

# ENVIRONMENTAL PROTECTION CONSULTATION

## Analysis of Responses

Prepared by Dr Liz Fawcett

Liz Fawcett Consulting



October 2004



**CONTENTS**

<b>Executive Summary</b>	page 2
--------------------------	--------

---

Introduction	page 3
--------------	--------

The respondents	page 4
-----------------	--------

The state of Northern Ireland’s environment	page 5
---	--------

Environmental governance – the issues	page 9
---------------------------------------	--------

Towards a solution: structural reform	page 15
---------------------------------------	---------

Is structural reform enough on its own?	page 22
---	---------

---

<b>Conclusions</b>	page 23
--------------------	---------

---

Appendix A: technical notes	page 25
-----------------------------	---------

Appendix B: breakdown of responses to Macrory Report options	page 26
--	---------

Appendix C: list of respondents	page 29
---------------------------------	---------

---

*This report was prepared for the Environmental Protection Consultation coalition of organisations by Dr Liz Fawcett. The analysis and conclusions are the author’s own.*

*Further detail on individual responses can be found on the Environmental Protection Consultation website: [www.epconsultni.org.uk](http://www.epconsultni.org.uk)*

## EXECUTIVE SUMMARY

This report provides a summary and analysis of the main points to arise from the responses submitted to the Environmental Protection Consultation. This consultation was based on a report by Professor Richard Macrory which outlined various options for reform of the structures through which Northern Ireland's environment is managed and protected. 106 responses were submitted to the consultation. These included responses from 42 non-governmental organisations, 39 individuals, 14 private sector companies and organisations, four political parties and three public sector organisations.

The environmental issues of greatest concern to respondents were nature conservation (51%), water quality (43%) and sewage (27%), excessive or inappropriate development (41%), and waste management (23%). Most respondents felt the government was responsible, in whole or in part, for the problems they perceived. The Department of the Environment (DOE) was the subject of most of the critical comments made by respondents.

There was a broad consensus on the factors which had led to the problems which concerned respondents. The three factors cited most frequently were: poor enforcement of policy and legislation, low priority given to the environment by the government and/or lack of resources, and inadequate deterrents for those in breach of environmental legislation. Most respondents (70%) also felt there was a lack of accountability on the part of those charged with protecting and regulating the environment in Northern Ireland, and that co-operation between the various relevant government departments and agencies could be more effective.

Nearly all respondents felt that some degree of structural reform of the present system was

necessary. One notable exception was the Ulster Farmers Union which felt the present system could be made to work more effectively without any reform of the existing structures. Most respondents regarded the independence of any new structures as the key element in ensuring that they were a success. In addition to wishing to see an independent authority tasked with environmental regulation, the majority of respondents supported the idea of an independent advocate for Northern Ireland's environment.

In his report, Professor Macrory outlined five options for improving the delivery of services which are currently the responsibility of the DOE's Environment and Heritage Service (EHS). These included no change of the existing structures. There was a clear preference amongst respondents for the creation of an Environment Authority, structured as a non-departmental public body, to take over delivery of the services currently provided by the EHS.

Views were more divided on the best way to improve auditing mechanisms for the delivery of environmental services. The most popular option was the establishment of a new Environment Audit Commissioner, but this option was only supported by just under half of all respondents. The second most popular option was the creation of a dedicated Environmental Unit or Commissioner within the Northern Ireland Audit Office. There was majority support for the creation of a cross-departmental Sustainable Development Assembly Committee.

Finally, respondents were asked for their view on ways of enhancing cross-departmental policy advice on the environment. The option favoured by most respondents was the establishment of an all-Ireland Commission on the Environment which would report to both the UK and Irish governments.

## INTRODUCTION

The Environmental Protection Consultation is the joint initiative of nine non-governmental bodies whose work focuses on matters connected with the environment, nature conservation and built heritage.<sup>1</sup> For many years, these organisations have voiced concerns about the protection of Northern Ireland's environment. All are convinced that new or reformed structures are needed to afford Northern Ireland's environment more effective protection.

The ongoing debate on these issues within the non-governmental organisation (NGO) environmental sector was brought into sharp relief by recent concerns over the implementation of European Union environmental legislation in Northern Ireland. Accordingly, early in 2003, these bodies joined together to investigate, analyse and consult on options for structural reform of environmental protection.

They commissioned Professor Richard Macrory, a leading international scholar in environmental law at University College, London, to undertake a detailed analysis of the range of structures available for managing and protecting the environment. His report *Transparency and Trust: Reshaping Environmental Governance in Northern Ireland* was published in April 2004.

Professor Macrory's report focused on three key aspects of environmental protection:

**Delivery arrangements** – the structures and nature of the governmental bodies responsible for delivering core environmental policy and ensuring that the requirements of environmental law are met

**Accountability mechanisms** – the means by which such bodies are held publicly accountable for their actions and performance

**Provision of policy advice** – the arrangements by which government obtains independent policy advice on environmental matters

Professor Macrory outlined a range of possible options for reform under each of these headings, examining the potential benefits and disadvantages of each option. The findings from his report were used as the basis for a wide-ranging public consultation. A consultative conference was held in May 2004, and bilateral meetings were held with each of the main political parties, representatives from agriculture and industry, and the statutory bodies which advise the Department of the Environment (DOE).

However, the central element of the consultation was a questionnaire-based survey. Copies of the questionnaire, together with a copy of Professor Macrory's report, were sent to more than 1000 organisations and individuals across the public, private, voluntary and community sectors. Responses were received from 106 organisations and individuals. This report provides a summary and analysis of these responses.<sup>2</sup>

## THE RESPONDENTS

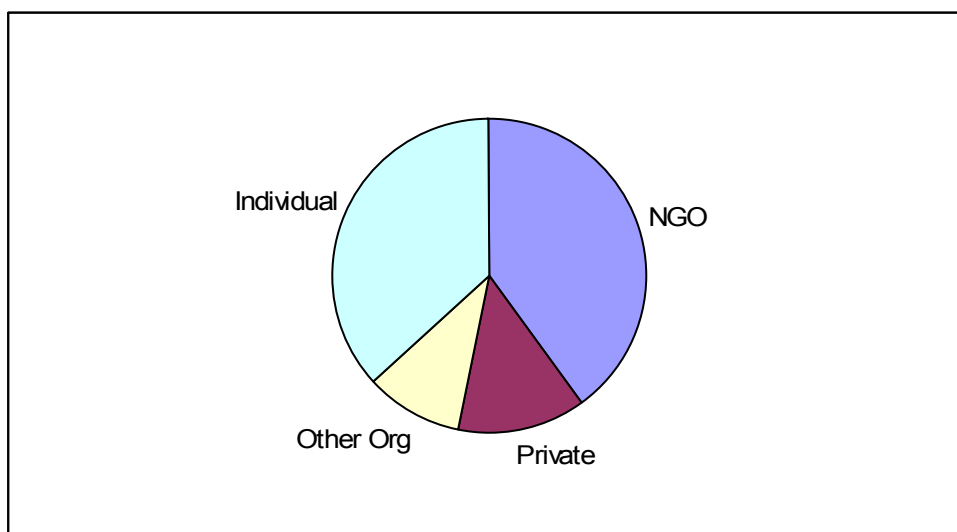
There were 67 responses from organisations and 39 responses from individuals. Most of the organisational responses came from NGOs (42). These included responses from two umbrella bodies – the Northern Ireland Council for Voluntary Action and Northern Ireland Environment Link. There were 23 submissions from groups concerned with the environment, nature conservation and/or built heritage. There were 11 from angling clubs and 5 from residents' groups.

