



Northern Ireland  
Assembly

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**COMMITTEE FOR THE  
ENVIRONMENT**

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**OFFICIAL REPORT  
(Hansard)**

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**Wildlife and Natural Environment Bill**

4 March 2010

**NORTHERN IRELAND ASSEMBLY**

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**COMMITTEE FOR THE  
ENVIRONMENT**

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**Wildlife and Natural Environment Bill**

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**Members present for all or part of the proceedings:**

Mrs Dolores Kelly (Chairperson)

Mr Roy Beggs

Mr Jonathan Bell

Mr John Dallat

Mr David Ford

Mr Danny Kinahan

Mr Alastair Ross

**Witnesses:**

Alderman Arnold Hatch )

Ms Rosemary Mulholland )

Ms Ruth Wilson )

Northern Ireland Local Government Association

Ms Judith Annett )

Dr Bob Brown )

Ms Orla Maguire )

Northern Ireland Biodiversity Group

Mr Peter Baillie )

Mrs Patricia Nevinnes )

Talnotry Avian Care Trust

Mr Ken Bradley )

Mr Chris Savage )

Mr Mike Meharg )

Department of the Environment

**The Chairperson (Mrs D Kelly):**

I formally welcome the representatives from the Northern Ireland Local Government Association: my council colleague Alderman Arnold Hatch; Rosemary Mulholland, the biodiversity officer for Craigavon Borough Council; and Ruth Wilson, the biodiversity officer for Antrim Borough Council. I understand that Karen Smyth is also here, in the Public Gallery.

You are all very welcome. Your contributions will be recorded in the Hansard Report.

**Mr Kinahan:**

Do we need to declare our membership of councils?

**The Chairperson:**

We note formally for the record Committee members' membership of councils.

I take it, Arnold, that you are going to take the lead.

**Alderman Arnold Hatch (Northern Ireland Local Government Association):**

Thank you very much, Madam Chairperson, for facilitating this evidence session. I thank the Committee for inviting us to give our presentation. I am accompanied by Rosemary Mulholland, the head of conservation and heritage in Craigavon Borough Council, and Ruth Wilson, from the biodiversity office in Antrim Borough Council. I am an officer of the Northern Ireland Local Government Association (NILGA), which is why I am here this morning.

We welcome the Wildlife and Natural Environment Bill because, quite honestly, the current legislation is quite outdated and was established before there was much talk about climate change or any such issue.

It is important that there is a statutory duty to conserve and enhance biodiversity, but the measures in the legislation will only succeed if they are properly resourced. I realise that, in these times, that is difficult. However, the measures need to be resourced and enforced. There is a need for guidance, training and money. I understand that the Northern Ireland Environment Agency (NIEA) budget has been slashed. We have a gap to fill in relation to biodiversity officers. I understand that there are currently seven in the 26 councils, only three of whom are on permanent contracts; the others are on contracts that will expire within the next one or two years. There is a big gap to fill with the new council structure of 11 local authorities, which will come

into effect in 2011.

There is a big knowledge gap to fill, because of the lack of biodiversity officers. There is also a lack of baseline information. For example, it is very difficult to get the baseline information on invasive species or particular animals or habitats. That may be because the Environment Agency does not have the staff to provide it or because the information does not exist in sufficient detail to allow officers to provide it. A high level of support is required from central government to enable the new councils to begin the process. They will also need guidance on penalties for failure to deliver, because that is where a lot of things fall down. Because of the length of time that has elapsed since the old legislation was introduced, the biodiversity strategy needs to be updated. That strategy is 10 or 12 years old.

I will now hand over to Rosemary, who may want to draw particular attention to our submission to the Committee, which points out the need to strengthen the legislation where possible.

**Ms Rosemary Mulholland (Northern Ireland Local Government Association):**

Following on from what Councillor Hatch has said, I stress that we are unsure as to exactly what the biodiversity duty will involve. Obviously, a number of councils are at different levels in delivering on biodiversity. Some of them are well advanced, whereas others have absolutely no experience. In the early stages, some matters will need to be spelt out, such as what the duty involves and what is expected of us; how the actions that we carry out will be recorded and monitored, presumably by central government; and how feedback will be given on how we are doing, or not doing, as the case may be.

**Ms Ruth Wilson (Northern Ireland Local Government Association):**

At a local government level, support will also be required for raising awareness and training.

**The Chairperson:**

Those are valid points.

**Alderman Hatch:**

I would like to make a suggestion about funding. Landfill tax is becoming more and more expensive to councils, and they are paying it into the Northern Ireland Assembly pot. There may

be a method of transferring some of that income back to local government to help fund the posts that are needed. That would make sense in relation to sustainability. We would also like to think that the Bill will take account of the Sustainable Communities Act 2007, because the issue is wider than one of biodiversity.

**The Chairperson:**

That is a good point, and it could work in a similar way to the landfill tax credit scheme, which was used for village enhancement, for example. How much will it cost to employ biodiversity officers in the new council system? Can you give us a ballpark figure, even from a staffing and administrative perspective?

**Ms Mulholland:**

It will cost approximately £30,000 a year.

**Alderman Hatch:**

If you add on the running costs for 11 offices, it will cost £40,000 a year, which amounts to a total of less than £500,000.

**The Chairperson:**

Of the seven biodiversity officers, am I right to say that only three have permanent contracts and the other positions are subject to EU grant funding to councils?

**Alderman Hatch:**

They are funded by NIEA.

**Mr Ford:**

I thank Arnold Hatch and his colleagues for their presentation and for their useful briefing paper. You referred to the availability of baseline information from the Environment Agency. What level of engagement on baseline information is there between the seven council biodiversity officers and the Environment Agency? Do you provide them with baseline information, and, if not, how do you get the necessary information?

**Ms R Wilson:**

In some areas, there is engagement at local level. However, it is important that baseline surveys are carried out at a Northern Ireland level.

**Mr Ford:**

Is that because you think that they are not doing that work at all, or because they are not communicating the fact that they are doing it?

**Ms R Wilson:**

It is a resource issue. It costs a lot to gather information for a full-coverage baseline survey.

**Mr Ford:**

Do you mean that it is a resource issue at NIEA level, rather than at council level?

**Ms R Wilson:**

Yes.

**Mr Ford:**

Alderman Hatch also referred to the need to review the biodiversity strategy because it is out of date. There may be general consensus about that, including, I suspect, among NIEA officials, whom I am not looking at behind you. Of course, that comes down to resources and time. The question is what can be done in advance of a full review of the strategy, particularly for individual species that are known to be under threat. Are there any issues that could be addressed at council level first?

**Ms Mulholland:**

A number of more up-to-date issues, such as climate change and invasive species, are not included in the existing biodiversity strategy. There is now much greater awareness of how those factors are affecting priority habitats and native species, and they must be included in the Northern Ireland biodiversity strategy. Furthermore, when we develop biodiversity delivery action plans for local authorities, those elements must be included.

