



Northern Ireland  
Assembly

Committee for Agriculture, Environment and  
Rural Affairs

# OFFICIAL REPORT (Hansard)

NIEA Business Plan 2016-17 and  
Framework Document: Department of  
Agriculture, Environment and Rural Affairs

24 November 2016

# NORTHERN IRELAND ASSEMBLY

## Committee for Agriculture, Environment and Rural Affairs

NIEA Business Plan 2016-17 and Framework Document: Department of Agriculture, Environment and Rural Affairs

24 November 2016

**Members present for all or part of the proceedings:**

Ms Linda Dillon (Chairperson)  
Ms Caoimhe Archibald (Deputy Chairperson)  
Mr Sydney Anderson  
Mr Maurice Bradley  
Mr David Ford  
Mr William Irwin  
Mr Harold McKee  
Mr Edwin Poots

**Witnesses:**

Mr Peter Aiken	Department of Agriculture, Environment and Rural Affairs
Ms Helen Anderson	Department of Agriculture, Environment and Rural Affairs
Mr David Small	Department of Agriculture, Environment and Rural Affairs
Ms Tracey Teague	Department of Agriculture, Environment and Rural Affairs

**The Chairperson (Ms Dillon):** From the Department of Agriculture, Environment and Rural Affairs (DAERA), I welcome David Small, the head of the environment, marine and fisheries group (EMFG), Tracey Teague, Helen Anderson, the director of the natural environment division, and Peter Aiken, the head of the EMFG business support team. Will you keep the presentation to a maximum of five minutes? Members will have an opportunity for one very quick question.

**Mr David Small (Department of Agriculture, Environment and Rural Affairs):** It will be no more than five minutes, Chair. Thanks for the opportunity to present the business plan. The Northern Ireland Environment Agency (NIEA) is, as you know, an executive agency of the Department. We have our own board and governance arrangements, and those are outlined in the business plan and framework document that the Committee has seen. The agency has around 490 staff, mainly in two divisions: the resource efficiency division, which Tracey leads; and the natural environment division, which Helen leads. Tracey and Helen are with me today. I am also joined by Peter Aiken, who manages business planning, finance and governance-type issues in the agency.

Current staff numbers reflect the loss of about 80 agency staff by the end of March this year through the Northern Ireland Civil Service (NICS) voluntary exit scheme (VES). To help to mitigate the effect of that — it certainly had an impact on what we could achieve in the agency — we are in the process of filling a number of critical priority posts in which I simply feel that I need to have professional, qualified staff. That will be critical, I think, to the delivery of some of our key objectives.

In the agency, the resource efficiency division has broad-ranging responsibilities for the regulation of activities relating to waste, water and industry, while the natural environment division is responsible for the designation and protection of habitats and species. Our key goal is to protect the environment and, when possible, enhance it. I think that the Committee will agree that a healthy environment is essential for a strong economy and our health and well-being.

The agency is, of course, part of DAERA, whose strategic vision is a thriving and sustainable environment and rural economy. The NIEA business plan contributes to that vision and the strategic priorities of the Department through a broad range of commitments and activities, working with colleagues in other parts of the Department or, indeed, with other Departments to secure the best environmental and economic outcomes. That work is also reflected in our input to the Programme for Government (PFG). Our work will contribute to PFG outcome 2, which we discussed last week:

*"We live and work sustainably — protecting the environment".*

In turn, the main body of our work delivers the second DAERA strategic outcome, which is a clean and healthy environment, benefiting people, nature and the economy. Our work also contributes to the Department's other key strategic outcomes.

We propose to achieve our objectives through the delivery of five key operational outcomes. Those are to have a fully compliant, regulated industry, which we talked a bit about today; freshwater and marine environment at "good status"; a complaint and crime-free waste sector; good habitat and landscape quality with species abundance and diversity; and the promotion of environmentally sustainable development and infrastructure. To deliver those five key outcomes, we have developed 26 targets, which are included in the business plan. Eight of those targets have been deemed ministerial key performance targets, which are reported in the agency's annual report and accounts and are validated by the Department's internal audit unit.

