consider habitats in the wider countryside, not just in designated sites. NIEA is keen that a Higher Nature Value Farming approach is adopted, but DARD seems to have problems with this.
- The need for detailed spatial mapping of habitats, which has significant cost issues. Government has signed up to a GIS approach but it requires Departments to work closely together. DARD is already using remote sensing for SFP monitoring, but is reluctant to share the data. It is hoped that JNCC will undertake some pilot work on habitat mapping for NIEA. There is also a great deal of data on Spatial NI and the Marine Data Portal which can be used.
- The more general problem of pulling together all the relevant data, which NIEA is trying to rationalise to flesh out habitat maps.
- The need to ground truth remote data with field surveys. One size does not fit all!
- While there are difficulties in achieving better results from the RDP there is also a huge opportunity, both in terms of policy and funding.
- The need for an outcome-based approach as typified by the BurrenLife project.

#### 4. **AONB PROTECTION AND MANAGEMENT**

A paper on Areas of Outstanding Natural Beauty (AONB) protection and management in Northern Ireland was circulated to members prior to the meeting.

The Council discussed where we might go and how we move forward with landscape protection. The following comments were raised:-

- Very timely and informative paper.
- The problems of boundaries in landscape designations – this is a subjective and vague concept meaning that boundaries can be very easily contested.
- There are no structured guidelines for what is to be maintained or cared for within these landscapes, leading to local differences in approach. There is therefore no basis for deciding on what constitutes a lack of care.
- The problem is primarily a lack of statutory management bodies, management plans and finance to implement them.
- Possibly scrap AONBs because we do not know what to do with them, though matters might be much worse without them. Also scrapping AONBs is not an option purely from DOE planning perspective. It is often the only weapon Planning Service has and they are now mentioned in a lot of Planning Applications.
- AONB designation, like the Landscape and Seascape Character Assessments is not being used effectively as a planning tool. All too often designation is seen as an end in itself and not as a means to a more practical purpose.
- The current Management Bodies cannot play a full role in the planning process as they only have an advisory role.
- There is a strong argument for extending AONB boundaries to take in areas of sea.
- Funding issues are key. The Chairman pointed out that National Parks in England get £90M, The Queen gets £70M and AONBs get £12M funding. This is the right time to be looking at and coming up with arguments for funding with current work on Review of Public Administration (RPA).
- Opportunities for economic and social benefits through increased tourism. The NRRTI initiative was well-intentioned, but not well focused, but might provide a model for a new fund for AONBs.
- Multiplicity of Councils is a problem with the Sperrin Mountains.
- Agri-Environment Schemes – the first scheme (Environmentally Sensitive Area Scheme) was based on AONBs, but subsequent schemes have ignored them. This should be mentioned in CNCC's response to the RDP proposals.
- Most Trusts are doing good work, however; there is a need to pull together guidance. All Trusts should move to same date funding plans. Minimum funding to ensure the correct projects are targeted. Additional funding should then be applied for as necessary.
- If we had better legislation it would generate more funding and thus enable better management planning.
- What is the Department doing and how is it complying with EU landscape convention?

Mr McDaid, NIEA, made the following comments:-

- If we do not designate National Parks then we could go back and strengthen AONBs through reviewing and improving legislation.
- All Trusts do have Management Plans, developed by an interactive process with local communities and other stakeholders. The problem is that they are purely aspirational.

- Need to get local farmers buy in.
- NIEA has lengthened the funding period from 3 to 5 years. This allows for better planning of longer term projects.

The Chairman highlighted that we need to address the issue of protected landscapes. Following Shared Horizons (2003), the Protected Areas consultation in 2004, and the White Paper on National Parks 2011, nothing had been achieved. He suggested that we need:-

- a Government statement on Protected Landscapes and Seascapes
- resources targeted at AONBs.
- Tourism masterplans for our AONBs that recognise the value of landscape.

He recommended that a few CNCC members to meet with Mr Mansil Miller and then the Chairman will draft a letter to Mr T A'Hearn, Chief Executive, which he will circulate to CNCC members for comment before sending.

