

Internal Memo

From: Graham Seymour

Your Ref:

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Our Ref:

Date: 19 September 2008

CC:

To: NIEA Board Members

CONFIRMATION OF LISNARAGH ASSI

1. Lisnaragh ASSI was declared on 31 March 2008 following a recommendation from CNCC in September 2007 in support of its designation. The site was selected for its earth science features and is considered to be of national importance.
2. The consultation process has resulted in a significant number of objections to the designation which primarily relate to the restrictions on the potential exploitation of sand and gravel deposits for commercial purposes. Some of the landowners also joined forces to submit a challenge to the designation on scientific grounds.
3. Given the submission of a scientific challenge to the designation, it was decided to seek the further advice of CNCC. At its meeting on 5 September 2008, CNCC recommended that the declaration be confirmed without modification to the boundary on the understanding that further designations would be made by NIEA in the Dunnamanagh area to protect the extensive glacial features in this locality.
4. Our assessment of the report submitted on behalf of the landowners leads me to the conclusion that it does not invalidate the selection of the site at Lisnaragh as an ASSI. Furthermore, the Environment Order, under which the designation is made, does not permit NIEA to take into account socio-economic issues pertaining to the site. I therefore recommend to the Board that the ASSI declaration at Lisnaragh is confirmed by NIEA without modification.

5. The following papers are attached to assist the Board in its consideration of this matter:

- (a) summary paper – Lisnaragh ASSI confirmation;
- (b) map of designation site [hard copy];
- (c) citation papers [hard copy];
- (d) paper prepared by Dr Paul Dunlop, University of Ulster entitled “Assessment of the Glacial Geomorphology of the Dunnamanagh Complex, Co Tyrone” [hard copy].

Mrs Diane Stevenson, Assistant Director of Conservation Designations and Protection, will give a short presentation at the Board meeting.

GRAHAM SEYMOUR
Director of Natural Heritage

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CONFIRMATION OF LISNARAGH ASSI

1.0 Purpose

1.1 The purpose of this paper is to seek Board approval to enable NIEA to confirm the Lisnaragh ASSI declaration as notified, following a number of objections from owner/occupiers and a scientific challenge to NIEA's evidence for its declaration. NIEA is required to confirm the declaration as notified, confirm it with modifications or rescind the declaration by 31 October 2008.

2.0 Background

2.1 NIEA has a statutory duty under the Environment (Northern Ireland) Order 2002 (the Order) to designate lands as ASSIs if they are considered to be of special interest by reason of their flora, fauna, geological, physiographical or other features. Lisnaragh ASSI was declared on 31 March 2008 for the moraine ridge and outwash terraces that demonstrate the glacial processes towards the end of the last ice age. NIEA consulted with CNCC in accordance with the Order and received its endorsement to proceed with the ASSI declaration on 7 September 2007.

2.2 The site at Lisnaragh contains 20 owners/occupiers, all of whom were formally notified of the declaration in line with the required processes set down for designation.

3.0 Public consultation on ASSI designations

3.1 The Order places a statutory obligation on NIEA to apply a rigorous public consultation process when designating ASSIs. It is required to give written notice to every landowner and occupier about the declaration, and to consider any resulting representations or objections it receives. This is, in effect, a statutory consultation process which is reflected in internal office procedures that are rigorously adhered to. This action commenced on 31 March 2008 in relation to the Lisnaragh ASSI and it ended on 31 July 2008.

3.2 To ensure full disclosure of the NIEA intention to designate an ASSI to the wider public, notices are also published in at least two newspapers circulating in the area and relevant ASSI documentation is also placed on display in selected buildings with public access. In addition to this statutory requirement, NIEA would inform and seek comment from other various interested parties. Although not required by the Order, NIEA also endeavour to visit all owners, occupiers and interested parties affected by an ASSI to advise them in advance of the declaration and to address any queries they may have at that time.