We are now six months into the new Department of Agriculture, Environment and Rural Affairs, and, for me, it is already evident that the agency is making a strong contribution to the work of the new Department. The development of the new environmental farming scheme is now well advanced, and NIEA colleagues have made a valuable contribution to scheme design and to the plans for monitoring and evaluation. We have also worked closely with DAERA colleagues on the farm business improvement scheme and the preparation of scheme literature and guidance, and we are working closely with the College of Agriculture, Food and Rural Enterprise (CAFRE) on a new model for the delivery of environmental information and guidance. At this stage, six months in, I am pretty pleased with the level of integration that I am beginning to see in the Department and with the agency and how the agency contributes to the Department's work.

On the budget and, more importantly, affordability, the budget figures shown at annex C of the plan reflect the agency's opening position for the current financial year. However, as the agency secured additional funding through the first two in-year monitoring rounds, that has increased the resource budget available by £3 million from nearly £20 million to £23 million and the capital budget by £1.4 million up to £2.66 million. Those increased budgets will allow the agency to progress the targets set out in the business plan for this year. For next year's budget, the Chancellor's autumn statement is a key milestone. That was announced yesterday and will have given more clarity on the Budget available for the Executive. We will not know the implications of the Budget announcement for DAERA and, therefore, for my agency until the Budget is agreed by the Executive and presented to the Assembly, hopefully next month or possibly early January.

The Committee heard this morning about the challenge of waste crime in Northern Ireland, and, in the business plan, we have set specific targets on how we deal with waste crime, help to reduce illegal activity and ensure that those responsible for criminal behaviour in the waste sector are prosecuted.

Finally, the business plan provides a snapshot of the wide range of activities undertaken by staff across the agency. The plan includes challenging targets. In preparing the plan, we have sought to balance resources with an appropriate level of ambition to ensure not only that the targets can be met but that the broader outcomes at departmental and government level through the PFG can also be achieved. That is all I want to say as an introduction, which was just to set the context for the business plan. We are happy to take questions.

**Mr Irwin:** The NIEA recommends discussions with the Ulster Farmers' Union to develop a memorandum of understanding (MOU) to ensure environmental compliance through the provision of advice and guidance. I welcome that. I declare an interest as a farmer. It is important that the NIEA

works with farmers and that we get the best results by doing that, and that is the way to get the best results. I believe that most farmers want to try to look after the environment. There will always be those who do not, and they have to be dealt with. I welcome the fact that, on the face of it, you will try to work more closely with farmers on these issues.

**Mr Small:** It is an issue that was obvious to me when I arrived in the agency, and we had early meetings with the Ulster Farmers' Union. There had been attempts in the previous period to develop a stronger relationship in the form of a memorandum of understanding. There was a lot of good progress and good work on that. Towards its final stages, one or two issues that became difficult in the MOU meant that we could not conclude the work. I will try to resurrect that process of discussion. There is definitely an appetite in the UFU at the most senior level to strengthen the relationship with the agency and to work better in partnership and more collaboratively. Like you, William, I welcome that opportunity. That process of discussion is continuing. We are also reviewing the one or two areas that became difficult to see whether we can deliver a bit more on those issues. There was a lot of other good stuff in the MOU that, I think, is still valuable and would be good to have in place to strengthen the relationship and how we work with the industry.

I agree with you that, by and large, farmers want to do their best for the environment. There will always be one or two who do not, and we want to get into a position where we are helping those who want to do well. We will enforce and prosecute when it has to be done, but I would far rather focus attention on that early stage of guidance and help to avoid environmental damage being done in the first place and to avoid breaches and non-compliances. That is a better way of working, but there will still be occasions when we have to meet our obligations under cross-compliance and under regulation.

