



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

Environmental Better Regulation Bill:
Northern Ireland Environment Link and Ulster
Angling Federation

24 September 2015

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
Mr Colum Eastwood
Mr Barry McElduff
Mr Gary Middleton
Mr Ian Milne
Lord Morrow
Mrs Sandra Overend

Witnesses:

Dr Stephen McCabe	Northern Ireland Environment Link
Mr Jim Haughey	Ulster Angling Federation Ltd

The Chairperson (Ms Lo): I welcome Dr Stephen McCabe from Northern Ireland Environment Link (NIEL) back to Stormont. You were here twice this week, on Monday and Tuesday. It went really well.

Dr Stephen McCabe (Northern Ireland Environment Link): We were very pleased.

The Chairperson (Ms Lo): Both days were very well attended. I also welcome Mr Jim Haughey MBE, the chairman of the Ulster Angling Federation, and remind everyone that the session is being recorded by Hansard.

Dr McCabe: Thank you, Chair, for your welcome and thank you to the Committee for having us along today. As you know, Environment Link is the forum and networking body in Northern Ireland for environmental organisations and individuals. Our members represent a wide range of interests and expertise that can be brought to bear on policy development and practical environmental issues. We are grateful for the opportunity to provide input today.

In general, Environment Link is supportive of the principles of better regulation in Northern Ireland. We welcome the overall aim of the proposals to simplify and streamline the regulation system, and we emphasise — this is our key point this morning — that the ultimate result of good environmental regulation is good environmental outcomes. Regulation should be a means to that end. Therefore, good environmental outcomes should be the ultimate policy objective of the legislation.

Before going any further, I will highlight the Minister's recent call for a debate on environmental governance in Northern Ireland. That could change the regulatory landscape considerably. With that insert, I will move on to what I was going to say about the Bill.

We are supportive of the general purpose of regulation proposed in clause 1, which is to protect and improve the environment, including what is outlined in clause 1(1)(a), (b) and (c). We note, however, that a purpose of better regulation should be to relate to enhancing industry. Better regulation should add value to industry and encourage efficiency. It can be as much about encouraging positive behaviour in industry as about penalising bad practice. That kind of approach can demonstrate the value to businesses of environmentally responsible activities and greatly increase the trust among the regulator, the Department and operators. As long as that approach is accompanied by a really strong and consistent monitoring and enforcement system, which ensures that people who transgress the law suffer sure and significant penalties, we hope for success. We stress that that enforcement needs to be in place, because, where you have regulatory failure, good and bad business are allowed to flourish. We do not want that for Northern Ireland. We want good, environmentally responsible business.

We welcome the flexibility in clause 2 to make provision for different cases, persons, circumstances and areas. We emphasise the point that better regulation cannot be about less regulation or a lowering of standards. However, it is good to see a flexibility of approach, where good environmental outcomes are being achieved by good operators. We commend the Department for the definition of "protecting and improving the environment" and the long-term view that that gives. The Bill talks about:

"promoting the sustainable use of natural resources based on the long-term protection of available natural resources".

That should be based on a sound understanding of the concept of natural capital. Northern Ireland's available natural resources represent what we have in the bank when it comes to what nature and the environment deliver for society, which is a whole lot of things. Better regulation should seek to protect that long-term investment, ensuring that society in Northern Ireland lives off the interest rather than it eating into and depleting our irreplaceable natural capital.

We flag up one point that we would like clarified in clause 15, which deals with exempt fire places. We want to know what is meant by a "substantial quantity of smoke" in proposed new paragraph (7) of the Clean Air Order 1981.

Before I hand over to Jim, who will develop some more specific points from the Ulster Angling Federation's point of view, I want to say that we were surprised to see that prosperity agreements are not mentioned at all in the Bill. Prosperity agreements are linked to the whole idea of better regulation. They are a way of encouraging businesses to go beyond compliance and see the benefits, for them, of environmentally responsible activities. Crucially, they allow businesses to influence positively the supply chain on either side of the operator, which is key. Prosperity agreements can change the mindset of operators, from seeing regulation only as being restrictive to seeing it as being enabling as well. Therefore, although we are aware that there is continued progress in this area and that there has been the signing of recent agreements, we encourage the Department to commit to the prosperity agreement approach to demonstrate how positive and forward-looking better regulation in Northern Ireland can be.

