

Environmental Audit Committee Inquiry

The future of the natural environment in light of the EU Referendum

Comments by
Northern Ireland Environment Link

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Northern Ireland Environment Link (NIEL) is the networking and forum body for non-statutory organisations concerned with the environment of Northern Ireland. Its 70+ Full Members represent over 90,000 individuals, 262 subsidiary groups, have an annual turnover of £70 million and manage over 314,000 acres of land. Members are involved in environmental issues of all types and at all levels from the local community to the global environment. NIEL brings together a wide range of knowledge, experience and expertise which can be used to help develop policy, practice and implementation across a wide range of environmental fields.

These comments are made on behalf of Members, but some members may be providing independent comments as well. If you would like to discuss these comments further we would be delighted to do so.

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The future of the natural environment in the light of the EU referendum

Thank you for the opportunity to provide evidence to the Environmental Audit Committee's Inquiry on the future of the natural environment in light of the EU Referendum. NIEL is aware that a number of our member organisations are providing the Committee with their own views on the future of the natural environment following Brexit and as such will be answering the specific questions posed by the Committee. On the 30th June 2016, less than one week following the result of the EU Referendum, NIEL were invited by the Northern Ireland Assembly Committee for Agriculture, Environment and Rural Affairs (AERA) to present our initial thoughts on the implications of Brexit on the Northern Ireland environment. Outlined below are the main points we raised with AERA committee which we hope may prove useful to the Environmental Audit Committee.

Key Message on Implications of Brexit

NIEL believes that the environment underpins our health, well-being and economy. Most of all, our environment is something for people to enjoy - we believe that increasing peoples access to the environment is the best way to ensure its preservation.

Through EU legislation, a wide range of environmental protection has been set out, and it is essential that following Brexit Northern Ireland maintains a high level of environmental protection. The EU has also provided high levels of investment in the environment, and again, it is essential that this level of support is continued.

Northern Ireland's environmental NGOs are offering our assistance to work with the Committee and Department to meet the challenges that lie ahead.

The Challenges of Brexit

Regardless of which camp people fall into, nature and the environment is something which unites us. This should be our starting point.

- The challenges for the Northern Ireland environment such as Biodiversity loss, Climate Change, Air and Water Quality remain the same now as before the UK vote to leave the EU;
- EU environmental directives have been the major driver to environmental protection and improvement in Northern Ireland, for example the Birds and Habitats, Water Framework, Marine Strategy Framework, Waste and Landfill Directives. European funding for environmental improvement in Northern Ireland has been largely aligned to the objectives outlined within these Directives and is provided through a range of funds including; LIFE, Interreg and Agri-environment measures under the CAP. The Brexit vote has therefore introduced a number of uncertainties around the continuity of legislative and funding support for our environment;
- The recent review of the Nature Directives had the highest response ever seen in Europe and was broadly in favour of retaining the Directives in the current state.

Status of Key EU Environmental Legislation

There are broadly 2 options following Brexit: Inside the European Free Trade Association (EFTA) and European Economic Area (EEA) and full Brexit. Most EU legislation applies to EFTA and EEA members, but some, most notably biodiversity legislation, does not. An initial scan of some key environmental legislation and whether it may be covered by membership of the EFTA and EEA is as follows:

Table 1 - Post Brexit fate of Key EU Environment and Wildlife legislation

| Legislation | EFTA and EEA relevant |
|--|--------------------------------|
| Habitats Directive | No |
| Birds Directive | No |
| Bathing Water Directive | No |
| Invasive Alien Species Regulations | No |
| Control of Trade in Endangered Species | No |
| Maritime Spatial Planning Directive | No |
| Public Access to Environmental Information Directive | Yes |
| Water Framework Directive | Yes (except Natura provisions) |
| Environmental Impact Directive | Yes |
| Public Participation Directive | Yes |
| Strategic Environmental Assessment Directive | Yes |
| Sustainable Use Directive | Yes |
| Environment Liability Directive | Yes |
| Plant Protection Products Directive | Yes |
| Nitrates Directive | Yes |
| Groundwater Directive | Yes |
| Marine Strategy Framework Directive | Yes |
| REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) | Yes |
| Priority Substances Directive | Yes |
| Seveso Directive | Yes |

Other environmental legislation applicable to EFTA members includes: Air Framework Directive (and daughters), Industrial Emissions Directive, Emissions Trading Directive, Directive on Carbon Capture and Storage, Directives on contained use and deliberate release of GMOs, Waste Framework Directive, Sewage Sludge Directive, Waste Shipment Regulation Landfill Directive, End of Life Vehicles Directive, WEEE Directive, Mining Waste Directive, Ambient Noise Directive, Integrated Pollution Prevention and Control Directive, and Urban Waste Water Treatment Directive.