14 responses were received from the private sector and just three from the public sector. Four political parties – the Alliance Party, the Green Party Northern Ireland, the Social Democratic and Labour Party (SDLP) and the Ulster Unionist Party (UUP) - and three professional association/trade union bodies responded.<sup>3</sup> The private sector submissions included a response

from the Quarry Products Association (Northern Ireland), a body representing quarrying companies, and a brief response from the Ulster Farmers' Union. Private sector respondents were not asked to state what type of business they represented, but it appeared that only a few responses were from companies likely to be subject to some form of environmental regulation.

Responses from three sectors – the private sector, environmental NGOs and angling groups – were analysed to determine whether or not they differed markedly from the overall pattern of responses. In general, there was no marked difference. The views of the private sector did differ somewhat with regard to two questions and these differences have been noted in the body of the report below.<sup>4</sup>

Figure 1. Respondents



## THE STATE OF NORTHERN IRELAND'S ENVIRONMENT

*Do you know of examples where, in your view, the Northern Ireland environment has not been or is not being adequately protected?*

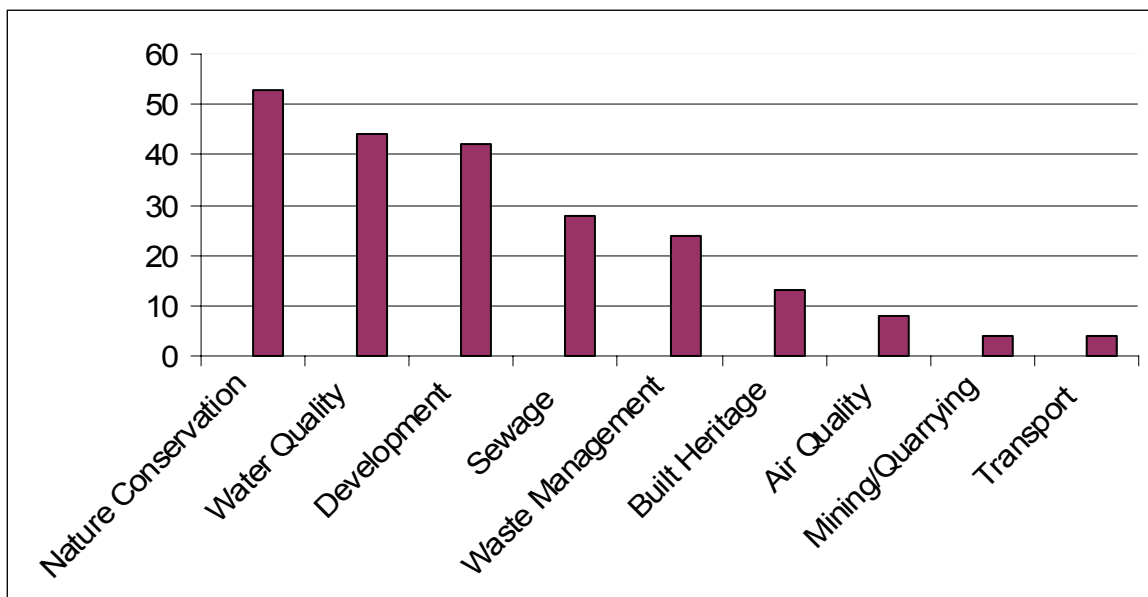
Most respondents had concerns about the state of Northern Ireland's environment; 94 said they knew of examples where the region's environment had not been or was not being adequately protected.<sup>5</sup> The biggest area of concern was nature conservation; 53 respondents cited examples connected with Northern Ireland's natural heritage. The next two most common issues of concern were water quality, and excessive or inappropriate development. Sewage and waste management also featured fairly high on the list of cited problems. There was less concern about some other issues which have attracted national and local publicity over the last few years: air quality, built heritage, mining and quarrying, and transport. In the main, respondents cited tangible problems which were affecting them or people they represented.

### Natural heritage

A cornerstone of the UK government's approach to nature conservation has been the designation and special protection of the most important wildlife and geological sites. In England, there are some 4,000 Sites of Special Scientific Interest, covering around 7% of the country's land area.<sup>6</sup> In Northern Ireland, the equivalent designation is Area of Special Scientific Interest (ASSI). There are currently 212 ASSIs in Northern Ireland, covering 6.5% of the territory's land area.<sup>7</sup>

However, the DOE's Environment and Heritage Service (EHS) acknowledges that, given the natural conservation features of Northern Ireland, around 10% of the territory's land mass should be covered by ASSIs.<sup>8</sup> Certainly, many respondents were exasperated with what they saw as the lack of progress in both the designation and actual protection of ASSIs. One major organisation which expressed concern

Figure 2. Environmental concerns



## THE STATE OF NORTHERN IRELAND'S ENVIRONMENT

was the Royal Society for the Protection of Birds (RSPB):

*We have ... grave concerns that these delays in the declaration, management and monitoring processes [for ASSIs] are seriously compromising the conservation of species and habitats in Northern Ireland and that many existing or non-declared yet qualifying sites may be being damaged without statutory protection and enforcement.*

The RSPB was particularly concerned by the government's lack of 'a targeted, time-bound and costed framework for future action' on ASSIs. As an example, it cited the fact that no ASSI has been declared for Northern Ireland's hen harrier population which consists of no more than 30 or 40 pairs, making it one of the rarest breeding birds in the country.

The WWF Northern Ireland (WWFNI) also expressed concern about lack of progress on the designation of Special Areas of Conservation (SACs). The European Union's Habitats Directive requires member states to designate such sites, which are designed to protect some of the most seriously threatened habitats and species in Europe. So far, 51 sites in Northern Ireland have been nominated by the government for this status.<sup>9</sup> All have already been designated ASSIs.

According to the WWFNI, the UK government had been told three times by the European Commission that it needed to designate more SACs in Northern Ireland in order to comply with the directive. The WWFNI asserted that, in July 2003, the EC told the government that it had not proposed enough SACs for Atlantic salmon in

Northern Ireland. Yet, a year later, no further SAC for Atlantic salmon in Northern Ireland had been proposed by the government.