**The Chairperson (Ms Dillon):** Following on from what William said — Edwin has raised this on numerous occasions — some of the regulations are just not sensible.

**Mr Small:** Sorry, they are not?

**The Chairperson (Ms Dillon):** They are not sensible. They do not make sense. There is not enough environmental benefit to make it worthwhile for a farmer to do what he has to do in order to meet that. I know that a lot of it comes from Europe and is international and all the rest, but is stuff being implemented by the Department in a way that is not needed? Should we be looking to identify those things first? Maybe those are the kinds of conversations that need to be had with the UFU and even in conjunction with some Committee members. I am not saying at this stage that that is definitely the case, but Edwin has raised it a number of times, and, if he is raising it, people are obviously raising it with him. The answer might be, "Yes, it is needed and this is why", and that is fair enough, but I think that those issues need to be addressed. Maybe that is where we should start. I am not even looking for an answer to that; I am just saying that that is somewhere —

**Mr Small:** In principle, I agree. If there are areas where we feel that we have latitude and discretion, we should not be doing any more than we need to. A lot of what we do is governed by cross-compliance, and we do not create the cross-compliance rules, as you know: they come from Europe. Unfortunately, we have 40 years of European regulation and legislation to comply with.

One of the things that we will do under our Brexit work is to review the body of legislation and regulation under which we have had to operate to look for opportunities where it can be done better. Even in that context, if there are areas where I can apply more discretion and have more latitude in how we deliver our business, I am happy to do that. Our goal is to improve and protect the environment. As long as we can continue to do that, I am happy to look for areas of latitude where that is possible.

**Ms Archibald:** To emphasise that, I think that it would be very beneficial to have that MOU in place. The benefit of having environment and agriculture together in the Department is that they can look more towards compliance rather than enforcement of those arrangements.

I want to touch on the marine and freshwater outcomes. Does the NIEA lead on any pollution event? How is that working with the agencies that are involved in managing that? Who is responsible? How is that process working?

**Mr Small:** A couple of organisations have responsibility. The NIEA has some responsibilities, and we will be out on-site at a pollution incident or a fish kill, examining the cause and determining what action is needed. The Loughs Agency will also have some responsibilities. Our inland fisheries colleagues

in the wider Department will normally be on-site with us. A number of areas in the Department and agencies have responsibilities in those cases. There have been a couple of quite significant fish kills recently. Both those cases were more industrial-based than farming-related, so it is an ongoing issue for us. It is pretty sad to go on-site and see thousands of fish floating dead on a river. We certainly do not want to see that. We will work with businesses that are involved and the farming industry when it happens to be an agriculture issue. Part of our focus is on enhancing understanding and the ability of an industry, a business or a farmer to operate in an environmentally safe way. When we have to, we will take enforcement actions and prosecutions when that is necessary under the legislation, but a number of organisations are involved.

**Ms Archibald:** Do you think that the procedures are working well?

**Mr Small:** I think so, yes. The one area where we would like to do a bit more is on advocacy, where we work with the industry and with farmers. The Minister has asked me to set up a stronger model for getting environmental guidance and information out to farmers and the wider industry. We are trying to do that at the minute. We are developing a better way to do that and trying to work in partnership with CAFRE, which already has good systems in place on how it gets information out to industry, and we are trying to finalise our approach to that. However, the outcome, I would like to think, will allow us as an agency to do a bit more to help by getting guidance, information and advice out to industry and farmers.

**The Chairperson (Ms Dillon):** David and Harold are next on the list. Please make your questions and responses as brief as possible. Apologies: we are trying to wrapped up for 12.30 pm.

**Mr Ford:** Thanks, Chair. I welcome your comments, David, about the integration of the two aspects of the new Department. You have some fairly challenging targets. How are things going on the budget and on the 90% responses to planning consultation exercises? Given what we hear from councils about things not being done by consultees, is 90% good enough, and are we meeting it?