**Action: The Chairman to draft a letter to Mr T A'Hearn, which he will circulate to CNCC members for comment before sending. Chairman**

## 5. NIEA DEVELOPMENTS IN POLICY AND FUNDING

### 6. NEW INNOVATION TRIAL

Ms Stevenson took items 5 and 6 together and gave three presentations to the Council.

#### Natural Capital Approach Project

- Ask not what you can do for the environment, but what the environment can do for you!!
- What are we talking about?
  - "Natural capital refers to the elements of nature that produce value to people, such as the stock of forests, rivers, land, minerals and oceans", and also services such as water purification, flood protection and soil productivity. It includes the living aspects of nature as well as the non-living aspects (such as minerals and energy resources~).
  - Natural capital underpins all other types of capital (man-made, human and social) and is the foundation on which our economy, society and prosperity is built.
- What are the Benefits of a Natural Capital Approach?
  - This is a whole systems approach – it is holistic and integrated and looks at the bigger picture of land use – a better way to make decisions.
  - In recognising the true value that our environmental assets offer to the health of NI economy and its people, there will be a better prospect of protection and sustainable use.
- It's all about money.
  - In reality natural capital is not being properly valued. In economic terms, the value is not captured in market prices or accounts of government or business.

- Decisions, like where to build housing, or whether land is more valuable as a park or as a car park, need to be made with the full set of information and values.
- In this context natural assets could have greater protection if we understand their value.
- What is our goal?
  - Prosperity and well being in Northern Ireland through environment and heritage excellence.
  - To put natural capital at the heart of economic thinking in NI.
  - To get other government sectors, businesses and communities to understand the contribution the environment in all its forms, makes to their business, their lives and come to share responsibility for it.
- The Way Forward – First Steps.
  - Our CEO keen to lead on developing dialogue.
  - An initial paper to be produced by March 2014 – EMG target concurrently with NI Biodiversity strategy.
  - We must develop evidence, case studies and local examples.
  - Open up discussions across government, the business sector and communities in NI.
  - Explore best possible methods to engage with others, communicate to change behaviour and influence to embrace concept.
  - (One milestone – A major joint conference planned for 2016 – Better Environment: Better Economy).

Why limit the European Heritage Open Days to Built Heritage – why can't we include Natural Heritage?

#### **DARD Engagement – EMG Integrated approach**

- Consultation exercise complete.
  - EMG response finalised.
  - Minister Submission and letter – new Minister encouraged to meet DARD Minister.
  - Significant opportunity grasped.
  - Options for funding bid discussed – IP LIFE – INTERREG.
  - Summary of Response
- Favourable to working in partnership with DARD in the area of:-
- Environmental protection.
  - Freshwater protection
  - Built heritage protection.
- Through partnership working using best practice, e.g., nature reserves and demonstration units and joint funding projects – Management plans/agri-tourism.

Working group meeting next Monday regarding this and £250,000 funding has been applied for to develop best practice sites. NIEA are seeking DARD assistance with this.

Agri Environment Schemes: RDP has £550m of which a minimum of £100m is for agri-environment. Possibility of £5.5m funding per year.



- NIEA will look at how they can best distribute their funding to align with the new proposals.
- EMG would encourage schemes directed at:-
    - Protection of European designated habitats.
    - Protection of European designated species.
    - Reduction of pollutants.
    - Reduction of nitrates.
    - Protection of heritage features in the countryside.
  - Incorporating the Natural Capital Approach.
    - Holistic farm based approach.
    - For Example; “Complimentary role of the sheep in the LFA”. A National Sheep Association (NSA) publication setting out the case for valuing the contribution of sheep in the hills.....
  - Range of measurable benefits – ensuring DARD buy-in – agriculture in the economy.
    - Maintaining social fabric.
    - Carbon storage – Managing heather.
    - Public benefit.
    - Maintaining Landscape character.
    - Social Benefit.
    - Meat, Wool – food security.
  - Making it happen.
    - NIEA have established an inter group DARD working team – Michael Meharg/Diane Stevenson are joint chairs.
    - Each Directorate is represented.
    - An HRA working group has been established – B Davidson leads.
    - Integrated working on the agri food strategy is being developed through the Innovation Trial on the Agri Food Strategy.
    - Developing engineered solutions project has been developed with the South West College.