**Alderman Hatch:**

A lot of things are happening with respect to giant hogweed, for example. If a building contractor knocks down a house with giant hogweed around it, he could spread it virtually anywhere without knowing what he is doing. Therefore, education is required as part of the planning process. In addition, nowadays a certain class of people have ornamental gardens and ponds. However, as I

heard last Saturday on 'Gardeners' Question Time', when cuttings of garden pond vegetation are thrown away, the vegetation can grow wild. Rather than having to wait two or three years, or even 10 years, for the introduction of a new Bill, new species should be added to the list as soon as we become aware of them. I am not familiar with the names of those species, but Rosemary and Ruth know them. We need to be aware of that problem.

**The Chairperson:**

We need earlier intervention and earlier warning.

**Mr Ford:**

In relation to invasive species, you mentioned making recklessness an offence. Last week, we heard evidence from an organisation that was opposed to that. Are you sure that the offence of recklessness, as opposed to proven deliberate action, is required for the Bill to be strong enough?

**Alderman Hatch:**

We have seen evidence of trees being deliberately removed from building sites. In order to get started on a site without any hold-ups from environmental agencies, some developers will remove trees. That is reckless and must be addressed.

**Mr Kinahan:**

Virtually all my questions have been answered, as David asked the same ones that I was going to ask. I take on board the point about knowledge. Until all of us understand the situation, it is the job of biodiversity officers and councils to try to get as much information across as possible. I take on board all the points that have been made. One feeling that I have had throughout the process is that we need to talk to stakeholder groups all the time so that we are all educating each other and passing round knowledge on the problem of recklessness.

**Alderman Hatch:**

Planning Service officials also need to be aware of some of those issues. A joined-up approach is required.

**Mr Dallat:**

Thank you for the presentation, which was interesting, if somewhat worrying. You say that the Bill is ambiguous and vague and that there is no indication of how its measures will be resourced.

You also say that there is understaffing, and one begins to wonder whether biodiversity is being taken seriously at all.

In your submission, you say that local authorities should work together. I agree with that. Do you have any ideas on how that could be put into legislation, so that, rather than duplication, we have harmony among the different council areas?

It is in my mind that we will have 26 councils instead of 11. Does NILGA have any thoughts on that?

**Alderman Hatch:**

Mr Dallat, you obviously have more information than we have. *[Laughter.]*

**Mr Dallat:**

I have absolutely no information, which is why I have that opinion.

**Alderman Hatch:**

The Minister did not give us that impression when we met him last week at a meeting of the strategic leadership board.

In relation to the point that you raised, the key issue is that it is not only local authorities that need to work together; other public bodies need to work together as well. There needs to be a regional group, and NILGA could be the mechanism through which there is a consistency of approach and interpretation across the council areas, regardless of whether there are 26 or 11.

**Mr Beggs:**

I declare an interest as a member of Carrickfergus Borough Council.

In relation to how the measures in the Bill will be funded, I know that there would be concern in local government if further costs were put on ratepayers to fund additional services. I am interested in your idea about the landfill tax. How is landfill tax administered at present? There will be an increase in the money that goes into that pot. Can you give me any pointers on that, or should I take it up with the Department?

**Alderman Hatch:**

You should take that up with the Department, because, as the Chairperson pointed out, the landfill tax is administered through measures such as village enhancement. A call can be made on that. The fund, which is financed by ratepayers, will get bigger and bigger. Therefore, it would be good to put something back to preserve and enhance the environment.

**Mr Beggs:**

That is something that the Committee should pursue.

How do we ensure that there is an appropriate balance between the Northern Ireland Environment Agency and the biodiversity officers in the making of decisions? I know of an application to extend a fishing lake that was turned down by the Planning Service because a NIEA officer said that it would have affected the biodiversity in the area. However, the measures outlined in the new planning application would have enhanced planting and extended the wetland area. It would have done quite a lot to bring about improved biodiversity. That application was going to be rejected until the officer was asked how long it would take for the environment to recover from the work to enhance the lake. He said that it would take one or two years and, by saying that, he shot himself in the foot. How can we ensure that there is an appropriate balance between protecting biodiversity and enabling improvement work on leisure and tourism facilities and industrial facilities?

**Alderman Hatch:**

Rosemary, that is a good question for you. *[Laughter.]*

**Mr Beggs:**

The biodiversity officers should not be of the opinion that nothing can change. At the end of the day, if we are to develop as a community and a society, there will always be change of some sort. In bringing about that change, however, there needs to be appropriate protection in respect of planting and so forth. How do we achieve an appropriate balance?

**Ms Mulholland:**

There are a number of issues. To use the lake as an example, account needs to be taken of what important species are there already. In areas where extremely rare species are present, it would be risky or inappropriate to undertake any development that threatens their future. In other cases,

a range of wetland species could be further enhanced by the provision of extra habitat. It needs to be dealt with on a case-by-case basis. It is so important to have the baseline data to find out what is in an area, the needs of the particular species or habitat and how we can take forward the development in a way that avoids any lasting effect and that possibly enhances the area.

Activities can be undertaken to mitigate the risk. Enhancement work can also be done by providing an extra piece of habitat elsewhere. Generally, there are ways around situations in which development conflicts with wildlife. In some cases, however, the wildlife is just too sensitive to permit development to go ahead. Decisions have to be made on a case-by-case basis.

**Mr Beggs:**

Do you agree that biodiversity officers are best placed in councils, particularly if planning moves to councils, so that they do not work in splendid isolation?

**Ms Mulholland:**

Under the new legislation, biodiversity officers will be responsible for looking out for breaches of the Wildlife (Northern Ireland) Order 1985, and so forth. However, the NIEA also has a responsibility in that regard. There needs to be a certain amount of working together. All of the interested parties need to come together and decide what can be done.

**Alderman Hatch:**

It may be an idea to look at the secondment of NIEA civil servants to local authorities so that there is buy-in and so that all organisations sing from the same hymn sheet. That would be useful in getting the balance right, because there will be accountability to elected members at local authority level, which operates at arm's length to the Assembly.

**The Chairperson:**

Given that a new biodiversity duty will be imposed on local authorities, they need to get working relationships right from the outset. Those were some helpful suggestions.

Clause 31 is about the abolition of game licences and game dealers' licences. Your submission states that:

“Consideration should be given to a requirement to report on numbers and species of birds taken. This is standard in other European countries and would allow for a better understanding of the level of wildfowling and the potential effects it has on species of wild game birds.”

How does that work elsewhere?

**Ms Mulholland:**

I am not exactly sure how it works elsewhere. When a game licence is issued in other European countries, there is a requirement to report the level of shooting activity that occurs. Apparently, there are also tests to ensure that people know what they are shooting, whether they are shooting at the right time of year and so on. In Northern Ireland, a person can apply for a gun and go out and shoot anything. We often see the aftermath of that.

It would be useful to make wildfowlers aware of the numbers of birds that are shot and the effect that wildfowlers have on the overall populations of wild birds. We have all heard about people who go out and shoot 20 or 30 ducks and leave them lying in a pile without ever using them. Those people generate bad press for responsible wildfowlers. There is a need to tighten up the situation a bit. Furthermore, we need all the data that we can get, and it would be useful if the information were reported back.

**The Chairperson:**

We can take that matter up with the Department.

