

Environmental Plans, Principles and Governance for Northern Ireland

Public Discussion Document

Stakeholder Response Template



10 December 2020

Sustainability at the heart of a living, working, active landscape valued by everyone



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk



**INVESTORS
IN PEOPLE**

How to Respond

This template replicates the questions posed in the online survey on the Environmental Plans, Principles and Governance for Northern Ireland Public Discussion Document found at:

<https://www.daera-ni.gov.uk/consultations/environmental-principles-and-governance>.

The full text of the consultation can be found on the Department's website by following the link above or by contacting us to request a hard copy. It is recommended that you should read the full consultation document before completing your response, whether you choose to use this template or the Citizen Space Hub.

If you wish to use this template for your response, please reply by e-mail or hard copy respectively to:

environment.bill@daera-ni.gov.uk

or

Environment Bill Team

Department of Agriculture, Environment and Rural Affairs

Environmental Policy Division

2nd Floor

Klondyke Building

1 Cromac Avenue

Gasworks Business Park

Belfast BT7 2JA

Early responses are encouraged but all responses should arrive no later than **5pm on Friday 5 February 2021**. Before you submit your responses please read

the “Freedom of Information Act 2000 - Confidentiality of Consultation Responses” section below, which gives guidance on the legal position.

Freedom of Information Act 2000 – Confidentiality of Consultations

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can refuse to disclose information only in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority (the Department in this case). This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances.

The Lord Chancellor’s Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department’s functions and it would not otherwise be provided;

- the Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature;
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses, please contact the Information Commissioner's Office:

Tel: (028) 9027 8757

Email: ni@ico.org.uk

Website: <https://ico.org.uk/>

ABOUT YOU

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Organisation (if applicable)

ULSTER FARMERS' UNION

The Ulster Farmers' Union (UFU) is the largest farming organisation in Northern Ireland representing over 11,500 farming families from all sectors across all of NI.

ENVIRONMENTAL PRINCIPLES

Q1: Should Northern Ireland continue to be guided by these environmental principles in the long term?

Yes ☒

No ☐

If so, would you agree with the mechanism for a policy statement of Environmental Principles as outlined above?

Yes ☒

No ☐

Additional comments

Given the UK's commitment to a number of principles through international agreements, the Ulster Farmers' Union believes there is no option but to support the inclusion of these environmental principles in legislation. There must be a policy statement outlining clearly how these principles are to be interpreted to ensure clarity and transparency for farmers.

However, the UFU has concerns around the use of the precautionary principle and would highlight that it can be used to stall progress, stifle development, and prevent innovation and adoption of new technologies. Its use is often unscientific, and it is often used by risk adverse civil servants as a reason to avoid making difficult decisions. This can prevent pilot projects and trials of new technologies and therefore can hinder environmental improvements and research. If the NI Executive, led by DAERA wish to deliver an ambitious Green Growth Strategy, innovation, research, investment and development will be required. It is vital that any policy statement around the precautionary principle clearly outlines that in most cases it is impossible to eliminate all risks and a balanced position based on sound scientific evidence must be taken.

The UFU believe that the proportionality principle must be included to provide this balance. The proportionality principle has an important role to play in ensuring that the severity of the risk and the relative importance of the environmental issue can be taken into account as part of the decision-making process. The proportionality principle is a key element of EU law and losing this principle whilst copying across environmental principles from the EU would risk creating an unbalanced set of principles which operate without some of the checks and balances that were always intended to be part of EU law.

All principles must be underpinned by the five principles of good regulation; proportionality; accountability; consistency; transparency and targeting.

The UFU would agree with the mechanism for a policy statement of Environment Principles as outlined in the consultation document.

DAERA must be satisfied that any policy statement will contribute jointly to the improvement of environmental protection and sustainable development.

ENVIRONMENTAL IMPROVEMENT PLANS

Q2: How do you feel alignment of the Environment and Green Growth Strategies can be best achieved?

Northern Ireland's Strategy for environmental improvement is a key part of the Green Growth Strategy. However, it is difficult to provide comment on this without further detail on the proposed environment or green growth strategies. It is vital that duplication is avoided, and that any strategy has clear objectives, timelines and outcomes.