### **New Revenue Innovation Trial**

- Why New Revenue?
  - Reduced funding from central government.
  - Increased targets for delivery of public services - more with less!
  - External funding is available and EMG could source this and maximise this.
  - External funding model can develop new and innovative delivery opportunities – more from less!

Met Investment Funders from London and they reported **there is** funding available.

- More for us.
  - Work to deliver new innovative collaborative solutions with others ... shared funded projects, funded bonds, pension fund investments LIFE bids.

- More proactive seeking of external funding, EU funding, Partnership working DEFRA mapping, NPWS Interreg project DARD CAP reform delivery.

Ms Stevenson reported that NIEA met with Baker-Tilly consultants:  
Looking at funding for:

Water etc towards cost of infrastructure and repairs. Water needs a significant amount of money to improve infrastructure: £50M investment project with 3-4% return.

Built Heritage – NIEA put significant funding into securing old and derelict building managing their Health and Safety risks. Could these monies be more advantageously used to support a wider funded building restoration project funded through an environmental bond?

Peatland – retaining carbon, reducing flooding risks.

A paper was taken to the Board about three weeks ago and the green light was given to take to the next stage.

CAP reform - £300m may be influenced to achieve environmental outcomes.

INTERREG – proposal for £40m environmental funding measure submitted – water/natural environment and built heritage.

- More from us:

- Partnership and collaborative working, DARD, NIW, NGOs.
- Identify new innovative strategic projects to delivery with partners. Tourism, health and well being Buildings at risk – Climate change mitigation, science and evidence hub.
- Maximise current funding monies and match fund this to grow fund, Article 18 CAP, Article 31 SFP, Co fund DARD in RDP measures agri tourism etc.

(Article 18 – money within new RDF to establish improved infrastructure to support DARD with appropriate science and evidence. Article 31 – advisory services)

Developing IT – Biggest issue for NIEA.

MAGIC – funding. EA have the ultimate in data base for science and evidence dissemination to field level. NIEA are seeking to develop a system to disseminate science and evidence to all stakeholders on a very limited budget.

- Targets.

- Develop Integrated LIFE Bid.
- Develop INTERREG proposal £20M across EMG.

- Develop plans to lever £2.5M-£3.0M through DARD RDP by December 2013 – Agri tourism/agri environment schemes.
- Examine the merit of developing and develop an integrated funding team solution within EMG.
- Develop IT infrastructure solutions to support delivery – DEFRA/JNCC potential project to develop site management plans to support DARD engagement.
- Recommendation to EMG Board.
  - Develop an integrated LIFE bid.
  - To review existing EMG grant programmes and propose improved delivery model.
  - To lever match funding 2:1 for £4M EMG pot.
  - Integrated solution to DARD CAP opportunities to secure £300M heritage and environment support 2014-2020.
  - To review EMG funding delivery to implement most appropriate to delivery on approved recommendations.

**The Council broke for lunch and Mr B Jack left the meeting at this stage.**

After lunch the Council made the following comments:-

- The presentation was very refreshing with encouraging enthusiasm .
- There is availability of funding, but without exception people with funding are looking at a return on their investment and how they can exit the project once they have realised return on their investment. They are also looking for clear projects.
- Caution over Venture Capital was urged, with the example of PFI projects cited as a warning. Carbon offsetting schemes were also cited, showing the need to get a long term approach looking at the cost of the whole life of a project.
- There are issues with identity between EMG and NIEA. Ms Stevenson pointed out that integration between the various elements of EMG is the goal.
- The need to use outcomes as the starting point for funding, not pots of money.
- What is involved in the proposed LIFE bid? This is a UK-wide bid led by DEFRA. It will be shaped and scoped by a consultant, but the PAF will set the framework. It was suggested that it would be important to hold DEFRA to account and set clear boundaries.
- It was pointed out that MAGIC is a JNCC – Natural England collaboration and does not cover Northern Ireland.
- Opportunity to make use of Climate Agenda to get funding to farmers for management of bog land to increase carbon sequestration. The Agri-Forestry sector is becoming more interested in sequestration as evidenced by the setting up of a sub-group on this topic under the Greenhouse gas Implementation Partnership.
- Seagrass beds should also be looked at with regard to sequestration.
- Concern was raised about a recent AFBI research paper where the message was that addressing carbon is expensive for Northern Ireland with very little environmental gain. This represented a simplistic modelling of a single scenario, and needed to be accompanied by 'health warnings'.