One site with candidate SAC and ASSI status is Strangford Lough. The Lough was cited by several respondents as an example of inadequate environmental protection on the part of the government. The main concern surrounded the decline in the population of horse mussels. These are bivalve molluscs which, in Strangford Lough, form biogenic reefs. The National Trust said that it had expressed concern to the government about the decline over a ten year period. It had urged the government to initiate a moratorium on trawling and dredging in the Lough, based on the likelihood that this was one of the major factors behind the drop in numbers. This was only done in December 2003. The Trust comments:

*Given that Strangford Lough is a Special Area of Conservation and a UK Marine Nature Reserve, the precautionary principle should have been applied, and action taken at a much earlier date. This failure to apply the precautionary principle is a clear example of the failure to place a sufficiently high priority on the protection of the environment.*

A number of respondents were also concerned about the adequacy of protection for trees in Northern Ireland. Northern Ireland has one of the lowest proportions of woodland in the European Union; just 6% of its land is covered by woodland, compared to an average of 31% in the EU.<sup>10</sup> One example cited by respondents was Prehen Wood, on the east banks of the

## THE STATE OF NORTHERN IRELAND'S ENVIRONMENT

River Foyle, near Londonderry. This rare ancient woodland is rich in plant and animal life, and was recently acquired by the Woodland Trust. Respondents voiced concern about inappropriate development in and around the Wood, and about the felling of trees in the area, prior to the Trust's acquisition. 'EHS did not support genuine objectors' commented the Prehen Historical and Environmental Society. However, the EHS did help to fund the Trust's purchase of the Wood which should secure its future as a valued habitat.

### Water quality and sewage

Many respondents painted a grim picture of polluted rivers and untreated sewage flowing into the sea around Northern Ireland. It was alleged that untreated sewage was being discharged into the sea at Bangor, Donaghadee, Larne, Portballintrae and Portrush. It was also asserted that many waterways, including the River Lagan, were polluted by septic tank overflows and farm effluent.

Particular anger was directed at a former Environment Minister, Dermott Nesbitt. While in this post in October 2002, Mr Nesbitt ordered the EHS to stop its practice of formally objecting to planning applications for new housing where the existing sewage infrastructure would fail to meet legal standards if the proposed development went ahead. Mr Nesbitt did state that EHS would continue to 'alert the Planning Service to the environmental issues'.<sup>11</sup>

### Excessive and inappropriate development

Excessive or inappropriate development was another major concern. One issue mentioned by many respondents was the nature of developments which were being permitted in coastal towns and settlements. Portballintrae was mentioned by a few respondents. One said that apartment-building had turned it into a 'ghost town'. One respondent, Professor Julian Orford, also expressed concern about the development of golf courses in sand dune areas: '[This] threatens dune-beach sediment exchanges that will be called upon by future sea-level rises'.

Some respondents also voiced the view that inappropriate development was ruining the countryside. One respondent commented that there were now 'houses splattered all over the landscape – worst of all within the area to be the Mourne National Park.' Another spoke of 'unsustainable development' around Strangford Lough. The Belfast Metropolitan Residents' Group also expressed concern about excessive greenfield development in the greater Belfast area.

Concern was also voiced about damage to Northern Ireland's built heritage. The Ulster Architectural Heritage Society said it was particularly worried about the demolition 'without consent or enforcement' of listed buildings and of buildings in conservation areas. The Society also said valuable architectural

## THE STATE OF NORTHERN IRELAND'S ENVIRONMENT

details of buildings in conservation areas were being eroded. Another respondent alleged that many valuable old buildings in Londonderry were being 'systematically neglected and subsequently demolished.'

### **Waste management**

While a number of issues were raised which related to waste management, many were incensed by what they alleged was widespread illegal dumping of waste, including the creation

and operation of unregistered landfill sites. As the Alliance Party stated:

*The issue is not one of occasional fly-tipping, but the systematic and organised creation of illegal landfills, receiving tons of rubbish.*

A number of respondents also claimed that rubbish was being taken across the border from the Republic of Ireland and dumped illegally in Northern Ireland. Among those who made this assertion was the Technical Advisers' Group (formerly the Association of Chief Technical Officers).

## ENVIRONMENTAL GOVERNANCE—THE ISSUES

*How satisfied are you with Government's work in protecting Northern Ireland's environment?*

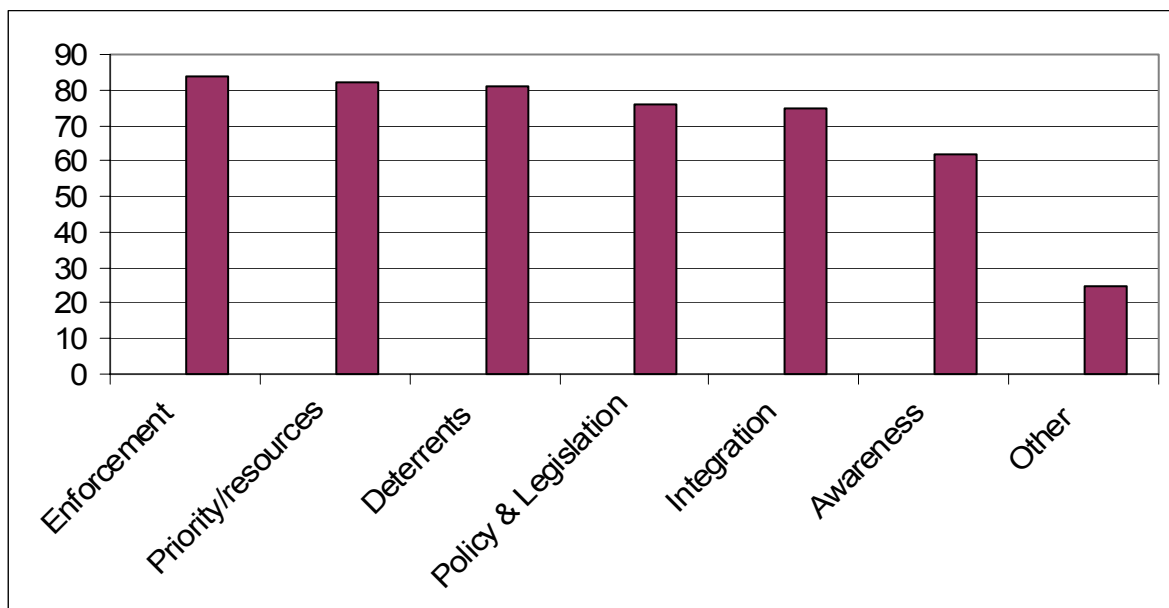
*To what do you attribute the problems you have identified?*

Most respondents blamed the government, in whole or in part, for the problems they perceived. In response to the first of the above questions, 90 expressed dissatisfaction, with 48 saying they were 'dissatisfied' and 42 'very dissatisfied'. Just three said they were 'satisfied' and none said they were 'very satisfied'.

There was a broad consensus on the factors which had led to the problems which concerned them. Most respondents felt that most of the possible factors listed in the questionnaire were,

at least in part, responsible. The three factors selected most frequently were: 'poor enforcement of policy and legislation', 'low priority given to the environment by the government and/or lack of resources', and 'inadequate deterrents for those in breach of environmental legislation'. The next most commonly selected options were 'weak policy and legislation', and 'lack of integration across Government policies.' There was somewhat less support for the suggestion that low public awareness of environmental issues was a factor. Just 25 respondents cited other factors, suggesting that most people felt this list covered the main factors adequately. The additional factor most commonly cited was the fact that the existence of Crown Immunity meant the Water Service escaped prosecution for water pollution

Figure 3. Factors identified by respondents



## ENVIRONMENTAL GOVERNANCE—THE ISSUES

### Enforcement

The picture of the DOE painted by many respondents was of a department which was unwilling or unable to use the legal powers at its disposal to protect the environment. There was particular concern about the lack of enforcement of legislation and regulations with regard to planning applications and development, water pollution and illegal dumping of waste.

