



Ms Anna Lo, Chair  
Committee for the Environment  
Room 247. Parliament Buildings  
Stormont Estate  
BELFAST  
BT4 3XX

30<sup>th</sup> July 2015

Dear Ms Lo

## **Environmental Better Regulation Bill**

Thank you for the invitation to comment on the Environmental Better Regulation Bill, which, when followed by subordinate legislation, could have a significant impact on council regulatory work. This Evidence was drafted further to discussion with council Environmental Health Officers.

NILGA is keen to ensure that the Department's Regulatory Transformation Programme improves the regulatory framework in Northern Ireland and the experience of business and the public when dealing with government at both central and local level. NILGA is supportive of the intent to modernise the regulatory system, to ensure that businesses which operate outside Northern Ireland are not discouraged from investing here because of overly complex regulation.

A more streamlined system should ensure that this improvement takes place, and would encourage the department to work in close partnership with councils to ensure regulation is delivered in the most appropriate way by the most appropriate regulator. Local government should have an active part to play in delivery of the Programme for Government priorities and objectives, including growing a sustainable economy and investing in the future.

Councils are adept at ensuring their regulatory systems are subject to a co-ordinated approach and pragmatic risk management, and the local relationships that councils have with businesses and the public can help to proactively develop a greater understanding of why regulation is necessary. They are also often examples of publicly visible good practice, as bodies which provide services that are regulated by the Department.

NILGA strongly supports the principles of Better Regulation which underpin this Bill, and would encourage the potential for development of a single environmental permitting scheme, to overcome what is currently a much fractured provision of regulation in Northern Ireland. Any changes to the

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current regime which will impact on council provision must be subject to prior discussion with councils, in a time frame which will allow for appropriate business planning.

## **NILGA Comments on Individual Parts and Clauses**

### **Part 1: General Environmental Regulation (Including Comments on Schedule 1)**

**Clause 1:** NILGA broadly supports the intent of this clause.

**Clause 2:** NILGA notes the potentially wide-ranging impact this clause and the associated Schedule 1 may have on councils, including financial impact, and therefore particularly welcomes the intent to consult with councils in Clause 3. A great deal of further work is likely to be required in relation to the subordinate legislation to be associated with this Bill. The overall regulatory impact is extremely unclear at this moment in time, and we would encourage the Committee to maintain a close 'watching brief' in relation to the progress of this Bill and related regulations, policies and guidance.

**Clause 3,** it is noted, requires the Department to consult councils 'as it thinks fit'. It also emphasises consultation with any regulator on whom the proposed regulator would confer functions. NILGA would suggest that Clause 3 should also specify consultation in cases where proposals would lead to functions being removed from councils.

**Clauses 4 and 5:** NILGA broadly supports the intent of these clauses.

### **Part 2: Powers of Entry and Associated Powers**

NILGA broadly supports the rationalisation of powers of entry, but would highlight the need for the Department to consult with councils, where any council powers of entry are to be changed. **Clause 10** is therefore welcomed, in this regard.

**Clause 12** is also welcomed, as this should ensure sufficient information and guidance is provided by the Department in relation to powers of entry and associated powers. NILGA broadly welcomes the requirement that the Department must provide a draft code of practice, and invite and consider representations prior to publication. The provisions for review are also welcomed.

### **Part 3: Amendments to the Clean Air (NI) Order 1981**

NILGA broadly supports the provisions of Part 3 of the Bill, and it is noted that district councils will still have enforcement powers under the 1981 Order. NILGA is of the view that the provisions of Part 3 of

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the Bill could result in market benefits for the private sector in Northern Ireland and this is to be welcomed.

#### **Part 4: Amendments to the Environment (NI) Order 2002**

Part 4 of the Bill is to be welcomed. Local government was, and continues to be supportive of the policy to remove the requirement to undertake Further Assessments of air quality to supplement information already held.

#### **Part 5: Amendments to the Water and Sewerage Services (NI) Order 2006**

NILGA has no comment to make in relation to Part 5 of the Bill, other than noting the potential impact that the expected changes to government department structures may have on the eventual wording.

#### **Part 6: Miscellaneous and Supplementary, and Schedule 2 and 3**

Part 6 of the Bill and its associated schedules (Schedule 2 and 3) are noted. NILGA has no particular comment to make in relation to this Part of the Bill.

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I trust the Committee will find the above information of use in its consideration of the Bill. Should you require any further information from NILGA in relation to this issue, please do not hesitate to contact me.

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