- CNCC's response to DARD consultation on the RDP. The Deputy Chairman pointed out the difficulties posed by the lack of detail, particularly on agri-environment schemes in the document. He had organised a presentation from DARD to CNCC and eNGOs in Dundonald House on the afternoon of 8 October 2013. He would circulate some emerging thoughts to members before then.
- The importance of a Land Use Strategy – this idea is being developed by NIEA, with strong support from Helen Anderson. The landscape architects are working on this, basing their approach on the Scottish model. Ms Stevenson advised that Council should ask Mansil Miller to address Council on this issue as he has engagement with this and especially the European Landscape Convention.

Ms Stevenson commented as follows:-

- Some confusion with regard to EMG rebranding. At present we all operate as one group and working at getting together and rebranding. Internally we refer to Environmental and Marine Group but externally we refer to NIEA. The Chief Executive is resolving this issue.
- Natural Heritage Research Partnership currently include Marine. Marine money sits in that pot.
- Response to DARD should stress a "Clear focus on where money is needed (Article 17) – and a strong delivery based on outcomes, ie, an outcome based scheme.
- In the process of setting up a group looking at LIFE, may be looking at New Revenue/LIFE integrated team. Going out to tender soon for consultants, for approximately 4-5 months, to investigate potential for a bid and developing a framework for this.
- Definitely long term project working with DARD and LIFE.
- Valuing our peatlands is to be developed into a Natural Capital project example. This is supported by an NHRP research project on valuing peatlands.

The Chairman commended Ms Stevenson in working with DARD and reiterated the following comments:-

- Notes of caution are clear from members.
- This is a terrific opportunity.
- There will be issues around how you get the projects you want.
- It will be difficult to get money from private investors without paying a cost.

## 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 Chairman also apologies that he has not yet finalised the minutes of the CNCC meeting held on 9 July 2013.

## 8. **MATTERS ARISING**

### **8.1 NIEA Reorganisation**

Changes outlined to CNCC in January are not proceeding, but will follow the conclusion of the ongoing review of structure and functions.

### **8.2 Windmill Hill LNR**

Renny McKeown has written to Woodland Trust about a Management Plan but has yet to receive a response.

### **8.3 Howard Platt**

The Chairman had received a letter from Terry A'Hearn stating that he hoped to re-employ Howard, but that there were issues with his health at present.

### **8.4 Marine Working Group**

Intertidal Harvesting - Caroline Nolan has re-written the paper, and the recommendations were considered to be valid and were accepted. The paper has been forwarded to DOE and DARD.

Shoreline Management Workshop - The Chairman reported that the Shoreline Management Planning Workshop is to take place on 12 November 2013. There had been some difference of opinion with Planning Service about the outcomes that are sought from this event, but CNCC were committed to the following:-

- Recognition of the dynamic nature of the boundary between marine and terrestrial environments.
- Recognition of the need to undertake a review of what our coasts are doing.
- Bringing the issues to the attention of the Minister.

However achieving these outcomes depends on the audience present and we need to get Planning Service, DARD and DRD all on board. It is also important to recognise that we cannot do this work without stakeholder involvement.

Dr Berman asked about the Coastal and Marine Forum. Prof Orford reported that the Coastal and Marine Group has no Chairman at the moment, but the post had been advertised.

**8.5 Chalara Ash Die Back** – NIEA to bring further update to the Council. The Vice Chairman is to send a draft letter to DARD Forest Service on the need to continue planting locally grown ash to Council members for comments. Mr Cunningham reported that he had written to DARD personally regarding Chalara Ash Die Back but without effect. The Republic of Ireland is planting Ash which has not left the confines of the Republic. There has been no planting of Ash in Northern Ireland this year.

The Vice Chairman recorded that there has been no report of Ash Die Back this year.

Prof Orford reported that Ash Die Back had been found in Devon. The Ash Die Back found in these trees has reportedly been there for 15 years. This problem may have been around for longer than we thought.