**Mr Kinahan:**

In Germany, people have to pass a test on game birds, their habits and so on before they get a licence. It is quite a clever system.

**Alderman Hatch:**

I am a member of Lough Neagh Partnership, which brings together all the lough's interested parties and stakeholders. I find wildfowlers to be responsible people who are keen to preserve the environment.

**Mr Kinahan:**

That is right.

**The Chairperson:**

We can pick up that point at a later date.

**Mr Bell:**

I endorse the document and declare that I am a member of NILGA.

**The Chairperson:**

We had the customary declarations of interest just before you came in, Mr Bell.

I thank our witnesses for their evidence. They are welcome to stay for our next two evidence sessions, the first of which is with the Northern Ireland Biodiversity Group (NIBG).

I invite Judith Annett, the chairperson of NIBG, Bob Brown, and Orla Maguire to come forward; you are all very welcome. We ask that you spend five or ten minutes outlining the salient points of your presentation and then allow members to make comments and probe your thinking further.

**Ms Judith Annett (Northern Ireland Biodiversity Group):**

Thank you, madam Chairperson. It is only a matter of weeks since I was appointed chair of the Northern Ireland Biodiversity Group, so, for the sake of continuity, the outgoing chair, Dr Bob Brown, and Orla Maguire, who is a member of the group and a biodiversity officer for Belfast City Council, have come along to contribute to the evidence session.

Northern Ireland Biodiversity Group is a non-statutory advisory body that was set up to co-ordinate and monitor the implementation of the Northern Ireland biodiversity strategy and its associated action programmes. We have 20 members, who were nominated to NIBG from various sectors, including aquaculture, agriculture, education, industry, estates management, local government and construction, as well as people from environmental groups. The chair is appointed by the Minister, and the members are nominated from the various sectors. Hopefully, that has given you some idea of what we do.

We welcome the legislative proposals. We believe that they increase the protection of biodiversity and provide important additional tools for the achievement of the relevant national and international targets. In particular, we welcome the new biodiversity duty for all public bodies and the proposed introduction of custodial sentences for wildlife crime. We believe that custodial sentences will prove an important deterrent — we hope that that will be their main purpose — and will be a just punishment for people who ignore the legislation.

We have already submitted detailed evidence on the Bill in two parts. We hope that the Committee will consider that evidence and recommend amendments to the Bill accordingly. With your permission, Chairperson, we will present further evidence and then clarify and prioritise some items from our previous submission. We submitted a paper at a very late stage.

**The Chairperson:**

I want to draw members' attention to a paper that has been tabled, which is the additional evidence that Judith refers to.

**Ms Annett:**

We provided that to save you scribbling madly during the meeting.

Turning to the detail of the Bill, we would like to present some further evidence and also clarify and prioritise items from our previous correspondence.

Under the biodiversity duty in the Bill, we have already suggested that the biodiversity duty should include the wording:

“to halt the loss of biological diversity”.

Obviously, that should be within the scope of what the agencies do and control. However, since public bodies have both functions and the potential to influence others in various ways, in clause 1(1), we suggest adding the words “policies or influence”, because public bodies have influence and develop policies that affect the work of other organisations. Therefore, we think that the clause would be more complete if those words were added. Some public agencies are intermediary funders for European and other funds, and they have major influence, and there are those that work through influencing others, such as the Department of Agriculture and Rural Development. Therefore, we feel that the words “policies or influence” need to be added to ensure that it is fully encompassed in the Bill.

Under clause 1(3)(a), which again refers to the duty to conserve biodiversity, we recommend adding the words “protecting, maintaining” between the words “fauna” and “restoring”. It would then read:

“(a) in relation to any species of flora or fauna, protecting, maintaining, restoring or enhancing a population of that species”.

We think that that provides a better checklist for the job of conserving biodiversity. It is a truism

that original biodiversity is better than that which has been destroyed and then restored, and we are worried about the words “restored” and “enhanced” being in the Bill with no reference being made to the protection and maintenance of the original biodiversity. Similarly, we also suggest the addition of the words “protecting, maintaining” before the word “restoring” in clause 1(3)(b), which refers to habitats rather than species.

In clause 1(5), we ask you to ensure that the Crown, cross-border bodies and, as things develop, bodies such as Northern Ireland Water be included in the definition of “public body”. They all have important roles to play in conserving biodiversity, and two of the bodies that I mentioned are major landowners with significant holdings of good biodiversity lands.

We suggest that the biodiversity list that will be published by the Department should be required to take account of agreed European priorities, habitats and species. We are sure that the Department would have done that anyway, but it would be worth including that in the Bill.

In clause 3(3), we do not understand why only the Department has to take account of that list, once it is produced. We recommend to the Committee that that should read: “the Department and public bodies”. In other words, public bodies should have a particular duty to conserve species and habitats that are within their influence and about which there is most concern.

We have already suggested that clause 1(4) should be amended to read the Department “shall” or “should” issue guidance. It would be logical to require public bodies to have regard to that guidance, but that is missing at the moment. There is guidance, but there is no requirement to have regard to it, so we would like that to be added. For consistency, therefore, the preceding points would also lead to an amendment of clause 1(2), which would then read:

“a public body must in particular have regard to any strategy, list or guidelines designated”.

That would provide people with a clearer picture of what is happening.

We propose an amendment to clause 9, which itself proposes an insertion to article 10 of the Wildlife (Northern Ireland) Order 1985. In the proposed new sub-paragraph 4A, we recommend including the words “or injures” following the word “disturbs”. The proposed new sub-paragraph would then read:

“recklessly disturbs or injures any wild animal”.

Clarification of that will depend on what definition is finally given to “disturbs or injures”.

Finally, in our new evidence we propose that, in the case of snares, the method of management is also covered by the Bill. That can be achieved by adding “or so managed” after “or so placed” in the proposed new wording set out clause 10(3). It would then read:

“of such a nature or so placed or so managed as to be calculated to cause”.

It is not enough to look at only the fact of the snare; the management of the snare is also an issue, and we do not feel that that is covered particularly well in the Bill.

We also recommend the deletion of the words “as to be calculated” in the proposed new wording set out in clause 10(3), which suggests a particular intent that may or may not be present. The method “as to be calculated” suggests that the person has the knowledge to calculate. We see that as unnecessary and as another way out.

I want to emphasise briefly key points from the evidence that we submitted previously. One of our concerns relates to the reliability and, indeed, the volume of science and judgment that underpins the concept of the sustainable harvest of wildfowl. There are large areas of Northern Ireland for which no data is available; for example, on the size or nature of the wildfowl bag. Those areas include special protection areas (SPAs), which are sites designated by the European Commission.

The number of each species that is shot each year is what we call a wildfowl bag. In most areas, there is no annual or even periodic comparison of overall numbers of species within the numbers that are shot in each area. Therefore, no reliable judgement can be made on the sustainability of current practice. In changing licensing arrangements under clause 31, the opportunity should also be taken to introduce new measures to ensure that, post-licensing, the practices that are used are sustainable.