Given the proposed objectives of the Green Growth Strategy, the UFU would suggest that the environment strategy is part of Green Growth rather than sitting as a separate strategy. It is vital that Green Growth considers all three sustainability pillars; social, environment and economic, to provide a balanced way forward for NI.

NI must not become over-burdened with numerous strategies, targets and reporting structures which result in duplication and confusion and wastes time and valuable resources monitoring and administering such strategies.

The UFU has some concern that one of the proposed objectives of the Green Growth Strategy outlined in this document '*(a) to transform Northern Ireland society to net zero carbon by 2050*' suggests that a decision on climate change targets has already been taken before the DAERA Climate Change consultation has concluded.

ENVIRONMENTAL GOVERNANCE IN NORTHERN IRELAND

Q3: Should the OEP be implemented in Northern Ireland?

Yes ☒

No ☐

If no, how would you envisage we maintain existing systems of environmental governance?

Additional comments

It is recognised that when the UK leaves the EU, the current EU role of providing environmental oversight and scrutiny in Northern Ireland will no longer be present. The UFU support the operation of the OEP in Northern Ireland. It is vital that this new organisation does not duplicate the work of existing organisations, agencies, statutory committees, departments etc.

The OEP and its Board must work objectively, proportionately, and impartially. Board members must include a balance of individuals from a business/economic as well as those from an environmental background.

The way the OEP works with the NI Assembly and its structures must be clearly defined. The OEP must be transparent and have public accountability. It is vital that the OEP does not evolve into an organisation that enforces environmental law against third parties; there are already structures in place to carry out this role. The creation of Shared Environment Services (SES) in Northern Ireland is a clear example of poor environmental governance with a complete lack of public accountability and scrutiny, creating duplication and unclear linkages with NIEA – this must not be repeated.

Please note- If you have indicated that you do believe there should be an alternative governance body for Northern Ireland then your answers to the remaining questions will be read on that basis.

INTERACTIONS WITH OTHER OVERSIGHT BODIES

Q4: Are there other public bodies with whom the OEP should establish particular arrangements and why?

Yes ☐

No ☒

If yes, please elaborate

ESTABLISHING THE OEP IN NORTHERN IRELAND

Q5: Do you have any comments on interim arrangements for Northern Ireland?

No comments

If suggesting an alternative to the OEP how would you address the longer development and implementation period that would result in a lengthier governance gap?

APPOINTMENTS, REMUNERATION AND FUNDING

Q6: Are you satisfied with the arrangement for Northern Ireland representation on the Board of the OEP?

Yes ☒

No ☐

If you have indicated that you believe there should be an alternative governance body, how do you think it should be structured?

Additional comments

It is vital that the OEP and its Board works objectively, proportionately, and impartially. Board members must include a balance of individuals from a business/economic and environmental background.

APPOINTMENTS, REMUNERATION AND FUNDING

Q7: How do you think the OEP or an alternative should be funded in Northern Ireland?

The OEP should not be funded through the DAERA budget.

If an alternative, how would you justify the additional costs that would be involved in establishing a bespoke Northern Ireland approach?

Additional comments

PRACTICAL ARRANGEMENTS AND EXTENT

Q8: Should there be a permanent office in Northern Ireland?

Yes ☐

No ☒

How should it be staffed?

Operational costs for an OEP should be minimised and resources shared. COVID-19 has highlighted that it not necessary to have a physical presence in an area to work effectively and therefore a permanent office in NI is not required.

The European Commission was able to carry out an efficient role in Northern Ireland without having a presence locally. It would be frivolous in an era of constrained public funding to add additional administrative costs when this is unnecessary.

PRACTICAL ARRANGEMENTS AND EXTENT

Q9: What other practical arrangements should be addressed in advance of setting up the OEP or an alternative in Northern Ireland?

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FUNCTIONS OF THE OEP

Q10: Are you satisfied that the OEP or an alternative should carry out the described functions in Northern Ireland?

Yes ☒

No ☐

Additional comments

TRANSBOUNDARY ISSUES

Q11: What bodies should the OEP or an alternative be working with on transboundary issues?

It is vital that in light of the Northern Ireland protocol that there is no duplication between the work of the OEP and the EC. Each organisation should have clear boundaries and methods of working.

If an alternative, what arrangements should that body have for working with the OEP?

Other comments