- 3.3** NIEA respond to requests for meetings with owners and occupiers in relation to ASSIs, and the Lisnaragh declaration was discussed at three meetings held in the locality between February and April 2008. It was evident from these meetings that some landowners/occupiers attending were objecting to the declaration as they thought it would restrict the potential for exploiting sand and gravel deposits they might have on their lands. A planning application has been received by Planning Service (PS) for the extraction of sand and gravel from lands within the ASSI and this is presently under consideration.
- 3.4** Thirteen representations were received through the consultation process; ten from landowners, all of whom were attendees at NIEA meetings concerning the designation. Three representations from interested parties; Strabane District Council, Ulster Farmers Union and Quarry Products Association NI. Key comments made relate to the NIEA scientific evidence for the designation, the potential restrictions on the exploitation of the sand and gravel deposits found within the ASSI and the consultation process applied. NIEA is satisfied that its public consultation process was appropriate and that it was conducted in accordance with the Order.
- 3.5** **The Order does not provide for matters of a socio-economic nature to be taken into consideration in relation to the selection or designation of an ASSI.** Any new development, such as the exploitation of sand and gravel would, however, require planning approval, and PS does have regard to economic matters as part of the material considerations when planning applications are being processed. NIEA is routinely consulted by PS in relation to applications that may affect an ASSI or proposed ASSI.
- 4.0 Scientific issues and considerations**
- 4.1** Lisnaragh was identified as a candidate ASSI through a contract with University of Ulster completed in 1997. Detailed mapping of the site was subsequently undertaken by NIEA in accordance with established guidance on boundary selection, and site reports were compiled. Additional information relating to the selection of Lisnaragh is given in **Annex A**.
- 4.2** Significant amongst the responses received through the statutory consultation process referred to above, was a publication entitled 'Assessment of the Glacial Geomorphology of the Dunnamanagh Complex, Co Tyrone' which the Lisnaragh ASSI forms part of. This publication, which was welcomed by NIEA, was issued by Dr Paul Dunlop of the University of Ulster on behalf of the landowners, and we would acknowledge his expertise in this field. **(Hard copies of supporting papers available at Board Meeting)**
- 4.3** The descriptive element of the report is excellent and is supportive of the original research commissioned by EHS. A number of differences relate to the identification of particular features, probably due to current availability of comprehensive remote sensing coverage of the area. (This was not available 12 years ago.)

- 4.4** This publication has been reviewed by NIEA and it does not present any information that would lead us to believe that Lisnaragh should not be designated ASSI. His main concern appears to be the scale of this ASSI; principally that it does not include all the main deglacial landforms in the Dunnamanagh area. Dr Dunlop appears to have assessed the appropriateness of the Lisnaragh designation on the basis that it will be the only designation in this area. On that basis, his criticisms of site extent would be valid, but NIEA has yet to complete the ASSI network for deglacial landforms. Once this is completed, we believe that the resultant network of sites will, collectively, properly represent the deglacial history of Northern Ireland.
- 4.5** Diane Stevenson and Ian Enlander presented a paper to the Natural Heritage Directorate meeting on 28th August on the Lisnaragh site. Dr Paul Dunlop's paper was discussed and all present agreed that the Report did not present any information that would lead NIEA to believe that Lisnaragh should not be designated an ASSI. The meeting agreed, however that the matter should be submitted to CNCC for its further advice prior to the confirmation of the ASSI.
- 4.6** On 5 September Diane Stevenson and Ian Enlander presented a paper to CNCC who reviewed the additional scientific evidence presented in Dr. Dunlop's report. The members agreed that the scientific challenge presented in the report did not invalidate the selection of Lisnaragh as an ASSI. Therefore CNCC are content with the appropriateness of this designation, noting that there would be further designations within the Dunamannagh area, and recommended its confirmation.
- 5.0 Opinion Sought from NIEA Board**
- 5.1** NIEA NH Directorate are content that (i) the consultation process for the proposed Lisnaragh ASSI was robust and fulfilled statutory obligations and (ii) the scientific evidence presented as a challenge is not sufficient to justify withholding the confirmation of the declaration.
- 5.2** The Board is therefore recommended to agree the confirmation of Lisnaragh ASSI without modification.

E Diane Stevenson

Conservation Designations and Protection
NI Environment Agency
Klondyke Building

19 September 2008

SELECTION PROCESS FOR LISNARAGH ASSI

1. NIEA's Earth Science Conservation Review has been the means whereby sites of earth science importance have been identified. One aspect of this related to an assessment of the sand and gravel landscapes of Northern Ireland – this referring to deglacial landforms. The assessment of the Dunnamanagh area formed part of this work.
2. Lisnaragh was identified as a candidate ASSI through a contract with University of Ulster completed in 1997.
3. Site selection was informed by:
 - a. scientific importance of the location;
 - b. preference given to areas with no or minimal history of quarrying;
 - c. preference given to locations with an association of landforms;
 - d. additional locations were selected which had particularly good examples of landforms.
4. Detailed mapping of the selected sites was undertaken by NIEA Location specific reports were also compiled. Guidance on boundaries:
 - a. extensive sites represented by the most suitable element of the landform;
 - b. particularly important or dramatic landform associations may be considered in their entirety;
 - c. the boundary includes the main landform features;
 - d. the boundary includes representative sections of additional associated landforms;
 - e. the boundary should, as necessary, include only intact sections of the landforms being considered. Small areas of former workings may be included;
 - f. it is unlikely that currently active extraction sites would be included;
 - g. the overall boundary should be the minimum area necessary to represent the main feature of interest together with any relevant associated landforms.
5. As NIEA recognized the potential economic importance of this site series, sites were assessed independently in 2001. Lisnaragh's importance was confirmed.
6. NIEA presented the Lisnaragh proposed ASSI to CNCC which included a description of the site's scientific importance, the rationale behind the boundary and management considerations. CNCC approved the proposal.