We have proposed the addition of species from various parts of the Wildlife (Northern Ireland) Order 1985, which include seals, cetaceans and turtles in article 10; and swift, peregrine, hen harrier, merlin, barn owl, chough, white-tailed eagle, osprey and red kite in schedule A1. We ask for an extension of the list of birds that reuse their nests. We have also provided a list of birds that we, in common with the RSPB, believe should be added to schedule 1 to the Wildlife Order. We believe that Atlantic salmon should be added to schedule 6.

We have also proposed more flexible arrangements under clause 24 to update schedules of the

Wildlife Order in an emergency. The five-year period is adequate in most cases. However, in some cases, particularly with regard to invasive species, action would need to be taken faster than that.

Turning to amendments to the legislation on areas of special scientific interest (ASSIs), the Environment (Northern Ireland) Order 2002, we recommend that all of the changes that are proposed should also relate to all of the Natura 2000 sites. We say that because not all of those sites are currently underpinned by ASSI designation, yet we have European commitments to protect such sites. We recommend additional changes to the Environment Order, such as provision for management agreements on land outside ASSIs that has high biodiversity value.

We are disappointed that we are not being asked to comment on a complete review of environmental legislation, but rather on a Bill that contains a series of amendments. We, and others, find that, at present, nature conservation and biodiversity legislation is complex and difficult for people to understand. It is not fit for purpose. That leads to difficulties in ensuring that there is compliance. We encourage government to make simple information available on the Bill to assist landowners and businesses, and so on.

Northern Ireland has joined with the UK and Ireland in Europe to meet the challenging target of halting biodiversity loss. Given the decline in many species and the unknown status of many others, we must take strong and determined action to control species and habitat loss. You will be aware that we have missed the first target due to compromises, a lack of focus on species and habitat protection, and a lack of resources for conservation action, monitoring and enforcement, which, I am sure, has been mentioned by others. Therefore, we are already missing international commitment targets.

When considering proposals that others have made to water down some of that legislation, we encourage you to focus on the fact that retaining natural biodiversity underpins the achievement of many other targets; for example, targets for clean water; clean air; soil productivity; flood regulation; nutrient cycling; climate regulation; human health and well-being; and the economy. Therefore, biodiversity is a basic building block for all of those aims. At present, biodiversity legislation is not good enough.

Finally, in order to cover everything that we could not cover in our short presentation, I draw your attention to the NIBG report on the implementation of the Northern Ireland biodiversity strategy. It contains, among other things, our concerns about resourcing biodiversity and about the information that is available on key species in Northern Ireland. Such information is needed to monitor progress.

Thank you, Chairperson. Sorry to have taken up so much time.

**The Chairperson:**

Thank you very much for a thorough presentation. Although you may not have much time to articulate all of it, you have provided written submissions. Feel free to send us any further information at a later stage if you wish. I am sure that you will be relieved to hear that some of the points that you have made have been reinforced by others in earlier presentations.

**Mr Dallat:**

That was one of the most detailed presentations that we have heard. It was very useful. Please do not be offended if I ask about one aspect of it. You say that snares should be checked every 12 hours rather than every 24 hours. In this day and age, do you not agree that snares are barbaric and should not be part of any Bill?

**Dr B Brown:**

Personally speaking, I do not like the practice. In some places, however, it is a well-established method of controlling some predatory species of birds, such as hooded crows and magpies. Larsen traps are used on shooting estates to protect quarry species like pheasants and partridges. Those are large cages in which magpies and hooded crows can get trapped, but protected species can also get trapped in them. There is a real threat to those birds if they are trapped with such unwholesome neighbours as magpies. Therefore, a 24-hour inspection cycle is far too long.

We strongly support the prohibition of the use of self-locking snare devices, nooses of various types and other similar traps. To echo your words, those are completely unacceptable in a civilised society.

**Mr Kinahan:**

Thank you very much for an extremely thorough briefing. I am concerned about all of the changes in wording. I admire the reasons for the changes, but if the legislation requires those changes to be made, additional resources will be needed. I am sure that you realise that. We will have to water down the legislation, but I admire what you said and I take it all on board. One or two of the changes in wording would mean that councils or others would have to take action, but they would not have the resources to do so. We have to find the way forward.

**Ms Annett:**

That is true. Some of the biodiversity work results in additional costs. We have biodiversity officers who have biodiversity programmes, all of which costs money. Some of the things that are important in the duty on public bodies are to do with choice and site selection, and so on. They are pre-development choice costs that are not, in fact, costs at that point in time. Very often, if biodiversity is destroyed through a poorly sited development, a lot of money is needed for restoration. If a development is built properly — it is a challenge for the Department to get the guidelines right — a lot of those biodiversity guideline actions will not cost anything. They are about good practice in planning and bringing forward a development, and they are about talking to the right people and becoming informed before work is started.

You are quite right about resourcing, and we support any call for more resources for biodiversity. However, it should not be thrown out because there are not currently sufficient resources. There are so many valuable things that can be done at no cost through good practice.

**Mr Bell:**

Your presentation, in general, was excellent. We have to take a hard-headed approach, given our dwindling resources. In future, Governments right throughout Europe will have to focus heavily on their resources. In point 12, you said that the additional powers would require greater effectiveness, greater resources and additional numbers of personnel. The Police Service gets additional power —

**The Chairperson:**

That is not their note.

**Mr Bell:**

That is our note. I apologise.

**Ms Annett:**

I was a bit bewildered.

**Mr Bell:**

I read in your submission that NIBG is supportive of clause 20, but that it believes that:

“additional and better powers do not constitute greater effectiveness unless they are accompanied by matching resources

in terms of personnel and equipment”.

The police get additional powers from Parliament nearly every year, but they are smarter in their use of those powers, and they use roughly the same numbers. Could we be smarter in our use of the additional powers?

If somebody has transgressed, should we look more towards the principles of restorative justice, whereby the perpetrator would pay back the cost of putting right their transgression?

**Ms Annett:**

We will address the first part of the question, which relates to clause 20 and wildlife inspectors.

**Dr B Brown:**

Some of the points could be addressed by operating more smartly. It would be worthwhile establishing dialogue with the Police Service to find out its views on the issue. However, I think that it will be a more pressing thing. If we raise the stakes and stress the importance of biodiversity through increased penalties, we increase the significance of what we feel about wildlife crime. Therefore, we are giving a strong steer to the Police Service to drive that. Issues such as operating better equipment, smarter processes and better training could be raised with them. However, I still think that the buck will stop with more resourcing.

**Ms Annett:**

You mentioned restorative justice. We have not taken that under consideration, but our response today is that it does not necessarily signal what we need it to signal, which is that the initial removal of biodiversity is a very serious matter and that, in many cases, restoration back to the previous condition is not possible. Therefore, it probably sends out the wrong signals.

**Mr Bell:**

I am talking about doing something in as far as is possible. If individuals or organisations are transgressing and they have assets, it may not be perfect to put it back. However, the potential fine, or, ultimately, prison sentence, would need to match the level of damage that has been done. Some fines are small. As you rightly said, it will cost an enormous amount of money to get an area even some way back to its original state, if not perfectly back. Therefore, we should go after the assets of those individuals or organisations that are operating illegally to try to get as much back as possible. I disagree with your last point that it would send out the wrong signal. I think

that it would send out a stronger signal.

