

DTNI

EMPOWERING LOCAL COMMUNITIES



THE FUTURE OF LOUGH NEAGH



Department of
**Agriculture and
Rural Development**

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EXECUTIVE SUMMARY

Investigation to explore and establish the case for the setting up of a Lough Neagh Development Trust to acquire and strategically manage and operate Lough Neagh

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“ This report from DTNI looks critically for the first time at community acquisition on a scale not previously envisaged and its findings and recommendations come at the end of an intensive 7 month period of work. ”

FOREWORD

Community Ownership in Northern Ireland (NI) is in the DNA of our civic society. From the network of care facilities owned by local, regional and national charitable organisations, to the social housing stock of local Housing Associations through to the extensive network of land (football pitches, golf clubs, rivers and lakes) and buildings owned and managed by sporting bodies within our towns and villages.

This collective ownership and development of community assets is a testimony to who we are as a society and what we aspire to achieve for the common good.

Do we have rights and responsibilities or obligations as a society to pursue for more community ownership? Do we express those rights culturally and do we understand or acknowledge that there is a collective right towards more common ownership which extends to land, forests and waterways. Such assets are largely the preserve of public bodies including central and local government and private interests. There is yet no clear understanding or agreement across society on what is or ought to be considered common land, owned and managed by the people for the public good.

Development Trusts NI (DTNI) advocates on behalf of its members, for a new era of community ownership and management of assets. DTNI is striving to promote, develop and extend the concept across the community, voluntary, social enterprise, charitable and faith sectors in NI.

The opportunity presented by the Department of Agriculture and Rural Development to test the concept of community ownership in the case of Lough Neagh (privately owned by the Shaftesbury Estate) was a unique prospect. The size of the asset, or rather the complexity of issues concerning its existing management and control and broad stakeholder audience with a claim on the Lough made this a challenging ask. With the NI Executive having already committed to the principle of more community ownership and making available its surplus assets for possible acquisition by third sector organisations being able to consider this principle and its application to this vast body of water was an enticing and exciting given that nothing of this scale has been mooted for consideration until now. Community ownership on this grand scale is not without precedent. Galston and Uist in the Western Isles of Scotland jointly hold approximately 145,000 acres of land in community ownership. Nothing of this scale however exists in NI outside of the public sector and private ownership.

This report from DTNI looks critically for the first time at community acquisition on a scale not previously envisaged and its findings and recommendations come at the end of an intensive 7-month period of work.

We are heartened by the level of support we have received along the way and the willingness by which individuals, communities, public and private interests have engaged openly and debated vigorously the proposal we brought forward for investigation considering the viability and commitment to establish a development trust to acquire, own and manage the bed of Lough Neagh. Specifically, we set out to address the following questions.

- To what extent would a Development Trust receive community and other stakeholder support?
- Would a Trust comprising a range of interests be able to share common ground and an agreed vision for the future?
- What form of Development Trust would offer most by way of opportunity and least by way of risk in relation to local communities and other stakeholders?
- What governance arrangements would ensure a strong and effective community voice whilst facilitating meaningful input from the full range of stakeholders?

We believe that this report and its supplementary appendices answer these questions affirmatively and provide a clear set of proposals and direction of travel which are worthy of further consideration.

It would be remiss of me not to acknowledge that this report is the work of all of those that participated in the research process and the detailed conversations directed and facilitated by the staff and associates of DTNI. Many individuals have given of their time and expertise to ensure that the recommendations are relevant to the issues and appropriate. This shows tremendous commitment from all of those who are interested in the Lough's future. DTNI board members were delighted with the level and quality of input and would like to express their sincere thanks to everyone involved.

In commending this report to you the reader for consideration I'd like to quote from the foreword of a previous report from the Lough Neagh Advisory Committee (2002). Which states;

This document is just the beginning. We must now encourage stakeholders, communities, local authorities and statutory agencies to incorporate these management recommendations into their forward work programmes, thus securing a sustainable and bright future for the Lough Neagh Wetlands.

With that in mind we must hope that with commitment, hard work and continued endeavour we can realise our mutual objective of a common ownership of Lough Neagh. This has been an inspiring piece of work for DTNI and we are fully committed to playing our part in the future of Lough Neagh.

Nigel Kinnaird

Chair DTNI





DTNI with the support of RCN facilitated 4 public consultation events in Washing Bay, Antrim, Oxford Island Discovery Centre and Ballyronan.

