

Public Consultation on Introduction of New Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2006

Consultee:

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INTRODUCTION

The agricultural sector has witnessed significant change over the past number of years, farm incomes have been slashed, yet in the same period there has been a proliferation of additional regulations and 'red-tape'.

Burdening the industry further with more paperwork and vetting can only be carried out when absolutely necessary, I therefore welcome the opportunity to make a submission to the consultation on the introduction of new Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2006.

THE EIA DIRECTIVE

Firstly, because the Directive does not define 'significant effects' on the environment DARD must not be overzealous in implementing a set of regulations, which may stifle the industry. Using examples from other member states can be helpful provided they are not 'gold plated' within their own region.

The use of thresholds is key to reducing the administrative burden and expense on DARD and the farmer, they should also help allow projects that are unlikely to have a significant effect on the environment to progress relatively unhindered. Thresholds should therefore be used in conjunction with case-by-case assessment, the fact that this is the norm in EIA screening systems in other EU countries adds weight to the argument. As a countercheck the use of screening notices is acceptable, the existence of such notices should act as a deterrent to abuse and allow thresholds to be more flexible. Projects involving negative consequences for the environment should be rare when one considers that the impetus to damage the environment by operating intensive farming practices has been greatly reduced.

PROJECTS FOR THE RESTRUCTURING OF RURAL LAND HOLDINGS

The need to satisfy the EU with regards the implementation of such regulations concerning projects for the restructuring of rural land holdings, must not be used as an excuse to penalise farmers and rural businesses. The United Kingdom should be well placed to introduce well-balanced regulations concerning such projects by learning from the experiences of other EU members, and using these examples as a benchmark.

Existing environmental protection measures must be taken into account, as many areas are already protected, it is absolutely essential that any areas not already covered are carefully considered before inclusion in such regulations, to avoid over-regulation.

Throughout the consultation document reference is made to the changes in the Common Agriculture Policy (CAP), the impact that this has had on production techniques cannot be underestimated, intensive production is no longer the driving force in agriculture. This change, coupled with the high level of businesses in either CMS or ESA means that the sector now incorporates a relatively high level of environmental awareness and protection, meaning that the risks to the environment have been lessened. As the old 'mind-set' of high production and high subsidies continues to alter over the coming years there should be fewer cases of environmentally detrimental restructuring.

REVIEW OF EIA (UNCULTIVATED LAND AND SEMI-NATURAL AREAS) REGULATIONS 2001

The use of realistic thresholds would be a welcome addition to existing regulations governing the EIA of UL&SNA, this should help acceptable projects to continue without hindrance.

As was specified when the regulations came into force in February 2002, there was to be a review by DARD, as mentioned above there have been significant changes to the structure of farm subsidy payments, because of this the risks that the regulations were intended to address have witnessed a marked decrease.

The risk assessment in 2001 was made with the knowledge of the historical loss of UL&SNA in Northern Ireland fresh in the minds of the relative government agencies, at the time it may have felt necessary to use such assessments to halt the decline of such habitats, however with these areas now covered by agri-environment schemes the risk is significantly less.

The high level of uptake of the various environmental schemes means that much of Northern Ireland's uncultivated and semi natural land is already protected from intensive farming practices. Furthermore there is little, if any, economic incentive in intensively farming such areas of land, in modern farming this stark economic reality should provide a high level of protection. Also, in the absence of mapping of such categories of land it is unrealistic to expect farmers to know if they are dealing with UL&SNA, this must be factored into the legislation as some businesses may inadvertently embark on projects in such areas.

The exemption of agri-environment scheme field margins and buffer strips from the revised EIA UL&SNA rules is a welcome move as the majority of farms in the Province cannot operate organically, such areas can provide vital wildlife corridors and are havens of biodiversity, and should be encouraged where possible.

The removal of unnecessary administrative burdens is essential in an already overly bureaucratic and complex system, using the new EIA (Agriculture) Regulations as a replacement will help achieve this aim. The use of more current risk assessments and the bringing in line with EIA legislation in the EU is also a welcome move as long as the interpretation of the directive is flexible.

Increased transparency, user-friendliness and cost-effectiveness should be the ongoing aims of any regulations, these are of benefit to both the farm businesses and government agencies involved.

PROPOSED CHANGES TO THE EIA UL&SNA RULES

Thresholds will help to reduce the costs that are associated with case-by-case assessments and will also mean fewer projects are slowed down by assessment, projects that will not harm the environment. Medium-High thresholds are preferable for a number of reasons, firstly they are comparable to those employed in other EU countries, and they reduce the costs associated with the system, such thresholds would be more in keeping with the current risk assessment.

CONCLUSIONS

The protection of the environment is important, and as custodians of the countryside farmers have a vital role to play in this endeavour, however agriculture is a business of great importance to the Province as a whole. Because of this economic importance the interpretation of EU directives must not be done overzealously in a way that places farmers in Northern Ireland at a competitive disadvantage when compared to their counterparts in other EU countries.

Farmers have witnessed a large-scale change in subsidies, because of these the economic forces, which dictate production methods and intensity, have also changed. These forces in themselves will provide significant protection to the environment, by making it nonsensical to undertake projects such as bringing uncultivated land under intensive farming methods. The new subsidy system has a significant element of environmental protection incorporated into it and many farm businesses are signed up to schemes which necessitate more environmental operations.

Overburdening farmers with unnecessary regulation benefits nobody as it can mean that farmers spend more time acting as administrators, the policing of such measures only costs time and money. Farmers cannot farm the land and be the main agents tasked with achieving the aims of EU environmental directives, DARD and other agencies must play their part. It is also imperative that farmers do not shoulder the costs of environmental regulations, as the benefits of such legislation are enjoyed by all in society.