I will hand over to Jim, who will develop those points a little more.

Mr Jim Haughey (Ulster Angling Federation Ltd): The views that I will put forward are those of the Ulster Angling Federation. We are members of NIEL and support it very strongly, but the views that I am putting forward are as a member of the group, not those of NIEL.

Our submission is a copy of NIEL's. We were so busy doing all sorts of submissions and other things that we simply did not have time to do an individual submission on this. We support the submission from NIEL. Some of the other submissions make some very good points, such as the Royal Society for the Protection of Birds (RSPB) submission, and we bring those to your attention.

Do we welcome better regulation? Who doesn't? Do we welcome motherhood and apple pie? Of course we do. The proposals, in some respects, read well. We all want to support our local businesses — I am a retired businessman — so, if we need to streamline licensing, and so on, there will be no opposition to such aims from us. There are some welcome aspects in the proposals, notably the provisions for restoration. Other aspects give us a little concern, notably those surrounding inspections.

Nevertheless, we need to stand back and view the proposals in the overall context of environmental protection in Northern Ireland, and that is where some problems arise. An event in the past few days has brought that very much to a head. There is a widespread view among many people that the Northern Ireland Environment Agency (NIEA) in DOE has been rather dysfunctional. There are very committed individuals in the organisations that we work with. They are very good people who do some very good work, but the prevailing view among too many who work in the field is that it is a body that has not really been fit for its purpose for some time. There are quite a number of examples of that, from the large scale to the small scale. For instance, DOE has been almost a standard agenda item for the complaints department of the EU Directorate-General for Environment in Brussels for some years now. We are the only area in the UK and Ireland without an independent environment agency.

It is very unrewarding for NGOs such as ours. We always seem to be the people who are complaining and giving off, and it becomes rather grating, to be honest. It is not very pleasant to be in that situation, but, too often, we seem to be the only people who try to bring DOE and the Environment Agency to account. I will give you an example. After a very recent fish kill, the angling club wrote to the permanent secretary using this language:

"It seems clear to us that your Department has neither the ethos or desire to take the aquatic environment or the wider issues of economic and social well-being seriously, never mind the legal requirement to comply with the Water Framework Directive. As per the major and devastating fish kill in June 2008, the handling of these two incidents has been quite appalling. To the Association it seems incredible that despite numerous requests we have not been made aware of what has happened in relation to these incidents. To date I as Chairman ... have not been contacted in any form and neither has our secretary".

Despite the Orwellian newspeak that pervades many government documents generally, our fear is that better regulation may in fact mean less and lower-quality regulation, such is the prevailing cynicism surrounding DOE.

I have been working on water-related issues for 33 years. I first came here in 1982 to see the English Minister who was in charge at the time. An event happened several days ago in the area of environmental protection that is completely unprecedented in my 33 years' experience. The Minister responsible has virtually said that the present arrangement is not fit for purpose. He did not use those words exactly, but that is the clear import of his statement. I will read an extract:

"Further, most jurisdictions on these islands and Europe have some form of independent environment protection body. They have successfully demonstrated the advantages of a clear separation of roles and responsibilities between central government departments and those responsible for overseeing and implementing protection and regulatory responsibilities. I have reached the clear conclusion that our present governance models are in need of radical review".

I will repeat the phrase:

"are in need of radical review".

Such are the levels of complaint, criticism and referrals to the European Union Directorate-General for Environment suffered by DOE's Environment Agency recently that Mr Durkan has come to realise the simple, evident truth that the present structure has not been working for some time. Simply transferring bits and bobs here and there under a reorganisation will not fix it, and there is a reasonable risk that it will make matters worse.