Many respondents felt there was a grave failure on the part of the DOE's Planning Service to properly enforce planning legislation and procedures. There were complaints that planning permission was granted when it should not have been, sometimes in retrospect after a building or development had gone up. There were also complaints that planning permission was breached. One respondent claimed that small voluntary groups were left to object to proposals over issues which planning officials should have spotted.

A number of respondents also blamed the government for allowing farmers and industrialists to get away with polluting watercourses. One respondent alleged that factory pollution had been 'swept under the carpet' in the past, simply because the company in question was receiving a government grant and providing jobs locally.

A number of respondents were clearly very frustrated with what they saw as the government's unwillingness to tackle the problem of illegal dumping of waste. The Ballycolin Residents Association said it had brought the problem to the attention of the relevant

authorities, but they had taken no action, simply saying that the waste had to go somewhere.

Another cause for concern was illegal quarrying operations. The Quarry Products Association (Northern Ireland) represents quarrying companies which, between them, account for 90% of Northern Ireland's aggregates output.<sup>12</sup> It commented that government departments had been very weak in taking the lead to protect legitimate businesses against competition from illegal operators. It also said there was a belief within the quarrying industry that, in order to reach enforcement targets, enforcement officials only targeted legitimate businesses 'where they know they will be welcomed with a cup of tea and not a baseball bat.'

A similar point was also made with regard more generally to enforcement by the Ulster Wildlife Trust:

*There are many instances where it seems there is rigorous pursuit of "easy targets" following breaches in regulation, whereas many persistent and "difficult" offenders are effectively ignored.*

A few respondents also suggested that there should be incentives for good practice, as well as fines for bad practice. One private sector respondent, a manufacturer, said he felt the application of European Union legislation to the manufacturing industry was over-zealous.

Another private sector respondent, who wished to remain anonymous and was from one of the industries regulated by the EHS, complained of excessive bureaucracy:

## ENVIRONMENTAL GOVERNANCE—THE ISSUES

*I have found E and H [EHS] to be too bureaucratic and hard to work with when trying to implement change for the better. They have too much of a civil service mentality in principle, and too much of a traffic warden perspective in application.*

### Prioritisation and resources

Many respondents felt that the government's failure to adequately enforce environmental legislation in Northern Ireland was due, at least in part, to a lack of sufficient resources. However, while this view was shared by the RSPB, it highlighted evidence which suggested that mismanagement of resources was partly to blame. Citing a report by the Northern Ireland Audit Office, the RSPB stated:

*In recognition of this under-funding [for EHS], the Natural Heritage unit of EHS was awarded an additional £2.64 million in 2001-02 for biodiversity and conservation work, including work on ASSIs, and the cost of five additional staff. By March 2002, however, only two of these specialist posts had been filled and they had been recruited internally. Of the 2001-02 allocation, £0.3 million was diverted to Built Heritage and £1.8 million surrendered unspent for reallocation to other departments. With the seemingly inappropriate management of funds that could have supported more rapid completion of the ASSI declaration process, we can only conclude that lack of resources is only partly responsible for such poor delivery by the Department of the Environment.*

### Policy and legislation

*How accountable do you feel are those involved in regulating and protecting Northern Ireland's environment?*

One of the most potentially valuable tools for Europe-wide environmental protection has been a series of European Union directives, covering many aspects of the environment. The failure of the government to transpose many of these directives into Northern Ireland law in a timely manner is highlighted in Professor Macrory's report. This problem was a key concern of the UK Environmental Law Association (UKELA), a professional association which represents environmental lawyers and academics throughout the UK. It acknowledged that the government had recently been engaged in a 'catching up' exercise, but said there still appeared to be no plans to implement some directives, such as a directive which deals with water pollution caused by detergents, and another on titanium oxide waste. It also pointed out that adequate enforcement and resources were vital if the new legislation necessitated by the EU directives was to be of any real value.

The UKELA was also among those respondents who highlighted the potentially grave financial consequences for Northern Ireland of the government's tardiness in transposing EU environmental legislation. A number of cases being taken to the European Court of Justice could result in the imposition of substantial fines. As a result of the arrangements between the devolved administrations and the Westminster government, the Treasury would be entitled to recoup the expenditure involved in meeting those fines from the Northern Ireland

## ENVIRONMENTAL GOVERNANCE—THE ISSUES

budget. This scenario was also one which concerned the Technical Advisers Group which said local authorities in Northern Ireland were worried that the government might try to recoup the money from their budgets.

### Accountability

*How satisfied are you with the co-operation between Government departments/agencies involved in environmental protection?*

A separate question was devoted to accountability and the responses to this question indicated that most respondents also felt this was an important factor. In response to this question, 72 respondents said they lacked accountability, with 27 selecting ‘very unaccountable’. Although this question did not specifically mention the government, it was clear from many of the additional comments provided that most respondents had the government in mind in answering this question. It should also be noted that some respondents seemed to misread the question as referring to their desired state of affairs, given the additional comments which they wrote. Thus, the total above almost certainly under-represents the actual number who were dissatisfied with the current level of accountability.

Many respondents expressed frustration with what they felt was the unwillingness of officials to take responsibility when contacted by organisations or members of the public. ‘When I bring an incident to somebody’s notice, you get shuffled from pillar to post’ was a typical comment. Another respondent, Anna Leech, said:

*There's no one person in a government department or agency who takes responsibility for pollution incidents. It's never clear what level of person you're speaking to on the phone and what degree of authority or responsibility they have.*

One private sector respondent, Paul Stewart of J. C. Stewart, commented:

*They are accountable to some extent in a lip service sort of way. As long as they can prove correct procedures were followed, the environmental consequences are irrelevant.*

Some of the bitterest comments came from those who had objected to the development proposals, referred to above, at Prehen Wood. One, Mary Taylor, a member of the Prehen Environmental and Historical Society, said:

*We were trying to protect an ancient woodland full of history and wildlife, and the rare and protected red squirrel. When it came to the crunch, ...EHS's experts sided with developers against us.*

*...You feel that it is a waste of time and effort, that the scales of justice are too heavily weighed against us from the very people you think are there to protect the environment and heritage - chiefly, EHS.*

Many felt that the level of accountability was lower under direct rule than it had been under devolved government. However, the general thrust of the comments made suggested that, for

## ENVIRONMENTAL GOVERNANCE—THE ISSUES

most respondents, the main source of frustration lay with the officials which the public and organisations dealt with on a day-to-day basis, rather than the particular political structures within which they were operating.

