



**Northern Ireland
Assembly**

COMMITTEE FOR THE ENVIRONMENT

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Organisation: Northern Ireland Environment Link (NIEL)

Date: 5th August 2015

Introductory comments

NIEL welcomes the opportunity to engage with the Environment Committee during the Committee Stage of the Environmental Better Regulation Bill. NIEL is supportive of the principles of Better Regulation in NI, welcoming the overall aim of the proposals to simplify and streamline the regulation system. We would emphasise that the ultimate result of good environmental regulation is good environmental outcomes – regulation should be a means to this end.

Clause 1

NIEL are supportive of the general purpose of regulation proposed in terms of the protection and improvement of the environment, including what is outlined in (1)(a), (b) and (c). We would, however, note that a purpose of 'Better Regulation' should relate to enhancing industry. Better Regulation should *add value* to industry (rather than unnecessary cost), encouraging efficiency, and can be as much about enabling and encouraging behaviour change in operators as about penalising bad practice. Such an approach can demonstrate the value to businesses of environmentally responsible activities, and greatly increase trust between the Department and

operators. As long as this is accompanied by a strong monitoring and enforcement system which ensures that those who transgress the law suffer sure and significant penalties, the approach has great likelihood of improving environmental performance whilst at the same time delivering improved business objectives.

Clause 2

NIEL welcomes the flexibility seen in (4)(b) in making provision for different cases, persons, circumstances or areas. We would emphasise that Better Regulation must not mean *less* regulation or a lowering of standards; however, flexibility of approach is to be welcomed where good environmental outcomes for Northern Ireland are being achieved. There is a need to make sure that the Bill is flexible enough to uphold the principles of Better Regulation, and that ‘good’ operators are not penalised for attempting to go beyond compliance, with overall benefit for the environment, based on metrics that may be misrepresenting the ‘bigger picture’. The principle of achieving good environmental outcomes for Northern Ireland should always be upheld.

Clause 5

NIEL believes that environmental harm should also include interference with the *functioning* of natural systems. Natural systems are inherently complex (made up of many interacting ‘parts’, some of which we understand little about) and often non-linear in their response to change (that is, small changes in one area of a system may have a seemingly disproportionate impact in another area, and irreversible changes in systems may occur when ‘tipping points’ are crossed). The protection of their function, for the good of society, should be a priority, and the alteration of natural systems, as a category of environmental harm, should be recognised.

This concern for the functioning of natural systems should also be extended to the definition of ‘protecting and improving the environment’, thus:

‘(a) preventing deterioration or further deterioration of, and protecting and enhancing, the functioning of natural systems, the status of ecosystems, biodiversity,

geodiversity, habitats, species, historic monuments, archaeological objects or protected landscapes'

NIEL commends the Department for the definition of 'protecting and improving the environment': '(b) promoting the sustainable use of natural resources based on the long-term protection of available natural resources'. This approach should be based in a sound understanding of the concept of 'natural capital'. Northern Ireland's available natural resources represent what we have 'in the bank', in terms of nature and what the environment delivers for society. 'Better Regulation' should seek to protect that long-term investment, ensuring that society in Northern Ireland 'lives off the interest' rather than eating into and depleting our irreplaceable natural capital.

Clause 15

NIEL would seek clarification on the inclusion of exempt fireplaces in the Environmental Better Regulation Bill, including what is meant by 'a substantial quantity of smoke' (paragraph 7).

Schedule 1

Emissions trading scheme

While supportive of the development of an emission trading scheme in NI, NIEL would stress that 'Better Regulation' should encourage a change in mind-set in industry towards efficiency and an understanding of the value of natural capital in the long-term prosperity of Northern Ireland. Thus, such a scheme should be seen in the context of imposing efficiency, guarding against the possible unintended consequence of 'off-shoring' emissions (through, for example, businesses working in ROI where the same scheme and restrictions may not be applied). The principles of such a scheme should not be undermined in its implementation.

Concluding comments

NIEL is surprised to see that Prosperity Agreements are not mentioned in the Bill. Prosperity Agreements are a way of encouraging businesses to go beyond compliance and see the benefits for them of environmentally responsible activities, as well as positively influencing the supply chain on either side of the operator. This, as with other measures above, changes the mind-set of operators from regulation being seen as restrictive to being enabling. While we are aware of the continued progress in this area through the signing of recent agreements, we would encourage the Department to commit to this Prosperity Agreement approach as a way of demonstrating how positive and forward looking 'Better Regulation' in Northern Ireland can be.

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