Rising above the detail of the White Paper, we feel that, in some respects, it is rearranging the deckchairs on the Titanic. The Environment Committee has a choice between sitting rather inactively on the sidelines and working with the Minister to help find a solution and, in his words, a "radical review".

The Chairperson (Ms Lo): Thank you very much. The notion of having an independent environmental protection agency (EPA) is quite topical, Jim.

We have a number of questions for you both. Jim, you said that the purpose of better regulation should be to enhance industry, add value to industry and encourage efficiency. You also said that it

can be as much about enabling and encouraging behavioural change in operations as about penalising bad practice.

We received a number of responses that contained the criticism that the Bill is very vague. We understand that the Department's view is that it is an enabling Bill and the detail will be in regulations that will come later, but do you think that the purpose is strong enough in the Bill?

Mr Haughey: Is that a question to me?

The Chairperson (Ms Lo): Sorry, it is to Stephen.

Dr McCabe: I said at the start that we would like to see good environmental outcomes being the policy objective of the legislation. I am not sure that that is the clear focus of it at the moment. Yes, we absolutely agree that it should allow good business to flourish, and we want to create the conditions in which that happens. As you said, it is difficult to comment until we see the regulations that come from this later. It will also come down to enforcement and what happens on the ground. We really need to see enforcement working consistently.

The Chairperson (Ms Lo): OK. Do you think that we need to amend the Bill so that it states more clearly that the purpose is also to enhance industry, make it more efficient and create better behaviour?

Dr McCabe: I would like to see that in the Bill. It would be beneficial to industry for that to be in there.

The Chairperson (Ms Lo): Your organisation is mostly about protecting the environment. Do you think that having less regulation would dilute the protection of the environment? How can we safeguard that balance?

Dr McCabe: Not necessarily: It needs to be clear in the legislation that the policy objective is environmental protection above all. That would safeguard that notion.

The Chairperson (Ms Lo): I will let other members come in. None has indicated.

Lord Morrow: I would like to ask a question of Jim.

Thank you for your presentation. You said that you were here 33 years ago: has anything changed?

Mr Haughey: Strange as it may seem, I think that matters have improved since then. Environmental protection 33 years ago was, I can assure you, so low a priority that it hardly existed at all.

Lord Morrow: We are going in the right direction: is that what you are saying?

Mr Haughey: Very generally, yes, but what has happened recently is that there has been such an accent on the question of climate change that we have lost sight of the more practical aspects of environmental protection. Nowadays, when you talk about environmental protection, there is almost an immediate reaction of "Oh, climate change", but that masks a range of environmental problems that are recurring and, in my view, not being adequately addressed, because the focus of everything nowadays tends to be on climate change.

Lord Morrow: I agree with that comment. There is an overemphasis there, and, as a result, everything else gets left behind.

You referred to a fish kill in 2008 and said that you were still waiting to hear back.

Mr Haughey: A problem with the Environment Agency is that its means of communication is not good. I do not know what the reasons for that are. Maybe it is just too busy with other things, but there is a continuing problem with a lack of feedback. It may well be that getting evidence to take people to court is exceptionally difficult in the water environment, and it may well be, in many of the cases, that the response from the Environment Agency will be that it tried very hard but could not get evidence, that it looked at this and that, and that it was simply unable to get a sufficient case in order to go to

court. The problem is that, too often, there is a lack of feedback, and people then become very frustrated.

Lord Morrow: From 2008 until today, in 2015, what was the extent of that fish kill? Has the river recovered and, if so, to what extent has it recovered?

Mr Haughey: There has been some recovery, but I do not know factually what the extent of that recovery has been. Most of those fish are on a four-year cycle, so this year would be the end of the second fish cycle. The difficulty is that there have been some other fish kills in the meantime as well, so it is a bit of a patchy picture.

Lord Morrow: Is it a trout river?

Mr Haughey: It is a trout and salmon river.

Lord Morrow: Salmon?