**Mr Small:** We set ourselves a target of 90% this year. We are meeting that target at the moment. If I can increase it, I will do so. We started in April, and even if I were to increase the target at this point in the year, it would probably not be possible to get beyond 90% because of the position we have reached now. I will look at the target again for next year; the Minister has asked me to do that. The Minister also raised an issue with the 90%. We are achieving the target, and I will look next year at whether we can enhance it.

As in every Department and every part of this Department, there are budget constraints. At the moment, I am satisfied that we have the budget to deliver the plan this year. The budget for next year is still a bit uncertain. We anticipate some reduction, but we do not yet know what that might look like. Again, there is more uncertainty over the budget outlook in the years ahead. I would far rather have more certainty on the budget going into the next two- or three-year period, but I have to deal with what we have. I am satisfied for this year and a bit unclear about next year.

**Mr McKee:** On the rolling out of the areas of special scientific interest (ASSIs) to March 2017, what groundwork have you done on the farmers or landowners who are interested in having their land designated? Those who do not want ASSIs can make it very difficult. To my knowledge, there are more ASSIs in Northern Ireland, proportionate to its size, than in any other area of the United Kingdom. Is there really a need to roll out any more ASSIs?

**Mr Small:** The decision to designate is based on a site assessment of the habitat and species and quality issues. I will let Helen pick up some of the detail, but we do offer support. The decision to designate is based not so much on whether a farmer or landowner wants that but on the quality of the site and its special features.

**Ms Helen Anderson (Department of Agriculture, Environment and Rural Affairs):** The number of ASSIs can be a wee bit misleading because some are only half a hectare and others, as you know, are very large. Some 80% of Northern Ireland is agricultural land and about 7% is a designated site. That is a lower percentage of land coverage than across the rest of the UK. Your point is about the number of sites, and I do not have the figures for that, but certainly the area of coverage is lower.

Over the previous Programme for Government period, a lot of emphasis was put on the designation of additional sites. While there is probably still a need to designate more — the Department will continue

to look at that — the focus has changed towards improving the management of sites. Historically, there have been difficulties with the creation and designation of ASSIs and concerns by farmers and landowners that, once the sites were designated, there was not the support, either verbal or financial, to enable them to manage the systems properly.

We were working very hard even before the DOE joined DARD to make DAERA, and, since then, we have been working even harder to ensure that schemes and mechanisms coming forward are designed to deliver against sustainable agriculture. As David said, we have worked very hard across DAERA on the new environmental farming scheme, and, under the higher aspect of the scheme, moneys will be targeted towards designated sites. As well as that, through INTERREG Va, which is part of the regional development fund, over €12 million will be drawn down to deliver better management through the creation of better management and conservation plans and interventions on the ground. That is not a DAERA lead as such — the Special EU Programmes Body leads on that — but DAERA — it started out under the DOE and it is now DAERA — has been heavily involved in the design of that. That will bring moneys for programmes that will work with farmers to identify appropriate conservation measures and will be heavily influenced by farmers who own the land and have been great custodians of it for years. You made the point, and, if farmers and their ancestors had not looked after the land, it would not be there now for us to value.

We have listened to comments over the years and are trying hard to make sure that the mechanisms to provide funding and assistance to work with farmers to decide what continues to be the best way for land to be funded, whether it is through, as it currently is, European moneys, such as the environmental farming scheme or the INTERREG Va programme, which, as I said, is over €12 million, or the Department's environment fund. There is also an additional pocket of money under the rural development programme that will be used to work with farmers to identify conservation measures on the ground.

There will be a continuing need for a small number of designations as we go forward, but we are trying hard to put mechanisms in place that will support farmers better. We are working to understand them and what will best deliver for the land and to provide funding from various sources to assist with interventions on the land.

**Mr McKee:** I think that David summed it up when he said that designations will take place irrespective of a farmer's objections.