**Dr B Brown:**

There are a lot of underlying complexities. Sometimes it is physically impossible to replace things. For example, 10 years ago, a developer removed, almost certainly knowingly, a pocket of woodland for a development, and we suspect that he was well aware that herons were nesting in the tops of the trees. The parents of those eggs will have survived and moved on somewhere else, but the heronry was destroyed and cannot be replaced. On the other hand, maybe there is an opportunity in your suggestion that funds from the perpetrator should be directed towards protecting other areas of woodland where herons may be established.

Therefore, there are possibilities, but I echo Judith's point that the key is to instil a culture whereby people examine the problems and challenges first, adopt a responsible attitude on the basis of sound knowledge and do not go in "recklessly", to use a word that has already been discussed.

**Mr Bell:**

That is a point well made.

**The Chairperson:**

Part of the problem is that some developers could make so much money from conservation areas. Our experience is that court fines are not proportionate to the crime. One example is the illegal dumping of landfill.

**Mr Beggs:**

I agree with Mr Bell's point. Frequently, fines are £5,000 or £10,000. I have come across cases where the Planning Service has found that it is not worthwhile pursuing the matter because the cost to the public purse in legal fees would be greater than the fine. Therefore, perhaps there is potential in introducing a punitive measure to ensure that developers put right their failing. That might affect the actions of sizeable developers.

You suggest adding the words "protecting" and "maintaining" to clause 1(3)(a) and clause 1(3)(b). I have concerns about the word "maintaining". The current wording in the Bill is "restoring or enhancing". However, it may not always be possible to maintain the population of a species or to maintain a habitat. I am thinking about climate change. In the course of our

Committee work, we heard about a small freshwater lake in Wales that lies just a few inches above sea level. If sea levels rise, protecting the lake's biodiversity would be nigh on impossible without prohibitive public expenditure. Therefore, putting in the word "maintaining" might create inordinate costs that would be impossible to justify. There will be changes to the natural environment because of climate change and other factors. One cannot fight nature.

**Ms Annett:**

We suggested inserting that phrase because, at present, the Bill deals with the wrong end of biodiversity in that it talks about restoring and enhancing biodiversity. Consequently, apart from a broad duty to conserve biodiversity, there is nothing in the Bill that specifies that a public body with high-value conservation land should protect and maintain that land. The Bill mentions restoring and enhancing, which is fair enough, but a public body that has land with good biodiversity and that is home to a large number of species should be in the business of protecting and maintaining it. I accept that, in some difficult circumstances, exceptions must be made. However, protecting and maintaining that land is all that public bodies would have to do, unless they are involved in activities that damage biodiversity, in which case it must be restored, or they choose to enhance what they have, which would be a higher-cost measure. We would like them, first, to protect what they have, secondly, to maintain it, and thirdly, to act in accordance with clause 3 as currently drafted.

**Mr Beggs:**

I understand what you said, and the intent behind inserting the word "maintain" is understandable. Nevertheless, we will have to live with the actions that are specified in the legislation. Do you not accept that your intentions could be achieved if the Bill were to be enacted in the form that is proposed? Frankly, in certain circumstances, the amount of public expenditure required to fight against nature would be undeliverable.

**Dr B Brown:**

We have, rightly, although perhaps a little too rightly, focused on individual species. I would argue that we should also look at habitats. Maintaining biodiversity is also about maintaining, for example, a given wetland habitat. By doing so, first, we would have a better chance of maintaining individual species and of making them more resilient to climate change and, secondly, in the same context, by maintaining habitats, we would probably make things better for ourselves. From the habitat perspective, one is able to apply a very robust interpretation of the

word “maintain”, bearing in mind that climate change will impact on individual species.

**The Chairperson:**

We have no further questions or comments. Thank you for your presentation, and if you wish to send in any additional material, feel free to do so.

I invite the witnesses from the Talnotry Avian Care Trust (TACT) to join us. I welcome Peter Baillie and Patricia Nevinnes. Good morning.

**Mr Kinahan:**

I declare an interest. Although I am not a member of the Talnotry Avian Care Trust, in the past, I have been involved with it through my council.

**The Chairperson:**

I invite the witnesses to give evidence for five or 10 minutes, after which members will have time to comment on and ask questions about their presentation.

**Mr Peter Baillie (Talnotry Avian Care Trust):**

Thank you for inviting us along this morning. I am Peter Baillie, the chairman of the Talnotry Avian Care Trust board of trustees. I am joined by Patricia Nevinnes, who is the founder of the trust, which is an animal and wildlife trust that exists to care for sick and injured animals and, when possible, rehabilitate them.

We wish to make a couple of important points this morning. After Patricia takes members through the presentation, we will be happy to answer any questions.

**Mrs Patricia Nevinnes (Talnotry Avian Care Trust):**

Good morning. TACT wildlife centre takes in approximately 1,000 injured wild birds and small mammals annually. Our primary aim is to return as many of those to the wild as possible. We are currently returning approximately 50% of them to the wild. No creature is humanely destroyed unless its quality of life is totally gone. Any animals that cannot be returned to the wild are given a home at the trust. We care for a diverse range of mammals, up to the size of badgers, and birds, including swans, sparrows, birds of prey and seabirds; we take in all of them. About

25% of the animals that we care for die from their injuries or from the stress that can be caused by their not being able to live in confined circumstances. We provide a home for the remaining 25% for the rest of their natural lives.

We try to keep the animals' enclosures and pens as natural as possible, because we are dealing with wildlife. We do not hose down concrete surfaces every couple of hours because that does not create a natural habitat for the birds and creatures that live there. As a result of the actions of a local community group, Crumlin Together, which gave us a grant that it had received, we were able to build new enclosures a year ago, and we are still installing some of those.

Members will see photographs of some our patients in the presentation.

**The Chairperson:**

There are some interesting photographs. I particularly like the one of Polo the badger, which is wearing a funky bandage.

**Mrs Nevinnes:**

That badger was most amusing when he got better. When he arrived at the centre, an official from the Department of the Environment phoned me to say that badgers are very dangerous creatures. I just agreed with the official; I had cared for three other badgers by that stage. The first day that two of those badgers arrived, I decided to put them together. However, when I went to get the second badger, I discovered that it was missing, so I asked the first badger where the other one was. The first badger walked down to the fence, stuck its nose out under it and then pulled it back in to indicate that the other badger had crawled underneath the fence. The badger was right.

**The Chairperson:**

That was a Dr Dolittle moment.

**Mrs Nevinnes:**

Some quite amazing things have happened at the centre.

We treat and feed the animals according to their breed. For example, the swans are fed suitable feed and the gannets and cormorants are fed fish and chicken. The care manager told me that when she comes in with a bucket of fish, the cormorants and gannets rush up to her, grab the

bucket and hardly let her pass, because they know that she is carrying fish and that they are liable to get something to eat.