EXECUTIVE SUMMARY

Background

1.1 On 17 April 2012 Francis Molloy MLA brought by way of Private Member's Business the following proposal to the Northern Ireland (NI) Assembly. 'That this Assembly calls on the Minister of Culture, Arts and Leisure and the Minister of Agriculture and Rural Development to convene a working group to explore and pursue actively the potential for a cross-departmental approach to bring Lough Neagh back into public ownership.' The NI Assembly backed the motion 62:15.

1.2 Subsequently, a cross departmental working group (The Lough Neagh Working Group) carried out a high level scoping exercise to investigate the potential for bringing Lough Neagh into public ownership.

1.3 In February 2014 the Lough Neagh Working Group published its findings. It concluded: 'The Working Group has been unable to identify any tangible benefits to the effective management of the Lough, should it be brought into public ownership. The implementation of a potential new, overarching management structure is considered to be the best approach to delivering the diverse range of objectives sought by stakeholders'.

1.4 In August 2015 the Department of Agriculture (DARD) commissioned Development Trusts NI (DTNI) to; 'explore and establish the case for setting up a Lough Neagh Development Trust to acquire, strategically manage and operate Lough Neagh and the way resources should be directed to underpin this initiative.....'

DTNI Methodological Approach

1.5 The project timeline was seven months with a deadline for 31 March 2016

1.6 In September 2015 DTNI initiated the exploratory process. DTNI appointed an expert project advisory panel. With representation from DTNI, Strategic Investment Board (SIB), Rural Community Network (RCN), Lough Neagh Partnership (LNP), and Lagan Canal Trust (LCT). This was supplemented by senior peer practitioners in community asset management & acquisition from the Development Trust Association Scotland (DTAS) and Locality from England.

1.7 Shaftesbury Estates of Lough Neagh Ltd was engaged via its NI representatives.

1.8 Edwards & Co Solicitors were appointed as legal advisers.

1.9 Morrow Gilchrist Associates were appointed as business advisers.

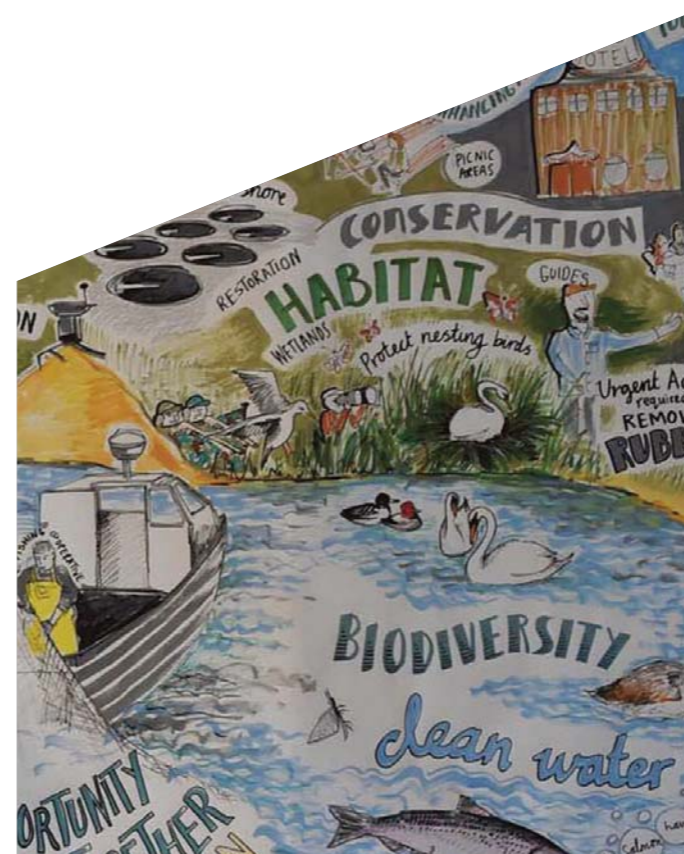
1.10 A project plan comprising 4 main strands was developed and implemented:

CONSULTATION

1.11 DTNI held a series of comprehensive one to one meetings with all key stakeholders to establish the level of support which might exist for the principle of management and ownership of the Lough via a Development Trust. DTNI with the support of RCN facilitated 4 public consultation events in Washing Bay, Antrim, Oxford Island Discovery Centre and Ballyronan. In addition, DTNI;

- Commissioned a Governance and Incorporation options review – an investigation of alternative Development Trust models - led by Edwards & Co. Solicitors
- Commissioned the preparation of a Strategic Outline Case – an investigation of strategic fit, viability and resource requirements - led by Morrow Gilchrist Associates
- Facilitated a Stakeholder conference ('Future Search' methodology) to establish if sufficient 'common ground' and shared vision existed/could be developed between the diverse range of stakeholders and offer a realistic way forward on a platform provided by a Development Trust

1.12 The Advisory Panel met monthly. The consultation process ran from September 2015 through to March 2016. Legal and business advisers contributed on an ongoing basis as did DTAS, Locality and others. The Earl of Shaftesbury engaged personally with the Advisory Panel in addition to providing input via his NI representatives.