**Ms H Anderson:** I can provide clarity on that. The way in which the legislation is worded means that the Department, when it believes that a geological or flora or fauna feature exists, has to designate. We try to work with farmers to make them aware of that. Once a designation is made, it can only not be followed through to confirmation for scientific reasons. We try to be careful not to designate land that we think is not up to the full requirements as set down against the features. In that respect, the Department and the Minister do not have any discretion other than whether the science is satisfied.

The big challenge for the Department and for us as officials is to work better with farmers. That point has been made over the years. It is about working better with farmers so that there is a better understanding of those things. That is an understanding on our part as well as on the part of farmers; I am not for one minute suggesting that we know more than farmers. We have designed schemes and worked with other funding organisations to make sure that there is a better way of working together whereby farmers get better support, such as verbal support and assistance. From the Department's point of view, it is about having two ears and one mouth. We need to listen a lot and talk only when it is appropriate.

I cannot stress enough the amount of money that will come down. There is £100 million through the environmental farming scheme, and, as I said, the higher tier of that will be targeted at designated sites, €12 million from the INTERREG Va programme and about £80 million or £90 million from the rural development programme to work with farmers on management plans. I think that you will see a different application of how we work with people who have designated sites going forward.

**Mr Small:** Harold, the point is, I think, that we need to work a bit more closely with individual landowners when a site is designated so that they understand the requirements, what it means and get a bit of support from the Department. Hopefully, they will get some of that support through the environmental farming scheme and other measures

**Mr S Anderson:** Helen, this is probably your area: what value do you put on our built heritage in Northern Ireland?

**Ms H Anderson:** On the built heritage remit, I used to work very closely with the historic environment division, as it was called, but it is now part of the Department for Communities. The creation of the new Department brought Agriculture and Environment together, but we did not want to lose the strong union that we had had with built heritage because we are conscious that built heritage sits in a natural setting and that visitors and people who live here experience both together. By coincidence, I came from a meeting yesterday at which Ministers Givan and McIlveen addressed the statutory advisory councils as part of the Future Places symposium, where we were looking at the built and the natural environment and at the value that they bring to Northern Ireland through health and well-being and through tourism. Great comments were made about the fact that Northern Ireland is now one of the best backdrops for television series such as 'Game of Thrones' and 'The Fall'. I hark back to the point that was made that 20 of our best sites have been backdrops to 'Game of Thrones'. We are working hard to make sure that the synergies and opportunities that are presented by looking at the built environment in association with the natural environment are still maximised, even though it is across two Departments. I know that that time is short, but, in the Programme for Government, there is an outcome for Northern Ireland being a place where people want to live, work and invest. That outcome acknowledges the natural and the built environment and their value to Northern Ireland. It illustrates the need to continue to deliver against both for health and well-being, the economy and sustainable agriculture.

**Mr Small:** The answer, Sydney, is that we place a lot of emphasis on the value of both the natural and the built environment.

**Mr S Anderson:** I have a reason to ask, and I know that natural heritage and built heritage sit in different Departments. Thatched cottages — bear with me, Chair — are becoming fewer and fewer. If one were in danger of being wiped out, what would your opinion be?

**Mr Small:** I think that that is now a responsibility for —

**Ms H Anderson:** That is the Department for Communities.

**Mr Small:** Our opinion would probably not matter that much, Sydney.

**Ms H Anderson:** It would not be appropriate for me to comment on that because it is not within the remit of our Department.

**Mr S Anderson:** I have been talking to the Department for Communities, but I wondered what your opinions were because the people who own some of our built heritage have been restricted in how they can move forward and maintain and keep the built heritage.

**Ms H Anderson:** We look at landscape, which is not only soil, grass and trees; landscape includes the buildings within that and the culture that is woven around it. It is very much a combination of the people and the place because our landscapes, to a large extent, have been altered by man over the years. It is about looking at that as a whole. It is about Departments working together going forward.

**The Chairperson (Ms Dillon):** Thank you very much for your presentation and for responding to members' questions.