



Ms M Emerson
DARD
Environmental Policy Branch
Dundonald House
Upper Newtownards Road
Belfast
BT4 3SB

31 August 2006

Dear Ms Emerson

**PUBLIC CONSULTATION ON INTRODUCTION OF NEW ENVIRONMENTAL
IMPACT ASSESSMENT (AGRICULTURE) REGULATIONS (NORTHERN
IRELAND) 2006**

Thank you for the opportunity to comment on the above. The Ulster Farmers' Union (UFU) is the largest farming organisation in Northern Ireland representing over 12,000 farming families and as such would like to make the following comments;

Introduction

Around 80% of the land area in Northern Ireland is in agricultural use and managed by farmers. Fundamental to the success of these proposals and the way that they will operate is the need to have an agricultural industry which is sustainable. The UFU accepts the need to update the current regulations and introduce new measures as outlined in the consultation document however it is important that the implementation of the new regulations does not add any further pressure on the agricultural sector. There are a wide variety of regulatory controls and voluntary schemes which already apply to farmland and provide a good deal of protection for the environment therefore the UFU would urge DARD to fully consider this when adopting the new regulations.

Thresholds

The Ulster Farmers' Union believes that the introduction of thresholds and clearer definitions will make the proposed rules more straightforward than the existing EIA regulations however it is important that any guidance notes and application forms are clear and concise in order to allow farmers/land owners to be able to interpret the rules and thresholds in the appropriate way. The UFU feels that would be useful to introduce appropriate thresholds to the EIA system as this will assist farmers in determining whether they are required to go through the EIA process. It should reduce the number of applications which are unnecessary, therefore minimising bureaucracy for all concerned. The UFU feels that the 'higher option' thresholds must be used for each of the categories outlined in the consultation document.

Under the proposed 'restructuring of rural land holdings' rules, the Ulster Farmers' Union agrees with the split between linear and area based projects as we feel that this helps to clarify the process better and as stated above, proposes that the 'higher option' is used for these respective thresholds.

Screening Notices

The Union has no strong views on the proposed new screening notices but feels that they should be used only where it is absolutely necessary as a last resort to prevent environmental damage. If these are to be applied to a project, landowners / farmers should be made fully aware of any such notice and the reasons for it being issued by the competent authority.

Large-Scale Restructuring Projects

The UFU agrees that the EIA process should only apply to large-scale restructuring projects and that the risk to the environment posed by current or future restructuring projects is likely to be low. The UFU accepts the list of projects likely to be considered as restructuring and agrees with the Department's list of excluded projects

Sensitive Areas

In terms of the classification of 'sensitive areas' the Ulster Farmers' Union suggests that designated sites such as ASSIs, SPAs, SACs are classed as being 'sensitive'. The UFU are opposed to the inclusion of AONBs, common land or the proposed National Park in this definition. The Union feels that these areas have generally been designated / proposed as such for reasons other than environmental protection. ASSIs, SPAs and SACs already cover parts of the AONB and the proposed National Park and have strict management agreements associated with them which are likely to prevent further restructuring/changes to these areas without landowners obtaining permission from the relevant authorities. Large proportions of common land, AONB, proposed National Park are covered by farmers participating in ESA or CMS schemes where farmers are already complying with rules regarding the management of the environment and therefore under the current proposals would be excluded from the EIA process. For these reasons the UFU would suggest that only ASSIs, SPAs and SACs are classified as sensitive land.

Agri-Environment Schemes

The UFU is encouraged by the fact that it is proposed to exclude work carried out under agri-environment schemes from the regulations. The UFU feels that are sufficient checks on members of agri-environment schemes to prevent them from carrying out any works that may not be of benefit to the environment therefore it is sensible to exclude these from the EIA process. The UFU are broadly satisfied that the proposed changes to the regulations are sufficient to address the possible adverse effects on agri-environment schemes however suggests that this is kept under constant review to ensure that there are no detrimental effects on agri-environment scheme applicants/participants. It should be noted that if farmers were forced to go through the EIA process for carrying out work under agri-environment scheme they may choose not to pursue that particular option to avoid any further paperwork etc therefore there could be potential for the environment to miss out on improvement work.

Definitions – Uncultivated and Semi-Natural Land

In terms of the existing EIA (Uncultivated Land and Semi-Natural Areas) Regulations 2001, the Ulster Farmers' Union agrees with the revised risk assessment as summarised in the consultation document and has no comments on the performance of the regulations to date. The Ulster Farmers' Union welcomes acceptance from DARD that there is a need to change the definition of Uncultivated Land. The UFU does not agree that the new test for uncultivated land should depend primarily on whether or not the land has been cultivated in the recent past.

The UFU proposes that only the species test should be used. The reasons for this argument are that the UFU feels that the suggested figure of 15-20 years to determine whether land is 'uncultivated' is not appropriate. There are some very well managed highly productive and intensively farmed grasslands in excess of 25 to 30 years old which would not be showing the assumed characteristics of 'uncultivated land' therefore it is difficult to estimate an appropriate time period for classifying uncultivated land. The UFU agrees with the concept of using grass variety criteria as a means of determining whether pasture has been improved or not. UFU proposes that the current definition of uncultivated land i.e. where grassland contains less than 25% coverage of species indicative of cultivation, should be amended. The UFU suggests that it should be changed to 'where land has less than 10% coverage of species indicative of cultivation.'

Other Comments

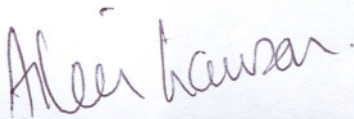
The Ulster Farmers' Union is concerned that despite the fact that the EIA (Uncultivated Land and Semi-Natural Areas) Regulations 2001 have been in force for some time, many farmers are still not aware of these. It is important that when the new regulations are made that farmers are made aware of these and that other guidance such as 'The Codes of Good Agricultural Practice' contain reference to these regulations.

There should be a presumption that activities benefiting the environment do not require an EIA.

The application process for the EIA regulations should be as simple as possible and stakeholders should be involved in the development of the Guidance Notes and Application Forms to ensure that they are appropriate for the industry.

I trust that these comments are of use to you, if you wish to discuss these further please do not hesitate to contact me.

Yours sincerely



Aileen Lawson
Senior Policy Officer