Areas of Uncertainty:

- In the absence of EU Environmental Directives what will be the driver for environmental protection and enhancement and which issues will be prioritised?
- What level of financial support will be available to undertake environmental work to meet these environmental challenges?
- Environment cuts across national boundaries and in the absence of EU membership will there be an opportunity/mechanism to work at an international level to address common problems?
- Many Environmental Directives have been underpinned by national legislation that also facilitates other International agreements beyond the EU level in areas such as halting Biodiversity loss, the Aarhus Convention etc. This national and other international legislation will also need to be reviewed.
- Over 40 years of environmental legislation in Northern Ireland will need to be reviewed and audited. NIEL's guide to *European Environmental Directives in Northern Ireland* produced for the All Party Group on European Environmental Regulations in 2014, identified over 30 Environmental Directives currently applying to NI.
- The newly formed Northern Ireland Department for Agriculture, Environment and Rural Affairs have lost over 400 staff through the Voluntary Exit Scheme. We have concerns that a considerable amount of time and resource would need to be committed to Brexit arrangements to the detriment of active environmental protection.
- In terms of future environmental policy would Northern Ireland develop its own approach or would this be decided or influenced by priorities set at a wider GB level?
- As Northern Ireland has a land border with another EU Member State (Republic of Ireland) any divergence of environmental policy needs to be given particular consideration given that we for example share three river basin districts/catchments shared with the Republic of Ireland .
- Many of the current European Funding programmes are due to run to 2020 (possibly beyond). Will letters of offer be honoured as we may leave the EU prior to 2020? Similarly, SEUPB is currently awaiting guidance from the Department of Finance on INTERREG VA which has earmarked some €112 million for a range of habitat, species, fresh water, marine and sustainable transport measures until 2020.
- Government has agreed to provide match funding for the duration of a number of European programmes. Will this commitment be honoured? Similarly the non-availability of match-funding from EU sources will increase the pressure on government funds.
- Given the farming industry's reliance on CAP payments, a decline in farm payments (Pillar 1 and Pillar 2) would have a devastating social, economic and environmental impact. Farmers and the environment are already struggling, they cannot afford to be further penalised.
- The new funded Environmental Farming Scheme (EFS) needs to be opened ASAP as it provides incentives for managing nature and mitigating climate change until it can be replaced by a new UK scheme.
- Certain measures with the Going for Growth Strategy (particularly in relation to research) and the corresponding Sustainable Agriculture Land Management Strategy may be reliant upon EU funds.
- The environmental NGO sector plays a key role in helping government to meet its national and international environmental obligations. A key aspect is our ability to lever additional funds

from EU sources to meet these commitments. An alternative mechanism is required to help the NGO sector to meet these international obligations in particular.

- The environmental NGO sector has been through a very difficult time and huge financial uncertainty. Last year many organisations were threatened with 100% funding cuts. EU funding has been an important part of eNGOs funding cocktail.
- The current uncertainty is damaging; we feel that we need a clearer understanding of the issues and solutions as soon as possible, but are concerned by the scale of the issue.

Way Forward

- We are advocating the creation of a cross-sectoral working group in order to obtain the views of the Agriculture, Environment and Rural sectors on the impacts of Brexit and identify the optimum collaborative response for Northern Ireland.
- Our stance will remain however that environmental legislation must not be weakened. Environmental NGOs want to work with government to ensure the best outcomes for our environment, whatever the mechanisms or political situation. Many environmental organisations have the experience and expertise to offer assistance in the time ahead and look forward to working with the Departmental and sectoral colleagues to meet these environmental challenges.