<http://www.niassembly.gov.uk/assembly-business/official-report/reports-11-12/17-april-2012>

http://www.niassembly.gov.uk/globalassets/documents/officialreports/agriculture/20132014/140624_loughneaghdwgreport.pdf

KEY FINDINGS

CONSULTATION

1.13 The consultation process evidenced widespread support in principle from the full range of stakeholders (communities of place, commercial interests, environmental interests, other communities of interests, individual users and central and local government, current owner) for developing the concept of community management & ownership of Lough Neagh via a community owned and managed Development Trust.

1.14 Stakeholders believe that private ownership and management of aspects of the Lough will continue to deliver only limited long term strategic development for the benefit of local communities.

1.15 There is an urgent need to consider how the governance and management arrangements for the delivery of key functions and services in and around the Lough ('Communities of Interest') can be consolidated and amalgamated, to enable a more focused 'community of place' to emerge.

1.16 There is a strong desire for long term community involvement in management and governance. The current owner has indicated support for this direction of travel.

STRATEGIC OUTLINE CASE & GOVERNANCE REVIEW

1.17 The strategic outline case & governance review concluded that ownership of the bed of Lough Neagh by way of a Community Development Trust has significant potential to act as a catalyst/platform for the successful long term sustainable development of the Lough.

1.18 A Community Development Trust incorporated as a Company Limited by Guarantee and governed by a Board elected by, and accountable to, the community is seen as an appropriate vehicle for same.

1.19 Governance structure and processes will be most effective with community at its core whilst simultaneously providing the broad range of stakeholder interests with a credible voice via a clearly defined, formal, 'route' to the Trust.

1.20 A Company Limited by Guarantee (possibly with charitable status) was agreed by the Advisory Panel as the preferred incorporation option for such a Trust.

1.21 To move the process forward a company – 'Lough Neagh Development Trust' (LNDT) has been registered with Companies House. An interim Board has been appointed to lead the Trust through the process of membership recruitment and the election of a permanent Board.

KEY FINDINGS

1.22 The strategic outline case & governance review concluded that Local Government Authorities should be engaged to explore opportunities for business development by LNDT including (though not exclusively) community management of Lough Neagh marinas.



KEY RECOMMENDATIONS

FUTURE SEARCH

1.23 Sixty-four stakeholders representing the full range of interests connected with the Lough attended a 3-day Future Search conference (February 29th, 1st, 2nd March 2016) where they explored and established common ground along with agreement on & commitment to the long term strategic management and development of the Lough based on a Development Trust model.

1.24 Shared vision, individual stakeholder Lough development plans (with next step actions) and a stronger commitment to collaborative working to advance the long term development of the Lough (amongst the full range of stakeholders) have been agreed.

1.25 Common ground commitments by stakeholders and a focus for the work of LNDT going forward are;

• Habitat,

'... Value the importance of the Habitat, the water quality, the bio-diversity and the natural species currently found in the Lough Neagh catchment. We recognise the need to manage, to protect, and enhance the habitat and water quality to a favourable condition for the benefit of all'.

• The Economy,

'... Use a sustainable approach for the development and management of the Lough Neagh basin and catchment area resource to deliver positive economic returns to the local community through a thriving mixed economy'.

• Tourism,

'... Work to ensure Lough Neagh and its waterways are a unique visitor experience/destination based on sustainable principles contributing to Lough Neagh and the wider community'.

• Community Vision,

'... Work together to create a shared Lough Neagh community which takes pride in our people, place and shared purpose to advance sustainable community benefit. We recognise the community as both a resource and an asset which has the capacity for leadership, ownership and self-management of Lough Neagh and its environs.

'...Engage all stakeholders in all levels of planning, development and implementation'.

• Recreation,

'... Work to ensure that recreation is accessible, affordable, sustainable and respecting of other users, our heritage and our environment and that such recreation be available all year round. We believe that a balance of recreation and work creates a healthy, vibrant and prosperous Lough Neagh community'.

• Navigation and Waterways Safety,

'... Work together with all relevant agencies to develop a Lough Neagh navigation authority which will deliver safer connected waterways'.