Mr Corbett reported that he is taking forward genetic work on Ash at the moment through the NHFRP.

The Chairman will write to the Forest Service highlighting the need to continue planting Ash.

#### **8.6 PPS 2**

The Chairman has written to the Minister regarding PPS2 Supplementary Guidance, receiving a reply dated 4 September 2013, which stated that this would be considered in parallel with the Strategic (Single) Planning Statement that is currently being developed.

It was pointed out that the Guidance on the Biodiversity Duty had also not appeared. It was agreed that the Chairman should write to the Minister on this issue as well.

**Action: The Chairman to write to the Minister regarding Biodiversity Duty Guidance** **Chairman**

#### **8.7 ASSI Designation Programme**

Mr Corbett reported that there is a Programme for Government (PFG) target on this. It is planned to designate 15 ASSIs this year.

Ms Stevenson explained that NIEA would not be in a position to estimate numbers for next year until after their next senior management meeting, noting that 15 designations was in the Programme for Government for the next two years.

The Council is concerned about the current progress and NIEA to bring an update to the November meeting.

#### **8.8 Birds Directive Article 12 Reporting**

Mr Corbett reported that there is a corresponding report on SPA birds. This is the 10<sup>th</sup> individual report. This report is carried out every three years. It was agreed that the ongoing SPA review and the Article 12 Report would be discussed at the next CNCC meeting. It was recorded that population estimates are being taken at UK level. The public consultation starts on 7 October for four weeks ending 4 November. It will be on the JNCC website. Mr Corbett is to send link to Secretariat who will forward to Mr Wolsey, Mr Cunningham, the Chairman and the Vice Chairman.

**Action: Mr Corbett to send link to Article 12 Consultation to Secretariat to forward to selected members.** **Mr Corbett/Secretariat**

#### **8.9 SPA Review**

The Vice Chairman recorded some outstanding business in this review, regarding changing population number and breeding areas. JNCC will report on this Review.

## **8.10 CNCC Report**

A small group of CNCC members is to be set up to discuss this, including the Chairman, the Vice Chairman, Prof Orford and Prof Christie.

## **9. CHAIRMAN'S BUSINESS**

### Marine Bill

Marine Act published on 17 September 2013. On 18 September 2013 Strangford was made a Marine Conservation Zone.

Mr Archdale had circulated a strategy documents on MCZ designation to the members and asked them to return their comments.

### World Heritage Site Steering Group

The NI Executive had rejected outright the IUCN Mission report into the development of the golf resort adjacent to the WHS. They were not intending to provide the condition report requested by UNESCO. It was widely felt that this left UNESCO with little or no alternative to putting the site on the endangered list. The question of DCMS's role and responsibilities with regard to the WHS was raised, and it was suggested that they have little appetite for becoming involved, even though they are the State Party.

Prof Orford reported that the National Trust Environmental Panel now has full analysis of what was going on and had recommended extending a hand to the developer to work with them and try to seek a better approach. The NT would also receive bad publicity if the site was put on the endangered list.

### Chair of the Environment Committee

The Chairman and Vice Chairman met with Anna Lo MLA and discussed the following issues:-

- Planning Bill.
- World Heritage Site.
- National Parks/Landscape Protection.
- Biodiversity Strategy.
- Natural Capital.
- Aarhus Convention that gives citizens right to obtain environmental information.

**Dr Cooper left the meeting at this stage.**

### Review of balance of competencies

Dr Berman reported that the Fisheries consultation is now open. CNCC would be keen to partake in discussions and wish to know if Marine Division was responding to the consultation.

### Political Statements

Statements from: Mr Peter Robinson and Ms Diane Dodds MEP.

### Chairman's post

The Chairman reported that his Chairmanship term ends in February 2014. The process to appoint new CNCC Chairman will begin shortly. Competition will be advertised on 11 November 2013 with a closing date of 6 December

2013. Interviews will take place in mid January with the new Chairman to be appointed in March 2014.

#### BBC Invite

The Chairman received a BBC National Trustee's invitation to discuss impartiality of the BBC's coverage of rural areas of the UK. Mr Archdale will be attending this event and the Chairman asked members to send any points to Mr Archdale.