In the presentation, there is a photograph of a young lady cuddling a fox. That young lady has very big problems. When we submitted an access form to see whether she was all right to work with vulnerable adults — she is a vulnerable adult herself — we received a 12-page response. We put that aside and told her that we could help her. That is what that fox has done for her.

**Mr Baillie:**

All the animals that come to TACT are brought in by members of the public. As Patricia said, there is a big benefit in vulnerable adults working with wild animals. They sometimes relate to animals that have suffered or have been injured.

**The Chairperson:**

It has a therapeutic effect.

**Mr Baillie:**

Yes, very much so.

**Mrs Nevinnes:**

We have an extensive education programme that involves creatures that cannot be returned to the wild. About six such animals go out every day with our education work leader, who sees approximately 18,000 children and adults a year. They work in groups with those animals, and people are able to handle and cuddle them. The difference that it makes to those children is amazing. I hope that they respect wildlife in the future; that is important to us. Our submission also contains comments from Jean Hunter, who is a teacher at Dominican College, and from Aine Magee from St Joseph's Primary School in Crumlin.

We want the Committee to consider clause 14, "Licences under Article 18", because it is important that there should be a licence to cover the care of sick and injured wildlife. We suggest that that single licence should be a general licence that covers all aspects of our work rather than us having to apply for 250 or more licences each year. The licence should be updated regularly, perhaps every six months.

**Mr Baillie:**

I have a couple of final points. A licence to permit the care of sick and injured wildlife is missing from the legislation at the moment. People often expect licences to be geared towards the rehabilitation of animals. Where possible, TACT tries to rehabilitate them, and half are released back into the wild. However, it is always not possible to rehabilitate animals, and some would not survive in the wild. TACT gives them a home. The legislation needs to address that issue and make allowances for it. As Patricia said, 1,000 wild birds and animals come in each year, and it would be helpful if the centre could be granted a licence rather than have to apply for a licence for every individual bird or animal. That is our suggestion to the Committee.

**Mr Kinahan:**

Thank you very much for a clear presentation. How many youths or employees work for you and how many people have you taken through the system? Moreover, if there is ever a need for another wildlife Act, should other bodies that are similar to TACT be granted such a licence?

**Mrs Nevinnes:**

We have six members of staff and about 40 volunteers. We work very closely with community services, the Youth Justice Agency and groups of disabled people. They all find the work with animals amazingly helpful. It is interesting that people who walk into the centre are amazed at how peaceful it is, given that it is on the edge of Crumlin and that traffic and aeroplanes travel nearby. I do not notice it myself because I live there.

Even if members of staff come in not feeling great, they feel like different people within half an hour of arriving.

**Mr Baillie:**

I will respond to Mr Kinahan's question about a licence for other groups. All centres that take in numerous animals, such as recovery centres for horses, should have an opportunity to be licensed. We are not asking for that just for TACT.

**Mr Beggs:**

I commend TACT and the work that it is doing. I have visited the centre with the Boys Brigade group that I assist, and I know that volunteers from TACT have gone out to visit Boys Brigade groups. Young people are intensely interested in what the group does; it is an excellent way to

improve young people's knowledge and understanding of wildlife.

You said that, as it stands, the legislation could result in your group having to obtain approximately 300 different individual licences. That would impose a huge administrative burden and would be costly. Would that put your lights out?

**Mrs Nevinnes:**

Definitely. That is why we are suggesting that we have one licence to cover us, which could be updated every six months.

**Mr Beggs:**

Are you aware of any comparable groups to yours in Northern Ireland?

**Mrs Nevinnes:**

We do not think that there is anyone doing exactly what we are doing. There are people who deal with hedgehogs and birds of prey, but we also take in magpies, field mice —

**Mr Baillie:**

We will take in anything wild.

**Mrs Nevinnes:**

We take in anything that needs help.

**Mr Beggs:**

You have highlighted a practical outworking of the legislation's being enacted as it is. It is important that the Committee ensures that that issue is addressed. I am aware that you are surviving on small donations from people who visit your centre or who know you from your outreach work. It would be wrong if legislation were to cause a group such as yours to fold, given the services that you provide.

**The Chairperson:**

You have found a level of support for your quest from Committee members.

**Mr Dallat:**

Madam Chairperson, this is one of the loveliest presentations that I have ever sat through. It has brought back happy memories of childhood. As I have already told the Public Accounts Committee, I had a pet badger for a while, who was called Hector. I also had a hedgehog, and despite all their prickles, they are the gentlest animals one could ask for, although I have met a few more dangerous ones since. I will visit your centre and I strongly support your suggestion about an overall licence.

**Mrs Nevinnes:**

We hope that you might all visit if you have not already done so. I know that there are some people who feel that wildlife cannot exist out of the wild, but I refer you to the photograph in our presentation of the gannet and the cormorant standing at the door of the food store. They had only been at the centre for 24 hours before they discovered the food store. The cormorants are let out every day so that those that can fly away can go. The cormorant in the photograph has a wee fly around and comes back again; he has no intention of going.

**Mr Bell:**

He has never had it so good. *[Laughter.]*

**The Chairperson:**

He is a bit like my twenty-something year-olds.

In your view, would the single licence need to identify species?

**Mrs Nevinnes:**

It should identify species. It is our intention to put on the licence whether an animal had just arrived; whether it had arrived and died; or whether it had been released. That way, such information would be recorded and it would be possible to see at the end of the licence period whether there were still 12 swans, for instance.

**The Chairperson:**

Please feel free to send any additional information to the Committee. Thank you for your presentation, and congratulations on your work. I do not live too far from Crumlin, and I hope to call in with you at some stage.

**Mr Beggs:**

We ought to flag up this issue with the Department now, rather than wait until later.

**The Chairperson:**

Due to our late start, I did not get an opportunity to tell Committee members that departmental officials are here for the meeting, and at this stage I will invite them to come forward to address a few issues. Members will have an opportunity to comment on the earlier presentations and to indicate their thinking on snares, hares and curlews.

I welcome Ken Bradley and his colleagues to the meeting.

**Mr Ken Bradley (Department of the Environment):**

I am from the Department of the Environment's planning and environmental policy group, and I head up the team that is taking forward the Wildlife and Natural Environment Bill. I am accompanied by Chris Savage, who is also working on the Bill, and Michael Meharg, from the Northern Ireland Environment Agency.

**The Chairperson:**

Do you have any information to share with us? Would you like to reflect on some of the presentations and the information that we have received?

**Mr K Bradley:**

We were writing furiously behind the scenes on the points that were raised, and, in time, we hope to receive all the written submissions.

In relation to the biodiversity duty, there is a balance to be struck between wanting to promote biodiversity and increase the populations of vulnerable species, for instance, and, as Mr Beggs said, not making it too draconian on public bodies and local councils. We are content to look at the wording in the Bill, although we thought that it was fairly good. It was lifted from the Scottish Bill, because it appeared more robust than the wording of the English Bill; it went further. Some bodies have made moves to take it a step further. If the Committee comes up with different wording we will look at that and take it back to the Minister. However, I issue a caveat with that: we do not want to go too far and alienate public bodies and local authorities, because

although we are trying to promote biodiversity, we do not want the duty to be too restrictive or costly.