• Strategic Vision,

'Lough Neagh is a strategic natural resource for all. Our vision is to bring about an internationally recognised, stable, sustainable, natural environment that supports communities through economic, social and recreational development'.

• Governance

'The Lough Neagh Development Trust is a community owned and led body. We are responsible for the guardianship, advocacy, management and sustainable development of Lough Neagh, its people and place. Our vision is for a better balance of social, cultural, economic and environmental well-being'.

KEY RECOMMENDATIONS

1.26 The establishment of an Interim Board for the registered company, Lough Neagh Development Trust (LNDT).

1.27 The Interim Board to define and prioritise the early stage key functions of LNDT.

1.28 The Interim Board to continue to develop and maintain collaborative working relationships with representative Lough Neagh community organisations and with the Lough Neagh Partnership (LNP) & jointly consider options for partnership, collaboration, integration and or merger with LNP.

1.29 The Interim Board of LNDT to continue to maintain community support for the process of developing the community governance and legal structures proposed for the efficient and effective management and operation of LNDT.

1.30 The LNDT Interim Board should define initial Trust membership categories & eligibility criteria, design and implement a community engagement and membership recruitment campaign which is transparent and accountable.

1.31 The proposed Governance form (as per review) to be formally approved and adopted by the Interim Board of LNDT and Memoranda of Understanding (MOU) outlining the relationships with and between key stakeholders agreed.

1.32 The development of appropriate sub-structures as recommended in the governance review should include options to establish a separate 'Property Trust' to hold title to the Lough. This will require the appointment of independent trustees and the establishment of an appropriate Trust vehicle.

1.33 The Interim Board to seek support and agreement from The Shaftesbury Estate to advance the operational objectives of LNDT regarding better management and community ownership of the bed of Lough Neagh.

KEY RECOMMENDATIONS

1.34 The Interim Board to explore with The Shaftesbury Estate and relevant interests the means by which 'Due Diligence' of Lough Neagh and a strategy for management and acquisition of the bed of the Lough can be best undertaken.

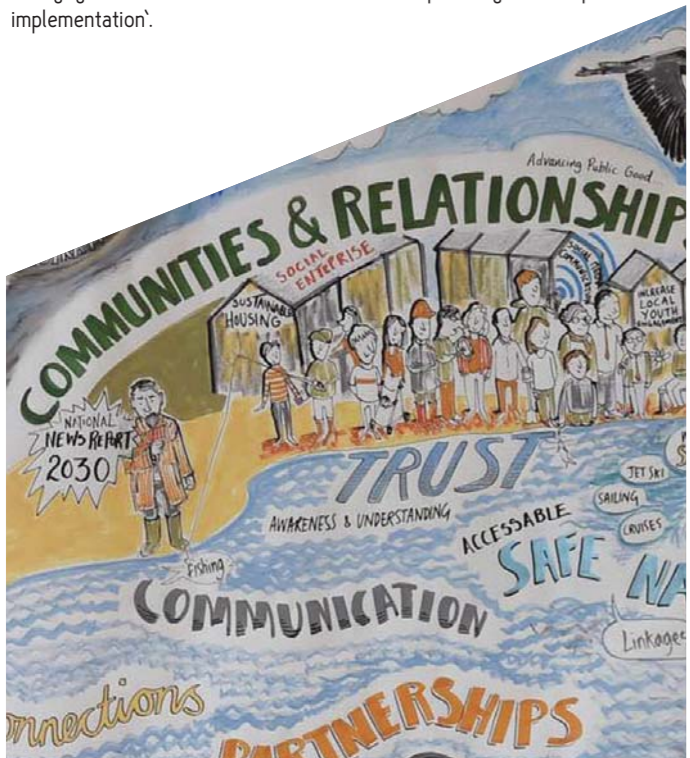
1.35 A focused acquisition strategy to be developed and led by LNDT, with support from experienced practitioners in NI and other jurisdictions were relevant expertise exists.

1.36 The Interim Board of LNDT should seek to identify and avail of emerging opportunities for the management and acquisition of assets for advancing sustainable enterprise by way of the NI Executives policy framework on Community Asset Transfer.

1.37 LNDT to work with suitable partners to ensure effective advocacy for Community Asset Transfer, asset management and business development opportunities relevant to Lough Neagh with Local Government Authorities – works to be undertaken on behalf of LNDT and other key stakeholders.

1.38 LNDT to explore the full range of potential funding streams and investment opportunities for further development of the project recommendations.

1.39 Undertake a Future Search progress review(s) to assess actions and achievements on shared commitments.



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