Private sector respondents were much less likely to be concerned about accountability; just 6 (43%) of the 14 private sector respondents selected ‘unaccountable’ or ‘very unaccountable’ in response to the relevant question. However, there were no comments among those who chose other responses elaborating on their views on this issue, with the exception of the comment relating to ‘lip service’ cited above.

### Intra-government co-ordination

*How satisfied are you with the co-operation between Government departments/agencies involved in environmental protection?*

Most respondents were also dissatisfied with the level of co-operation between the various government departments and agencies involved in environmental protection. In answer to the above question, 81 expressed dissatisfaction, with 36 saying they were very dissatisfied. Just two said they were satisfied. However, some respondents said they did not have enough information to make such a judgement. 13 selected ‘don’t know/no strong view’.

The WWFNI commented:

*There ... appears to be a tendency for government departments and/or agencies to develop what is often described as a*

*‘silo’ mentality whereby government departments and agencies tend to view their responsibilities in narrow terms and where co-operation between government departments and agencies is lacking.*

One example given by the WWFNI was a lack of co-operation between the Department for Agriculture and Rural Development (DARD) and the DOE over fisheries regulation and management in Strangford Lough. Another was the granting of planning permission by one section of the DOE – Planning Service - to a proposal to extend a runway at City of Derry Airport which would involve building out onto a site designated as a Special Protection Area by another arm of the DOE - the EHS.<sup>13</sup>

The Technical Advisers’ Group (TAG) made a detailed submission which outlined problems concerning the present approach towards waste management in Northern Ireland. Many of its points concerned a lack of integration in terms of policy and regulation. The TAG stated that there was a lack of coherence between the DOE’s different agencies, and between different pieces of legislation concerned with waste management. There were also problems because responsibility for regulation of waste lay with the EHS, while responsibility for the administration of waste management lay with local authorities. The TAG asserted that this split in responsibilities caused difficulties due to poor communication between the EHS and local authorities: ‘Neither party is aware of the actions the other is taking.’ Moreover, the role that local councils were supposed to play in terms of monitoring and enforcement was ‘vague’.

## ENVIRONMENTAL GOVERNANCE—THE ISSUES

The RSPB was among a number of respondents who believed that lack of integration of environmental objectives across government reflected the low priority given to the environment by the government in Northern Ireland:

*The structure and frameworks are not in place to enable [the integration of government objectives] to happen and many environmental objectives read as bolt-ons to the end of policies....*

*The RSPB is extremely concerned that there are no formal structures in place in order to facilitate effective cross-departmental working. The delivery of sustainable development and biodiversity objectives involve all government departments but are viewed as the remit of DOE and, within DOE, the responsibility of EHS. ...EHS is hampered by lack of capacity and resources and, as an agency within a government department, does not have the necessary power to ensure the compliance of other departments in delivering environmental benefits.*

The Society pointed out that, in its own Biodiversity Action Plan, the UK government had formally committed itself to ensuring that biodiversity objectives were taken into account when developing policies and programmes across government. The Society also lamented the lack of a Sustainable Development Strategy for Northern Ireland. (A UK Sustainable Development Strategy was published in 1999).

Some respondents also felt that environmental responsibilities were shared between too many government departments and agencies, leading to confusion both within and outside government. As the Belfast Metropolitan Residents' Group commented:

*The diagram in the Macrory Report [outlining relevant government and associated responsibilities] illustrates the hopelessly byzantine complexity of the present departmental responsibilities, making co-operation and co-ordination difficult even with the best of intentions.*

## TOWARDS A SOLUTION: STRUCTURAL REFORM

Almost all respondents felt that at least some degree of reform of the present system was necessary. In addition to the obvious environmental benefits which most respondents believed reform would bring, some other benefits were highlighted. The Just Say No to Lignite Campaign has succeeded in attracting cross-party support for its campaign to stop plans to burn and mine lignite outside Ballymoney. It commented:

*Environmental issues have a value-added component in Northern Ireland, serving two important goals at once - environmental protection and political co-operation.*

A few respondents also pointed out the tourism benefits that could flow from more effective management of Northern Ireland's environment. The WWFNI felt this potential benefit was being overlooked by decision-makers:

*The underpinning role that the environment and its landscape factors will play in attracting tourism, which is itself the great hope for future economic development, does not appear to be fully appreciated or properly managed.*

The Ulster Wildlife Trust commented:

*Tourism in Northern Ireland relies heavily on the quality of the environment, but there is no strategic drive to ensure that eco-tourism is developed and that environmental quality matches the expectations of visitors.*

Before examining in greater detail responses to the various options put forward in the Macrory

Report, it is important to note that not all respondents believed structural reform was necessary. One body which took this view was the Ulster Farmers' Union (UFU), Northern Ireland's largest farming organisation. It said it recognised that there were problems with the current operation of the DOE and its agencies. However, it believed the current system could be made to work more effectively:

*The UFU does not want to see the creation of further bodies, committees or agencies as we believe that there are already a large number of organisations in place which, if operating properly and communicating effectively, should be able to carry out satisfactorily the defined roles outlined in the Macrory report.*

### Independence

*Who do you feel should regulate the environment? For example, who should control factory pollution?*

*How important do you feel it is for the environment to have an independent advocate to promote its interests and provide policy advice?*

Most respondents regarded the independence of any new structures as the key element in ensuring that they were a success. This was reflected in both the options they picked for the relevant questions on the survey form, and in many of the additional comments which they made. In response to the question 'Who do you feel should regulate the environment?', 75 respondents supported 'an independent

## TOWARDS A SOLUTION: STRUCTURAL REFORM

authority’ as the best option, while 17 respondents selected ‘the government’. One private sector respondent chose ‘the factory (self-regulation)’. A few respondents selected more than one option on the basis that more than one sector or body should be responsible for regulation.<sup>14</sup>

Many respondents regarded the DOE and/or its agencies as being susceptible to undue influence from vested interests. Politicians, business and other government departments were the ‘interests’ most frequently cited in this regard. Friends of the Earth (Northern Ireland) cited a report by the Better Regulation Task Force, an independent body set up by the government to advise on regulation and enforcement.<sup>15</sup> The Task Force consulted with those subject to regulation by independent regulators in four different policy areas. It found that, while they all had complaints about their particular regulator, nearly all agreed that being regulated by an independent regulator was preferable to being regulated by a government department. They said the main benefits of independent regulation were:

- more consistency of decision making
- long term decisions rather than short term
- more transparency
- better accountability
- more trust between the regulated and the regulator
- freedom from political interference<sup>16</sup>

Friends of the Earth provided a list of other potential benefits. It said that the EHS was not able to take its own legal advice in instances such as the ministerial decision on planning applications and sewage infrastructure, referred to earlier. An independent body would be able to

seek its own legal advice. It also felt the creation of a new independent body was the only way to ensure that a positive and fearless culture prevailed among those charged with delivering the regulatory services currently provided by the EHS. Friends of the Earth was also one of a number of respondents which made the point that the creation of a new public body was the best way to restore the public’s diminished confidence in environmental regulation in Northern Ireland.