We are taking forward guidance, and, towards the end of the month, we hope to hold an event to help develop that guidance. All public bodies and local authorities will be invited to that event. We are also looking at the reporting mechanisms of public bodies and local authorities. It is not only other Departments and the 26 councils that are involved; it is every non-departmental public body. However, we do not want to create a whole industry.

The evidence sessions have been interesting, and we will take all the points on board.

Does the Committee intend to suggest a change to the wording of the duty?

**The Chairperson:**

We have not had the opportunity to discuss that yet. However, following this morning's presentations, I was struck by the point about protecting and maintaining; it is important to strengthen that aspect.

On more than one occasion, the point has been made to us about the mishmash of different legislation and how it is very difficult for people who have to comply with it. I hate to use the phrase "one stop shop", but it seems that there is a need for much easier to understand information on responsibilities, particularly for landowners and farmers. The Ulster Farmers' Union made that point, and we heard it again this morning from NILGA.

**Mr Beggs:**

Although TACT has an important role in caring for animals that have been injured, it also carries out a very important function by providing education about wildlife to youth groups and schools. We have learned from TACT that, in its current format, the legislation will result in its having to apply for 300 licences, which, with the cost of bureaucracy, will lead to its closure. That should not happen.

It is important that there is a mechanism in the Bill to help such a group, which is surviving on individual charitable donations and is carrying out very worthwhile work, particularly in providing education about wildlife. I suspect that there will not be any other group that will

easily step into that role. There is no other group that will help foxes that have been injured and have not been set free from snares, for example.

When young people see wild creatures up close for the first time, they are very interested. I would be very concerned if legislation resulted in the closure of such a worthwhile organisation. How can you address TACT's concerns about the Bill so that the closure of TACT is not one of its outcomes?

**Mr Michael Meharg (Department of the Environment):**

I will have a go at answering that, but anything that I say may make me seem like the Big Bad Wolf.

**The Chairperson:**

That is an unfortunate turn of phrase to use when talking about the Wildlife and Natural Bill.  
*[Laughter.]*

**Mr Meharg:**

I also live very near to Mrs Nevinnes's sanctuary in Crumlin and have seen the animals that she has released over the years. In fact, she has released animals on our farm, so we have worked closely with her. The work that she does is very important in Crumlin; she is a well-respected citizen in the area. We have worked closely with her on licensing over the years. In her presentation, she missed out the important point that NIEA has provided 75% of the cost of her education programme over the past three years. That has been part of our help with biodiversity.

Throughout Europe and the UK, the keeping of wild animals has to be very closely regulated, because of the way in which people may wish to do that. Due to that, there are a lot of different licences. There are also licences for collections of animals from which people make some sort of commercial gain. Those licences come under the provisions of the European zoos directive. The inspection that was carried out on Mrs Nevinnes's facility identified that, under the zoos directive, it qualifies as a zoo due to the number of species and their conservation status. That, through the Secretary of State's zoo panel and all that goes with it, has certain implications. We are working with Mrs Nevinnes and the owner of another County Antrim collection to see how we can get through the relevant requirements.

Some of the 300-plus licences to which Mrs Nevinnes refers may be required under not just

the Wildlife Order but the zoos directive. The Department for Environment, Food and Rural Affairs (DEFRA) in the UK looks after the Convention on International Trade in Endangered Species (CITES). Some endangered species have a high conservation status and require licensing under the Control of Trade in Endangered Species (COTES) legislation, which enforces the provisions of CITES. Again, we are working closely with Mrs Nevinnes on that.

The situation is ongoing. We are mindful of what we are being tasked to do, and we must ensure that the licensing systems and all the correct processes are in place. There are three, if not four, different pieces of legislation that require different sorts of licensing for different reasons and purposes.

On top of that, members of the public contact us from time to time with concerns that animals are being kept for prolonged periods. A lot of good work is being done to enable animals to be released into the wild again, but animals that are kept for prolonged periods could be prolonging their injuries. Mention was made of keeping gannets, and the nearest gannetry is on Aisla Craig, an island off Scotland. Gannets fly freely throughout Europe. Some that are being kept cannot be released, and some have had wings or legs amputated as a result of being in captivity. If societies or organisations are asking questions about that, it is incumbent on us to follow through on the welfare aspects.

The zoos directive states that animals that are kept in captivity must be kept in suitable facilities so that that they are not a danger to themselves and so that their welfare is not compromised. We are working closely with Mrs Nevinnes and the Committee to ensure that the blend is right and that the positive work that she does is kept to the fore. Mrs Nevinnes mentioned the 25% of birds that she keeps that unfortunately become distressed and may die, and it is important that we keep the distress and welfare of those animals to a minimum.

We are very much involved with the centre, which I hope reassures the Committee on some of the licensing issues. We will consider the questions that have been asked. If there is an issue with the licensing of transient animals that are being cured, rehabilitated and released back into the wild, we want to address it. We want to ensure that it is as easy as possible for that rehabilitation to occur and that there is no cost attached to it.

We want to be careful that animals that are being kept long term, some of which have permanent injuries or amputations, are not being used for education purposes because that might send out the

wrong message to young people. Animals that are intact and show what the species should be are the ones that should be used for those purposes. That is why we require some ongoing discourse with Mrs Nevinnes.

We will consider the recommendation and the questions that have been asked. We do not want to issue 300 licences because that creates a cost for NIEA as well as for the Mrs Nevinneses of this world, so we will take that on board.

**Mr Beggs:**

Neither the Department nor Mrs Nevinnes would be interested in the paperwork and cost involved in dealing with licences for transient animals. Have you any idea of the numbers in that particular group? If the number is not 300, what is it? I suggest that consideration be given to devising a better method to deal with transient animals. It might be that licensing the body and having a register that must be kept up to date is another method of capturing the same information. Obviously, that register could be inspected at any time. There ought to be another means of dealing with transient animals that avoids costly individual licences.

**Mr Meharg:**

We will look into that. I think that the number would be quite small. Under our legislation, all wild birds are protected, so all wild birds fall under the licensing provisions, whether it is one sparrow or a little clutch of sparrows like the ones in the pictures that Mrs Nevinnes showed to the Committee. At the moment, they all fall under that provision. We will look at that matter because we want to ensure that there is better regulation and that we are not wasting our time. We must ensure that we get the lists and that we know what is on them, and, as you say, that list would be open to inspection if required.

**Mr Kinahan:**

I congratulate you on working closely with TACT. Some flexibility needs to be built into the system, as Roy has just said. Equally, some dynamism is needed so that things can happen quickly. I talked to both Mrs Nevinnes and Mr Baillie outside, and they told me that, because of the zoos directive, they have had to take signs down and remove some things from their website. They cannot follow the rules of the directive. As a result, people do not drop in. That is why I made the point about dynamism. Someone needs to look quickly at what stopped them from putting their signs up.