Mr Haughey: Yes.

Lord Morrow: Right. Are salmon still prevalent in that water?

Mr Haughey: They are not prevalent, but there are some getting through, yes.

Lord Morrow: If you watch carefully. What do you think needs to be done?

Mr Haughey: We need to do what Mr Durkan says: we need a radical review.

Lord Morrow: Have we not had reviews? I suspect that, if you go down to the Department of the Environment's offices, you will find reviews stacked to the ceiling, gathering dust.

Mr Haughey: And most of them state that we need an independent environment body.

Lord Morrow: Review?

Mr Haughey: That is the problem.

Lord Morrow: So —

Mr Haughey: Whenever there is a review, the report states that there should be an independent environment body, but it sits on the shelf gathering dust, and nothing is done.

Lord Morrow: That would bring more bureaucracy and red tape to the whole thing. The farming community, or some in it anyway, is anything but enthusiastic about this stuff.

Mr Haughey: I am not sure why. I will repeat myself and say that we are the only area of Britain and Ireland that does not have one. I cannot imagine why there would be such opposition. I do not see the farmers' unions in other areas having insuperable difficulties. I do not see why it should be the case here.

Lord Morrow: Jim, an environment agency would not have stopped that fish kill in 2008. Having one might mean that, yes, something can be done after it happens. If we are not conscious of what we are doing to our rivers, do we not need to change people's mindset?

Mr Haughey: Let me give you an example from that same river. The local angling club said that there was a sewage treatment works that was not functioning right. Northern Ireland Water (NIW) and the Environment Agency said that they would look into it, but they came back and said that it was meeting all its targets, that it was working right, that there was no problem and that the angling club was wrong.

The angling clubs got together and monitored that river for a year by taking chemical readings and discovered that there was indeed a problem. They presented the findings to Northern Ireland Water

and the Environment Agency. The two of them then said, "Gosh, there is a problem. We will have to fix it". All of a sudden, NIW said that it would find £1.5 million to upgrade the works. To me, that says that there is something wrong in the Environment Agency, because that should not have happened. Ordinary citizens should not have to do that.

Let me give you another example. I discovered sewage fungus in a small river in County Down. I contacted a man in the Environment Agency whom I knew and who was generally very helpful. He was highly embarrassed. I asked him how long it had been there, and it turned out that the river had been coated in sewage fungus for six months. I asked what the hell was being done about it, and he said that the agency was looking into it and working with the people — the usual old bluff and bluster. As we always have to do, I wrote to complain and give off. That is the position that we are in. I complained and gave off, and, lo and behold, within six weeks or something like that it was stopped. If I had not found it and complained, however, it would still be there.

Lord Morrow: Departments are very good at looking into things.

Mr Haughey: Let us look across the board. The White Paper is just about better regulation, but it has to be seen as part of the broader picture. The broader picture in DOE's Environment Agency is that it has fallen flat on its face this past number of years. There have been a number of issues, including the reaction to fish kills; sewage treatment works; and the dumps and mineral works in the River Faughan. We also have the biggest illegal mine in western Europe with the sand extraction in Lough Neagh.

I have another example about the Environment Agency. I went to see it about three sewage treatment works on a small river in Country Antrim, because the angling club had complained about the discharges. The lady said, "Oh yes, those three works have been causing a problem. One of them is going to be closed. We are going to pump the sewage to another one, and that will take care of that". I asked about the other two, and she said, "Oh yes, they are on the list to be upgraded". I said, "That is great news. I'll be able to go back to the club and tell them that they are going to be upgraded. How many works are on the list to be upgraded?" She said that there were 48. I asked her how many were going to be done this year, and she replied, "Six".

Lord Morrow: Jim, you mentioned Lough Neagh. The Committee takes an interest in Lough Neagh and has initiated some research and reports. That might not be very comforting for you to hear, but I assure you that the Committee takes an interest in what is happening and is aware of the state of that body of water.