There was also considerable support for the idea of an independent advocate for Northern Ireland’s environment ‘to promote its interests and to provide policy advice’. 72 respondents said they felt it was ‘very important’ that this proposal should be implemented, while a further 16 said it was ‘important’.

### Mechanisms for delivery

Respondents were then asked to list their preferences as regards the actual options put forward by Professor Macrory in his report. Professor Macrory outlined five options as regards the mechanisms for delivery of services surrounding the EHS. These were:

**Option 1:** No change of EHS’s existing status as an Executive Agency within the DOE

**Option 2:** Abandon the EHS’s Executive Agency status and incorporate its functions fully within the DOE

**Option 3:** Create a new Environment Authority structured as a non-departmental public body

## TOWARDS A SOLUTION: STRUCTURAL REFORM

**Option 4:** Create a new Environment Authority structured as a non-ministerial government department

**Option 5:** Give local authorities prime responsibility for implementing environmental regulation, with EHS (or its replacement body) having enhanced supervisory powers

Option 3 – a non-departmental public body - attracted by far the most support, with 73 respondents rating it as their preferred option.<sup>17</sup> The next most popular option was Option 4 – a non-ministerial government department. However, it was the favoured option of just 12 respondents. Respondents were asked to rank each of the options, and Option 4 was chosen as second option by the highest number of respondents (54).

Again, the importance of independence was stressed by many of those respondents who chose the non-departmental public body option. A number felt that the Environment Agency for England and Wales, and the Scottish Environment Protection Agency provided good models. Some respondents stressed that such a body could only work effectively if it had sufficiently strong powers of enforcement, such as bringing court cases against polluters, and if it was given the resources to do the job properly. Some also emphasised the importance of transparency, accountability and accessibility to the public. The National Trust felt that a non-departmental public body would be able to develop a longer-term perspective, and would have greater freedom to engage in public debate.

A few respondents were unhappy that the options put forward by Professor Macrory related

to ‘delivery mechanisms surrounding Environment and Heritage Service’.<sup>18</sup> One, Deidre Sherlock, commented:

*It would be important to include planning decisions within the new Authority, as pollution sources or environmental damage could be foreseen and avoided, rather than reacted to later.*

A similar point was also made by the Ulster Architectural Heritage Society which said the question should have included Planning Service, as well as EHS, given the former’s responsibility for environmental management. Another respondent, Geraint Ellis, said planning must be part of the remit of the new body to help ensure the public was aware of its existence:

*[Planning regulation] not only has a fundamental impact on environmental quality, but is often the most direct way the public experience environmental policy.*

There was hardly any debate about the relative merits of Options 3 and 4 – non-departmental public body versus non-ministerial government department. Only one respondent which gave its first preference to Option 4, the Alliance Party, explained its choice:

*Our reason for preferring [Option 4] over [Option 3] is that the former provides a stronger voice of independence and possibility of gaining greater public trust. Public confidence in Northern Ireland in regard to environmental protection is so low, that this exceptional model is justified.*

## TOWARDS A SOLUTION: STRUCTURAL REFORM

The Alliance Party also felt that a non-ministerial government department provided greater scope to provide advice and influence the policies of departments other than the DOE.

Just four respondents selected Option 5 – giving local authorities prime responsibility for environmental regulation – as their first choice. A further 11 respondents put it as their second preference. While a few respondents mentioned potential benefits, such as providing a greater sense of local involvement in environmental regulation, most of those who commented on this option saw great drawbacks. A number of respondents felt that local authorities lacked the skills and capacity to carry out such a function effectively. A few felt that councillors or officials might be more susceptible to undue influence at local level.

Most of the 14 private sector respondents favoured either a non-departmental public body (5) or a non-ministerial government department (4). Four private sector respondents did not express a view on this issue, while one favoured giving local authorities prime responsibility for environmental legislation.

### Mechanisms for accountability

Opinions were more divided over the mechanisms that should be put in place to ensure greater accountability of those charged with delivering environmental services. Respondents were asked whether they supported the idea of a new cross-departmental Sustainable Development Assembly Committee. This proposal was favoured by more than two-thirds (69%) of the respondents for whom a response was available on this question.<sup>19</sup>

Of the four political parties which responded to the consultation, the proposal was favoured by the Alliance Party and the Green Party NI. It was opposed by the Ulster Unionist Party which favoured enhancing the powers of the Environment Committee, together with a ‘mainstreaming’ of environmental objectives in other government departments. The SDLP did not express a view on this issue.

Respondents provided very few comments on this question, possibly because they were not asked specifically to do so. However, the RSPB made the point that a cross-departmental committee could help address one potential problem posed by the creation of a non-departmental public body – namely, a lack of direct political accountability. The RSPB also felt such a committee could help to promote a ‘sustainable development culture’ across government.

Respondents were asked to rank three options for improved auditing mechanisms for the delivery of environmental services. These were:

**Option 1:** Establish a new Environment Audit Commissioner

**Option 2:** Strengthen environmental capacity within the Northern Ireland Audit Office (NIAO)

**Option 3:** Create a dedicated Environmental Unit/Commissioner within the NIAO

The most popular option was Option 1 – the establishment of a new Environment Audit Commissioner.<sup>20</sup> This option was selected as first preference by 51 respondents. The second most popular option was Option 3 – the creation of a dedicated Environmental unit/Commissioner within the NIAO. This option was the first preference of 32 respondents.

## TOWARDS A SOLUTION: STRUCTURAL REFORM

One respondent, Neil Alldred, summed up the potential benefits of Option 1 as follows:

*A Commissioner would have resources and prestige that the other options would not be able to bring into play. The office of Commissioner has a track record in other sectors; it would greatly strengthen the environmental agenda.*

Another, the Belfast Metropolitan Residents' Group, commented:

*While the Northern Ireland Audit Office produces some hard-hitting reports, they seem often to result in little improvement in the departments or practices criticised. A dedicated Commissioner could try harder to ensure follow-ups.*

A few respondents also felt that the creation of a new environmental auditing body by the government would help to restore public confidence in environmental regulation. There was also concern that the NIAO was focused too much on financial auditing and would not give sufficient priority to environmental auditing.

Others felt Option 3 was more cost-effective than the creation of an entirely new body, and would enable the existing strengths of the NIAO to be built on. One respondent suggested the move would help develop 'joined-up thinking' in terms of auditing. The WWFNI said it would be good if the NIAO could investigate complaints by members of the public.

The Ulster Wildlife Trust observed that the need for a statutory mechanism for auditing would become much more important if a non-

departmental public body was created, as the function of holding such a body to account would rest much less clearly in the political realm.

### Provision of policy advice

Finally, respondents were asked to rank three options for improved cross-departmental policy advice on the environment. These were:

**Option 1:** Strengthen links with the Royal Commission on Environmental Pollution (RCEP)

**Option 2:** Establish a Northern Ireland Commission on the Environment

**Option 3:** Establish a Commission on the Environment for the island of Ireland reporting to both Governments

The most popular option was Option 3 – the establishment of an all-Ireland Commission.<sup>21</sup> This was the preferred option of 62 respondents. The most common reason given for favouring this option was the fact that environmental issues do not start or stop at territorial borders. Some respondents also felt there were particular problems which could be dealt with more effectively at an all-Ireland level, such as cross-border illegal dumping of waste. One respondent pointed out that an all-Ireland Commission would be able to access a greater range of experts and views than a Northern Ireland body.