**Mr Meharg:**

Legal advice was sought in respect of what constituted a business or the way in which the operation is working. Consideration was given to whether people could become friends of TACT as opposed to being visitors to the site, which would mean that we could have some sort of buy-in to the zoos legislation. Unfortunately, however, recent legal advice suggests that that could not happen. We do not want a second opinion, but we want to see whether the strict ruling from our solicitors' branch could be interpreted in a way that would allow us some flexibility.

**Mr Ford:**

There is considerable sympathy around the table for TACT and the work that it is doing. You raised the wider issues around the long-term keeping of animals, and we should work on the fact that officials are looking at what can be done in that regard.

Mr Bradley effectively said that the Department thinks that the biodiversity duty is right, even though a number of people who have given evidence to the Committee would like to see it strengthened. It seems to me that, with some aspects of the legislation, the Department is in a position to respond positively to the evidence that we have received, even though the draftsmen no doubt thought that they had drafted the Bill perfectly in the first place. You are still saying that you got other aspects right, even though other people are saying that they are wrong. It would be useful, therefore, if we could identify at an early stage any other areas, besides the specific licensing issue raised by TACT, where there is work that you can usefully do. We could do that before we decide whether to pressurise you on other aspects of the Bill.

**Mr K Bradley:**

We put the biodiversity duty in the Bill because we thought that it was the better of the two options in the UK. We thought that it was fit for purpose, and all Departments signed up to that. From the evidence that you have received, it is clear that a number of bodies want to go a few steps further, and it is a question of whether we can accommodate those steps. We are open to that, and we will take that back to the Minister for his agreement. However, there are about three or four permutations from different bodies. Does the Committee have a preferred option?

**The Chairperson:**

The Committee has been hearing evidence. We have not formed a view, but there seems to be some sympathy for taking a stronger approach.

**Mr Ford:**

I felt that it would be helpful if, at this stage, the Department could respond to the evidence that has been given to us. If there are things that the officials can accept easily, or at least can recommend to the Minister for further consideration, it would save us from going through endless permutations.

**Mr K Bradley:**

It is a chicken-and-egg situation.

**Mr Ford:**

Yes, it is. It would be a good starting point to let us know which things you think you could accept easily. We then need to look at the balance of evidence that we have received and consider what you are still opposed to.

**The Chairperson:**

I suggest that we consider using a mechanism similar to the one that the Committee used for the Local Government (Miscellaneous Provisions) Bill. When we begin clause-by-clause scrutiny next week, the departmental officials could go through the Bill with us and say whether they could accept certain amendments. They could then bring those amendments forward as departmental amendments rather than the Committee bringing them forward.

**Mr K Bradley:**

That is fine. We could look at a compromise or a preferred option and take that back to the Minister. That is a good option. I am very happy to do that.

**Mr Kinahan:**

I am concerned that if we make the duty in the Bill too strong, we will shut all sorts of doors. Therefore, we need to consider other options. Have you compared our approach with the approach taken in Scotland?

**Mr K Bradley:**

I know that the DEFRA wording was slightly watered down. DEFRA did not include any reporting mechanism in its legislation, but we are going that step further. We need some sort of

mechanism to say whether public bodies are, or are not, fulfilling the biodiversity duty.

**Mr Kinahan:**

Do we know if it has worked?

**Mr K Bradley:**

DEFRA is carrying out a five-year review of the impact of the duty. We do not have the results of that yet. It did not want to scare Departments or public bodies off by requiring them to report annually, so it has used a review mechanism. We have gone a step further because we have proposed some sort of reporting system, whether annual or whatever. We are moving from a situation in which there is no duty of any sort on public bodies, so we do not want to make too big a leap. We want something that works and that everyone is happy with, something that makes a difference at the end of the day.

**The Chairperson:**

Nonetheless, you stated that you have used the Scottish model, which is a bit stronger than the DEFRA one. In the past, the Committee has criticised the Department for not having a model that is made in Northern Ireland, or, to use a phrase, made in Ulster. We want to have a model that reflects the concerns and wishes of our community.

**Mr K Bradley:**

That is fair enough. We can come to some sort of agreement next week.

**Mr Beggs:**

It seems that what we have is largely the Scottish model with some additions. Has there been any feedback on how the Scottish model has played out in practice?

**Mr K Bradley:**

No. There is no reporting mechanism. That is where it falls down. It is OK to place a general duty on government bodies, but does that make any difference if it cannot be demonstrated that those bodies are fulfilling their duty? Why do it? That is how we look at it. We are looking at how Departments and local authorities can report on matters without using a lot of extra resources or creating a lot of extra work for them. We are looking at how they can do that and, at the same time, make a difference by encouraging and promoting biodiversity.

**The Chairperson:**

There is a Scottish equivalent of NILGA.

**Mr Bell:**

It is the Convention of Scottish Local Authorities (COSLA).

**The Chairperson:**

The Committee could ask about the experience of local authorities in Scotland. That is a piece of research for the Committee to undertake.

**Mr K Bradley:**

Do you want to talk about other issues, such as snares?

**The Chairperson:**

We will go through it all next week. Thank you.

The Committee has received a response from the Examiner of Statutory Rules on the delegated power of the Bill. The examiner has not drawn attention to the secondary-legislation-raising powers or to the level of their scrutiny that is contained in the Bill. We have also been provided with submissions from the British Deer Society and the British Association for Shooting and Conservation. The Woodland Trust has been invited to our meeting on 11 March. Its focus is on deer. Therefore, it may be that only the British Shooting Sport Council (BSSC) needs to be invited to give oral evidence.

Furthermore, we have been provided with supplementary information from the Countryside Alliance. At the meeting on 11 March, we could hear from the shooting and conservation trust and the police.

**The Committee Clerk:**

We invited the PSNI to respond to our consultation. The PSNI said that it will produce something in writing but that the person who is dealing with that was away from the office and has only just received it. If it would help to move things along, the Committee could invite them to a future meeting to go through the information.

**The Chairperson:**

That is about the additional powers for the police and inspectors and the impact that they would have on the PSNI. Given our forward work programme and the tight schedule in relation to the Bill, I suggest that the organisations be invited to the meeting on 11 March. That is the only date that is available, so if they are not able to attend, they would be invited to put forward written submissions.

Are members content to note the information that is included in the Committee's report on the Bill?

Members have also been provided with a clause-by-clause scrutiny table. The table maps the views that were expressed in the submissions to the relevant clauses of the Bill.

**The Committee Clerk:**

I draw the Committee's attention to what we have been trying to do. Members who were here for previous Bills will be familiar with the system. We have mapped the various submissions that the Committee received in writing and orally against each clause so that members can see at a glance the issues that are being raised in relation to those clauses. Where necessary, we will add the information that we have received today.

We are now suggesting that the departmental officials come back next week, and possibly the week after, to go through each clause. That will give you an opportunity to ask any outstanding questions before coming to a decision about what you want to do with each clause. That is not the formal clause-by-clause analysis, which will be recorded in due course. In order to help us to work through the process smoothly, members can decide next week or the following week whether they want to accept or amend the clauses or whether they feel that there are more questions to be asked. An updated version of the paper will be given to members next week.

**The Chairperson:**

The departmental officials will be here working through it. We will try to tease out the Department's thinking on some of the proposed amendments from interested parties.