Chair, it may have been neglectful of me not to declare that I am a member of an angling club; I do not know whether that is relevant, but I just want to say that in case it is. I do not know Jim at all. This is the first time that I have any living memory of meeting this man, but I would be far away from where he is.

The Chairperson (Ms Lo): I remind members that the Ulster Angling Federation is coming back to us on 8 October to talk about river pollution.

Mr Haughey: Madam Chair, this needs to be seen in the wider context. As Stephen said, if the proposals in the White Paper are handled properly, brought forward well and well implemented, I suspect that they will lead to an improvement in the situation, and I would certainly hope that they would. However, the wider context in which this is set is terribly unsatisfactory.

The Chairperson (Ms Lo): Yes, it is just touching the surface. It will be no surprise to anyone that the Alliance Party and I have been arguing for an independent EPA, and I support the Minister's call for an independent EPA. There is no reason that we should not have one. The rest of the UK and the Republic of Ireland have independent EPAs. As you said, there are good people in the NIEA, but being inside the Department does not give them that independence.

You talked about the need for monitoring and governance. We are where we are. We may be able to ask for an amendment to put an independent EPA in the Bill. However, as the Bill stands, do you think that it is sufficient to monitor enforcement penalties? Could we say more about increasing penalties and having maximum penalties? Jim, what is your view?

Mr Haughey: I support what Stephen said: the Bill is enabling, and the wording is generalised. It is simply too early to say. It all depends on how it is implemented, and we hope that it will be implemented well.

Regarding penalties, our recent difficulty has been that, even with the penalties currently available, the courts steadfastly refuse to use them. I am not convinced that there is any great point in increasing them when they are not implemented even as they are.

The Chairperson (Ms Lo): NI Water is a major polluter of our rivers.

Mr Haughey: As I said, it is one thing to put it on a piece of paper but a completely different thing to have a magistrate or a judge implement it. That has been the problem to date.

Mr Eastwood: Thanks very much for your frank presentation. It is very useful. My impression is that we can tinker with fines and things like that, but we have very strong standards on where we should be with environmental protection, not least because we are members of the European Union. I think that you have confirmed that the real problem is how we actually deal with it, how we implement those things, how we get to those standards and, when things go wrong, how we resolve the problem.

You have probably answered this question, but I take it that it is your view that we need an environmental protection agency that is independent, has teeth and can do the job that you have to do at times by picking up some of these issues and chasing them down. Do you think that that would make a fundamental difference to how those issues are approached and dealt with?

Mr Haughey: The harsh truth for us is that there has been such a calamity in the last few years across a range of issues, and the Minister himself has called for a radical review. I think that there is unanimity, if I can use that word, that the present situation should not be allowed to continue. Saying "We are just going to take what we have and put a few bits and bobs here and there and spread it around in a reorganisation" will not work. We feel that virtually anything would be an improvement on what we have at the minute. We would like to see, as all the non-governmental organisations and numerous reports have said for many years, an independent agency as the way forward. If we get an independent agency, it might not function very well. Who knows? However, our view is that the DOE and the EA have been such a calamity these last few years that anything will be an improvement. To think that we can take what we have and disperse it among new Departments and that that will work, it will not work.

Dr McCabe: We would like to see a wide and frank debate on environmental governance in general. An independent environmental protection agency is part of that but also thinking about councils having their new powers and the relationships between central and local government on environmental protection and planning. We need to look at it from lots of different levels.

Mr Haughey: Can I go back to one of the central planks of the White Paper? I have a background in construction, and I have been at meetings where a developer has said, "Oh, for goodness' sake, I need a permit for this and a permit for that, and it takes me ages to meet all these people and jump through all these hoops". So I can understand why there should be streamlining for licensing and that sort of thing. We have no opposition to that whatsoever. There are some good things in the paper, and, as Stephen said, if it is well implemented and well looked after, I would be hopeful that it would lead to an improvement, but the wider context remains.

The Chairperson (Ms Lo): The devil is in the detail, as they say.