The second most popular option was the creation of a Northern Ireland Commission. This was the first option of 20 respondents and the

## TOWARDS A SOLUTION: STRUCTURAL REFORM

second preference of 45 respondents. One respondent felt a local Commission could be more responsive and could act more quickly in response to the emergence of a new problem, whereas an all-Ireland body might get weighed down by bureaucracy, making it less flexible.

A few felt that this was a more practicable option than an all-Ireland body, given the current political environment in Northern Ireland. On the other hand, concern was also expressed about the expense of establishing such a body, and about the availability of the necessary expertise within Northern Ireland.

It was also pointed out that Option 1 did not preclude the others; links with the RCEP could still be strengthened even if a Northern Ireland Commission or an all-Ireland body was established. This ‘dual’ approach was favoured by the Alliance Party which wished to see a combination of the creation of an all-Ireland body, and strengthening of the links with RCEP.

The Alliance Party proposed that the relationship between the Northern Ireland Executive and the RCEP could be developed in a similar fashion to the link which had been created between the Scottish Executive and the Royal Commission; in such a case, the RCEP would be deemed to be a ‘cross-border public authority’, giving Northern Ireland Executive ministers the right to refer matters to the RCEP for suggested study. The Ulster Unionist Party favoured Option 1. It commented that Option 3 ‘completely ignores the British Isles context of the environmental problems we face’. The Green Party NI favoured an all-Ireland body, while the SDLP did not express a view on this issue.

Some reservations about Professor Macrory’s report were expressed by what are known as the

Statutory Advisory Councils (SACs), each of which has a statutory advisory role covering a particular area of the DOE’s work.<sup>22</sup> These are the Historic Monuments Council, the Historic Buildings Council, and the Council for Nature Conservation and the Countryside (CNCC). The Councils felt that Professor Macrory’s report could have provided a fuller picture as regards the current arrangements for the provision of advice to the government on environmental matters.

The Councils stated that Professor Macrory had been wrong to place the three Councils on an equal status with ‘ad hoc advisory and management committees’ when the SACs had a much more formal statutory role. They were referring to the diagram in Professor Macrory’s report which outlines the current arrangements for environmental governance in Northern Ireland.<sup>23</sup>

The Councils also felt that reference should have been made to the Joint Nature Conservation Committee (JNCC), a body which provides the government with advice on nature conservation matters relating to the whole of the UK. The JNCC’s website describes itself as:

*... the forum through which the three country conservation agencies - the Countryside Council for Wales, English Nature and Scottish Natural Heritage - deliver their statutory responsibilities for Great Britain as a whole, and internationally.<sup>24</sup>*

Although this wording does suggest a focus on Great Britain, the Committee does currently have two members from Northern Ireland, one from the EHS and one from the CNCC.

## IS STRUCTURAL REFORM ENOUGH ON ITS OWN?

The question of whether structural reform was enough on its own was not one addressed by most respondents, doubtless because it did not feature on the questionnaire. However, the Statutory Advisory Councils were among a few respondents who expressed the view that considerable cultural change was needed, in addition to any structural and legal reforms:

*The value of the environment needs to be championed within government and then through the NGOs to the hearts and minds of the people. Legal measures and legal processes along cannot deliver long term gain successfully. Successful conservation depends on a partnership approach between government and the people.*

This theme was echoed by the UKELA which said that both the government and the community at large were complacent about Northern Ireland's environmental problems, believing in a 'clean and green' image which was not justified by the facts. The Association asserted that there was low public awareness and concern about environmental matters in Northern Ireland, other than in terms of 'NIMBY' ('not in my back yard') issues:

*Greater resources need to be applied to communicating to the public new environmental laws and the implications of infringing them, and easier access made possible to information about environmental legislation generally. A new structure, culture and enhanced level of resources will contribute to the leadership needed to make this happen.*

A similar point was made by Northern Ireland Environment Link:

*It is .. essential that the environment be accorded higher priority at all levels of*

*government and by the public, that adequate resourcing for all aspects of environmental protection is provided, that the environment is integrated throughout the delivery of all government departments and agencies and local authorities, and that it is recognised by all (government, politicians, public) as the essential underpinning for the quality of life of all citizens.*

It may be recalled that, while 'low public awareness' was seen by most respondents as one of the factors behind Northern Ireland's environmental problems, it was seen as less of an issue than any of the other factors listed in the questionnaire. This does beg the question as to whether those who already possess a high level of awareness about environmental issues, as most respondents clearly did, overestimate the extent to which their awareness is shared by the general public.

It is perhaps worth noting the result of a survey of 1000 Northern Ireland households commissioned by the EHS in September 2003. This found that just 16% of the adults surveyed had heard of the word 'biodiversity', while only 10% had some understanding of what the term meant.<sup>25</sup>

A number of respondents did stress that any new body which was set up – whether its prime responsibility was regulation, auditing or the provision of advice – would need sufficient powers, resources and expertise in order to be effective. It should also be noted that there were a number of calls for the lifting of Water Service's Crown Immunity, and for the introduction of the right of appeal with regard to planning decisions by objectors to planning proposals.

## CONCLUSIONS

Many respondents warmly welcomed Professor Macrory's report and the initiative taken by the nine NGOs which have organised this consultation. There is no doubt that most of those who made the effort to respond to this consultation hope that tangible reforms will result from this exercise.

The key theme which underpinned most of the responses was the desirability of independence as regards any new structures. It should be borne in mind that this theme was present in the consultation questionnaire; two questions included the word 'independent', in one case as part of the main question and in another as one of the response options. However, the fact that so many comments emphasised the significance of this feature for any new arrangement is testimony to its importance in the minds of many respondents. Much of this feeling seems to arise from a belief that the present system is unduly influenced or restricted by a variety of interests, including government, politicians and business. There was also clearly some frustration that Northern Ireland was the only part of the United Kingdom and the island of Ireland without an independent environmental regulator.

While most respondents selected a non-departmental public body as the best option for a new delivery mechanism, there were few comments which elaborated on why respondents felt this was a better structure than a non-ministerial government department, the option which emerged as the most popular 'second preference' of respondents. It may be that further

debate could be initiated on this issue among interested parties. The results also suggest further dialogue would be useful as regards auditing options. Moreover, while a majority of respondents favoured an all-Ireland body for the provision of advice, there are obviously practical considerations and potential political sensitivities attached to such an initiative. Again, further discussion among interested parties would undoubtedly be beneficial.

This consultation marks an important first step for those who wish to see reform of the present structures for the delivery and monitoring of environmental protection. It is clear from the comments made by many respondents that they will be very disappointed if structural reform does not take place. Many undoubtedly believe that the consequences of continuing with the status quo could be very serious for Northern Ireland's environment and for its people.