The Chairman circulated papers on:-

- Seascape Character Assessment – 8 August 2013.
- Agroforestry Greenhouse Gas Implementation Partnership – Sequestration Sub Group – 5 September 2013.
- AFBI Report on the effect of GHG Mitigation Policy on the agri-food section in NI – 11 September 2013.
- World Heritage Site Steering Group – 12 September 2013.
- DARD Postgraduate Studentships Seminar – 18 September 2013.
- TB Stakeholders Working Group – 18 September 2013.

#### 10. **CNCC WORKING PROGRAMME**

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

The following items were added:-

- A Strategic Planning Policy Statement for NI (SPPs) – Planning for Sustainable Development – 2 October 2013 – Chairman attending.
- Environmental Planning Seminar – Spotlight on SEA – 21 October 2013 – Vice Chairman attending.
- Challenging Funding – 16 October 2013 – Prof Christie to send to Secretariat to circulate to CNCC members.
- Built Heritage – 28 October 2013 - Prof Christie to send to Secretariat to circulate to CNCC members.
- Food Waste – end of November 2013 - Prof Christie to send to Secretariat to circulate to CNCC members.
- Joint NIEL/NIEA Advisory Councils Meeting – 5 December 2013 - Prof Christie to send to Secretariat to circulate to CNCC members.

#### 11. **CNCC WORKING GROUP REPORTS**

A report on the Marine Working Group was given earlier in the meeting.

#### 12. **MEMBERS REPORTS**

##### Seascape

No further consultation. Report due to be published in November 2013.

##### SEAGEN

Dr Berman reported that the taking of mitigation measures did not happen due to corrosion and boat collision. Mitigation plan will look at certain areas of the



coast. There is no cohesion in the project. Dr Berman will be sending a copy of papers to the Chairman and Mr Traill.

Mussels – Blue Mussels on turbine. Where are they in the wider area? A joined up approach is to looking at surveys.

#### Lagan Valley Laganscape HLP Project

Mr Hughes had reported to the Chairman that there needs to be continuity of Governance and Managers on the project.

It was also reported that the Heart of the Glens Landscape Project Manager has just left.

The Mourne Heritage Trust is the only Landscape Partnership with continuity of management.

### 13. **GENERAL INFORMATION**

#### Events Lists

The Chairman, Professor Orford and Mr Traill all tabled the events they attended since the last meeting held on 9 July 2013.

### 14. **ANY OTHER BUSINESS**

#### Water Boreholes

Mr Traill noted that the NIEA Website has not been updated since 1997.

#### DARD Abstractions

Mr Traill asked how they keep records updated?

Mr Archdale said that he is attending a meeting next week where he will raise this issue.

#### Waste Water

Mr Traill noted that there is no duty placed on a house owner to increase the size of the septic tank when putting an extension onto their house.

#### Grease Traps

Fat bergs – Mr Traill noted that, as yet, no one has been seriously prosecuted. There is no duty in the Northern Ireland Building Control regulations to have grease traps.

#### Anaerobic Digesters

The issue of Anaerobic Digesters was discussed with the following issues being raised:-

- 13% extra grassland required.
- 80% dairy products exported.
- Discrepancy in agri-food strategy with regard to Anaerobic Digesters.
- Nitrogen Deposition.
- Chemical Nitrogen application .

Consultation has just issues on guidelines for Anaerobic Digesters.

Mr Witchell invited Council members to visit Blakiston Houston Estate Dundonald to see the Anaerobic Digesters.

Mr Traill noted that AFBI also has a Greenfinch AD Plant.

Secretariat will e-mail to all Council members to gain their interest in visiting these sites.

**Action: Secretariat to e-mail Council members to gain their interest in visiting Anaerobic Digester sites. Secretariat**

DEFRA

Consultation on Biodiversity Offsetting. There is considerable opposition to the concept from NGOs, but governments seem keen on it.

Our Living Sea

Dr Berman had booklets called "Our Living Sea" for each County in Northern Ireland and circulated to members.

15. **DATE FOR THE NEXT MEETING – 29 NOVEMBER 2013**

*Patrick Coffey*

*31<sup>st</sup> January 2014*