Mr Milne: Thanks for your presentation. It is very interesting to listen to the conversation that is going on. You are very negative in a lot of ways towards the general environment agencies. Surely, there has been an improvement over the years. We are getting to a better place, and we are trying to get to an even better place. So, sometimes, we have to creep before we walk. I just want to make that observation.

Give us your thinking on the inclusion of exempt fireplaces, for example, and what is meant by "substantial quantity of smoke"? What is "substantial"? Give us your thoughts on that please.

Dr McCabe: I do not have any particular thoughts on it. I encourage the Committee to seek clarification from the Department on it and why it has included that clause. It seemed to stick out to me as I read through the Bill.

The Chairperson (Ms Lo): We have been getting lots of SL1s to say, "We are going to add another exemption to the new type of fireplace" for the last couple of years.

Dr McCabe: We need to get to the bottom of that.

The Chairperson (Ms Lo): It is trying to get the catch-all that lets bureaucracy come back to us all the time. You are right. What do we mean by the phrase "substantial quantity"? How do you measure "substantial"?

Dr McCabe: Will it affect air quality? That would be our concern.

Mrs Overend: Thank you for your presentation. I take from what you say that you welcome the legislation, but, ultimately, you fear that its implementation will not be a success, considering your feelings towards the NIEA, for example. That is a major, wide-ranging concern. You talked about an independent Northern Ireland Environment Agency, but is that the be-all and end-all? Surely, the Department needs to do something to give you more confidence in this legislation.

Mr Haughey: As Stephen said, at the present stage it is too generalised. There are so many options in the paper; the proof of the pudding will be in the eating.

Mrs Overend: It is too airy-fairy.

Dr McCabe: I see this as a constructive step forward, so long as it is well implemented. Lord Morrow made the point about changing mindsets in industry. That is a good thing about the Bill, but we need to see enforcement taking place.

Mrs Overend: You mentioned prosperity agreements. You thought that it would be a good idea if those were included in the Bill. Is that right?

Dr McCabe: Yes, it would be good if there was a provision for those.

Mrs Overend: Will you give me more detail about them? At the moment, they are voluntary agreements.

Dr McCabe: That is right, but they are a good mechanism for displaying the value of this kind of risk-based approach. When businesses are operating well, it builds great trust between the regulator and the business. As I said earlier, the key is that it allows the operator to begin to influence the supply chain on either side of them and their environmental behaviour. That is the value of this: it goes way beyond compliance to good environmental outcomes for Northern Ireland. Hopefully, that is what we are seeing in the first few prosperity agreements that have been signed.

Mrs Overend: How should that be brought into legislation? Do you have any specific wording or means of checking, for instance, in mind?

Dr McCabe: I am not suggesting that the relationships between the operator and the regulator be statutory, but that there should be a mechanism in legislation through which prosperity agreements could be made and for them to be recognised at that level. It would be great to see the Department committing to more. I would have to come back to you on the specific wording in the Bill.

Mrs Overend: I appreciate that; thank you.

The Chairperson (Ms Lo): How does it work? Who has the agreements?

Dr McCabe: I think that the first agreement was signed between the Department and Linden Foods. There have been subsequent agreements. I think that Thompson and Sons recently signed one as well.

The Chairperson (Ms Lo): Who are they? What do they do?

Dr McCabe: They are key players in the agrifood industry. They are keen to play a positive environmental role in Northern Ireland, which we absolutely welcome. They are also keen to begin to put pressure on the supply chain for the environmental good.

The Chairperson (Ms Lo): It is a badge of honour.

Dr McCabe: Yes, and a sign of trust.

The Chairperson (Ms Lo): It incentivises.

Mrs Overend: Would it put people off signing an agreement if it was in legislation? You would be committing to an agreement. Yes, they might be full of good intentions about where they want to go, but there is always a fear that they will not be able to fulfil what they agreed to, and if it is in legislation they are putting their own neck on the line.

Dr McCabe: We would not want to discourage those agreements if that were an issue.

