

UFU BRIEFING PAPER: ENVIRONMENT BILL 2020

NI ASSEMBLY AERA COMMITTEE: 27 February 2020

BACKGROUND

In August 2018, the UFU responded to a DEFRA consultation which set out proposed contents of the draft Environment Principles and Governance Bill.

This paper summarises the UFU initial position to the main provisions of the 2020 Bill of interest to NI agriculture. Due to time constraints, this Bill has only been discussed by the UFU Environment Committee and as such these initial views have not been ratified by the UFU Executive Committee (main decision making body) and therefore cannot necessarily be considered as UFU policy.

There has been limited NI discussion around these issues and no DAERA consultation prior to the publication of this Environment Bill. This Bill has largely drafted for England and therefore there needs to be further consideration as to whether adding NI clauses to this Bill is appropriate.

There must be provisions added to UK legislation that ensures that our UK production standards are not undermined by product produced to a lower standards.

Part 2: ENVIRONMENTAL GOVERNANCE NORTHERN IRELAND

Environmental Improvement Plans: NI (clause 45 & Schedule 2)

- Environmental improvement plans should also reflect the importance of maintaining and protecting the environment.
- The Bill should require DAERA to consult with stakeholders on the content of future environmental improvement plans.

Policy Statement on Environmental Principles (clause 45 & schedule 2)

- Given the UK's commitment to a number of principles through international agreements, the Ulster Farmers' Union would support the inclusion of such principles in legislation with a policy statement outlining clearly how these principles are to be interpreted to ensure clarity and transparency for farmers planning their businesses future.
- We would also propose the inclusion of the proportionality and innovation principles.
- We welcome the inclusion within the schedule that the Department must be satisfied that the policy statement should contribute to environmental protection and sustainable development.

The Office for Environmental Protection: NI (clause 46 & schedule 3)

In response to the DEFRA consultation on the draft Environmental Principles and Governance Bill, the UFU supported the creation of a UK wide statutory body rather than creating a separate organisation in NI to take over the current EU functions and provide environmental scrutiny. However, given that it now appears that

this OEP may only extend its powers to England and Northern Ireland, the UFU is reconsidering this position and at present, opinions within the UFU are divided as to the most appropriate arrangement for NI.

- The OEP/equivalent body must be required to act proportionately, instead of only the need to “have regard to” act proportionately.
- There should be a time limit for the OEP/equivalent body to complete any investigations.
- The OEP/equivalent body should only intervene in proceedings if it is in the public interest for it to do so.
- The way the new organisation works with the NI Assembly and its structures must be clearly defined and must be transparent there should be no duplication with existing structures. There must be consideration/ recognition of the cross-border issues.
- The OEP/equivalent body should include a balance of individuals from a business/economic position as well as an environmental and legal background. If the OEP model is accepted, there must be a NI representative on the Board and an appropriate NI regional sub-group.

PART 3: WASTE & RESOURCE EFFICIENCY (CLAUSES 47-68)

- The cost of the requirements to meet the full net cost of dealing with packaging waste or new plastic levies should not just simply be passed along the supply chain to primary producers like egg packers, dairy processors and those in horticulture sector. Many packaging decisions are made further up the supply chain by retailers and brands, but farmers and growers are in a much weaker position to pass on any costs.
- The costs and benefits of any proposals to extend charges to plastics such as films and wraps must be carefully assessed.
- Farmers are often the victims of waste crime so we are pleased to see the Bill put some measures in place to address illegal activity. There must be recognition of cross-border waste issues.