The Chairperson (Ms Lo): I welcome students from Rathfriland High School. We are looking at legislation called the Environmental Better Regulation Bill. The Northern Ireland Environment Link and the Ulster Angling Federation are here to give us oral evidence about how good and bad the draft legislation is and what we can do to improve it. You are very welcome to stay.

Lord Morrow: I have two questions, one for Jim and one for Stephen. Jim, based on your many years of experience — I think that you said that you have been involved for 33 years — how long does it take a river to recover from pollution? I know that the water itself might recover more quickly than the riverbed and sediment because there are many things in the riverbed that contribute to fish life, as you know. Are you talking about a generation, or less than that? I am aware of some rivers that, as a result of road construction in the 1960s, have never recovered — nor never will.

Mr Haughey: It is a wide question. It depends on the nature of the original problem and the extent of it. Most fish kills, thankfully, take place in a limited length of river. In that case — I am talking primarily about trout and salmon — where there is an adequate spawning stock upstream in the affected stretch stock tend to fall down. As these fish are territorial, they will take up unpopulated areas. Then fish that might have been in Lough Neagh or at sea at the time of the fish kill will come upstream to spawn. For instance, the Six Mile Water has been subject to some very bad fish kills, but that river is a very good environment for fish generally.

Most of these fish have a four-year reproductive cycle. They spend two years in their natal river and then go to Lough Neagh or somewhere like that for 18 months, before returning to spawn in their fourth year. If a river is cleaned out, there will be some movement downstream and in the following autumn when fish come up to spawn. By those methods the river is repopulated. Two fish generations is eight years, so, even if the river remains clean, that is the sort of time it takes. How quickly the invertebrates in the river, the insects that the fish feed on, recover is also a factor. Thankfully, they generally recover relatively quickly, but you can be talking six to eight years — sometimes longer. If it is a long stretch, it takes longer.

The problem that you are talking about is different. Where there is a lot of siltation, it can take a very long time for that to work itself out, although the river will eventually assert itself.

Lord Morrow: You mentioned the Six Mile Water. I have no knowledge of it, but I often hear of it in the news for the wrong reasons. It seems that this river is polluted more frequently than any other that I hear named. Is there a perpetual polluter, or is there always a different source?

Mr Haughey: The answer is somewhere in between. It is not one repeat polluter, but it is not a different one every time. For instance, there is large industrial estate at Mallusk that has, I think, over 100 companies. All the drains from it go into a central system that discharges into the river. If ever there is a problem, there is a spaghetti junction of drains that makes it virtually impossible to find out where the pollution comes from. That estate is projected to take another 50 companies, I think, in the next few years, so the problem there will get worse and worse.

We asked that the drainage system be looked at to see whether it could be taken directly into Belfast or Lough Neagh because you are going to end up with a huge number of factories and a high-risk area discharging into what is a very small river, so it is a big risk. The other sources are farming and sewage, and different types of pollution happen at different times. There is no clear answer, unfortunately.

Lord Morrow: Chair, the meeting should note the utter frustration in Jim's voice.

Stephen, while one company has signed up, and possibly two with Thompson, is it not a bit disappointing that that is all we have at this stage?

Dr McCabe: I would like to see progress in that area, but building trust between operators and regulators will take time. Hopefully, we will see more companies coming on-stream.

Lord Morrow: If we have one company in Granville industrial estate outside Dungannon, and you potentially have another coming on board — Thompson feeds — surely there is a clear message that there is a reluctance among companies or they are not satisfied that this is the road to go and that they need to be nurtured and brought on board and told, "Look, you've nothing to lose but everything to gain". Is that message getting across, and, if not, how can it get across?

Dr McCabe: There needs to be awareness-raising and capacity building in the industry to recognise that opportunity, but the message must not be getting across at the moment.

The Chairperson (Ms Lo): Prevention is always the best option. Better education and awareness of how we share this planet and how we all need to protect it. There will be long-term consequences for our biodiversity.

Dr McCabe: Rivers are, by their nature, good at flushing things out. That is what they do. However, where you have land contamination, there can be a long legacy of contamination staying in land and slowly working its way into rivers. There is a whole system to be looked at beyond the river, to the land management around it and a long legacy of flushing the system out.

The Chairperson (Ms Lo): The nitrate directive is trying to help. The farming industry is also a big polluter of our land and rivers. We have to bear that in mind. If I can come back to you on clause —

Lord Morrow: I think that you are overstating the picture —

The Chairperson (Ms Lo): Are you finished?

Lord Morrow: Our agriculture industry is not the main polluter.

The Chairperson (Ms Lo): According to statistics, it is the biggest polluter of the environment. We need to work with the industry; it is the custodian, in many ways, of our natural environment. They have a livelihood to maintain, but it is really about educating everyone on how best to use nitrate and help with protecting land, and whether there is an aquifer under the land.

Dr McCabe: The spirit of the legislation is to try to bring everyone along for the good of society.

Lord Morrow: I suspect that if our farming industry had committed the fish kill in 2008 that Jim mentioned, that matter would have been dealt with before now.

The Chairperson (Ms Lo): So often we see such and such a company or farmer being fined £250 for polluting a river. Two hundred and fifty pound is neither here nor there. They need to be named and shamed really strongly.

I come back to clause 5. Stephen, you said that you commend the Department for the definition of protecting and improving the environment, which includes:

"promoting the sustainable use of natural resources based on the long-term protection of available natural resources".

Then again, you also say that we need to take into account the natural capital and the interference with the functioning of the system. Are you saying that the definition in the Bill is not enough? Do you think that we need to strengthen it any further to take account of what you said?

Dr McCabe: I stand by what I have said here. I like the fact that there is a long-term view, and that is what we need with the environment. It is not about the short-term but about looking to and planning for the future. There is a point there about recognising the importance of the functioning of natural systems. So, under the definition of protecting and improving the environment, I would like to see something about how systems function. There are many examples: hydrological systems; river catchments; natural drainage systems; coastal and dune systems; the systems of sediment movement through the environment; and nutrient cycling systems. If we interfere with the functioning of those, it will be to the detriment of society, because those systems provide a service to us — so-called ecosystem services. That is what we want to safeguard for Northern Ireland.

The Chairperson (Ms Lo): Should we put your phrase "the functioning of the system" into the Bill?

Dr McCabe: I would like to see that in there.

The Chairperson (Ms Lo): Will that be understood by people in general?

Dr McCabe: We might tweak the wording to make it understandable if it is not, but there should be something about how those systems function and how we benefit from their functions.

The Chairperson (Ms Lo): OK. Can you give us the wording, and then we can put it to the Department?

Dr McCabe: Can I come back to you on that?

The Chairperson (Ms Lo): Yes.

Dr McCabe: Absolutely, yes.

The Chairperson (Ms Lo): You can email us with it, and we can discuss it with the Department and say, "We really want to see it strengthened in the Bill". It likes catch-all phrases in the Bill to provide that approach of flexibility, but if it is too vague, you will not be able to pin down what it means. OK?

Dr McCabe: That is fine.

The Chairperson (Ms Lo): I think that we have more or less asked you all the questions. Gary, is there anything that you want to add?

Mr Middleton: No, I think that it is well covered.

The Chairperson (Ms Lo): Is everyone OK? Barry?

Mr McElduff: I have no further questions.

The Chairperson (Ms Lo): Thank you very much indeed. We will see you again. Jim, are you coming back in October to talk to us?

Mr Haughey: Yes.

The Chairperson (Ms Lo): Very good. Thank you.

The Committee Clerk: Stephen is coming back, too.

The Chairperson (Ms Lo): You are coming back on that, too.

Dr McCabe: I believe that the Freshwater Taskforce will be back then, and I hope to be there.

The Chairperson (Ms Lo): And you are in the Freshwater Taskforce. Well done. Thank you.