The quantitative analysis of data was based on 103 responses, rather than the 106 submitted. Two were submitted too late to be included in the quantitative analysis. The author was asked to include on the database data from all written responses where a questionnaire had not been filled in, but where at least one question had been addressed in the response. In these cases, answers were recorded only where the respondent's comments made it explicit which option of those provided in the questionnaire the respondent would have chosen, or where it was completely clear from their comments which response the respondent would have chosen.

## APPENDIX A: TECHNICAL NOTES

The quantitative analysis of data was based on 103 responses, rather than the 106 submitted. Two were submitted too late to be included in the quantitative analysis. The author was asked to include on the database data from all written responses where a questionnaire had not been filled in, but where at least one question had been addressed in the response. In these cases, answers were recorded only where the respondent's comments made it explicit which option of those provided in the questionnaire the respondent would have chosen, or where it was completely clear from their comments which response the respondent would have chosen.

This criteria meant that data relating to at least one question could be included with regard to all

but one of the written responses. That response (from the Statutory Advisory Councils) could not therefore be included in the quantitative analysis. However, it should be emphasised that the qualitative data from the three 'missing' responses was taken fully into account in the preparation and writing of this report.

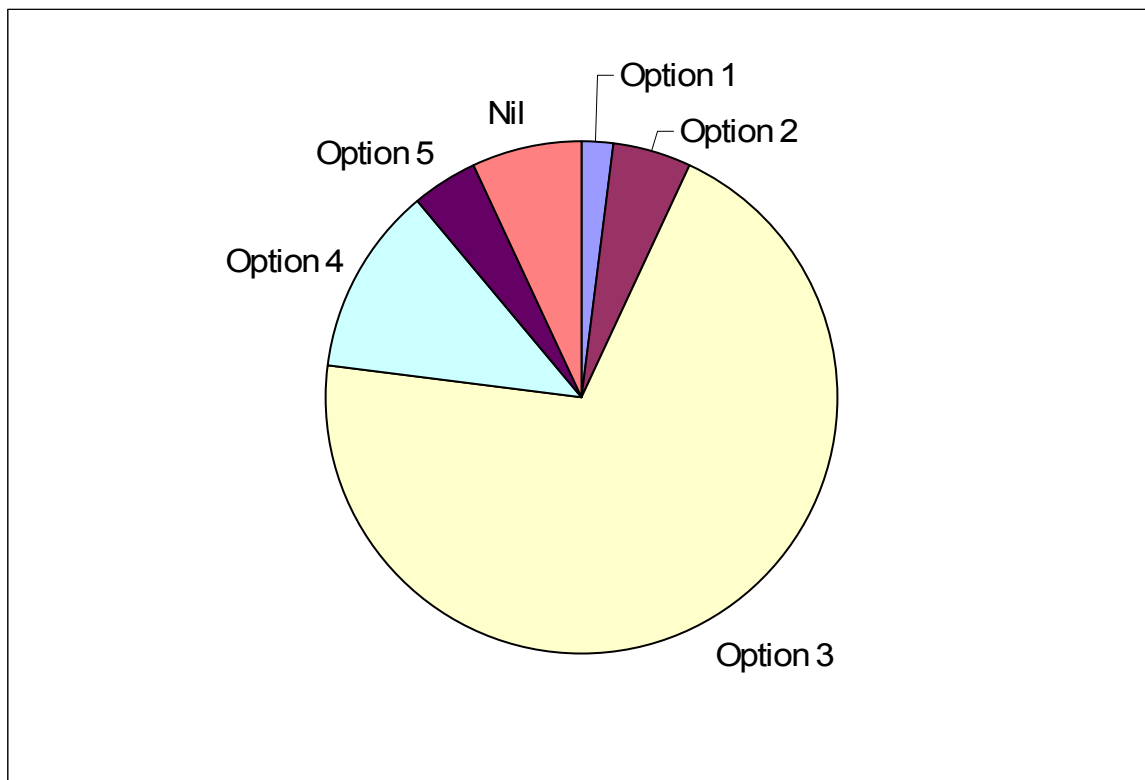
It should be noted that a small number of respondents appeared to have misread a particular question or questions, or to have selected an option in error. This was surmised from the fact that their comments did not match the option they selected. However, in the interests of fairness and objectivity, the options they selected were recorded on the database.

## APPENDIX B: RESPONSES TO MACRORY OPTIONS

Figures 4, 5 and 6 below provide a breakdown of the first preference options selected by respondents with regard to the questions relating to delivery arrangements for the services currently provided by the EHS, auditing mechanisms and the provision of policy advice.

### Delivery Arrangements

- Option 1:** No change of EHS’s existing status as an Executive Agency within the DOE
- Option 2:** Abandon the EHS’s Executive Agency status and incorporate its functions fully within the DOE
- Option 3:** Create a new Environment Authority structured as a non-departmental public body
- Option 4:** Create a new Environment Authority structured as a non-ministerial government department
- Option 5:** Give local authorities prime responsibility for implementing environmental regulation, with EHS (or its replacement body) having enhanced supervisory powers
- Nil:** No response



## APPENDIX B: RESPONSES TO MACRORY OPTIONS

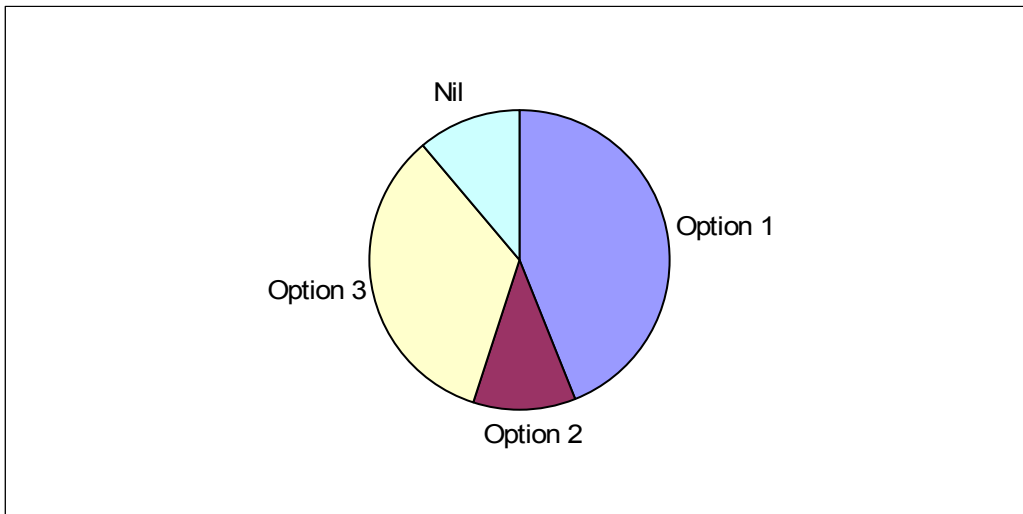
### Auditing Mechanisms

**Option 1:** Establish a new Environment Audit Commissioner

**Option 2:** Strengthen environmental capacity within the Northern Ireland Audit Office (NIAO)

**Option 3:** Create a dedicated Environmental Unit/Commissioner within the NIAO

**Nil:** No response



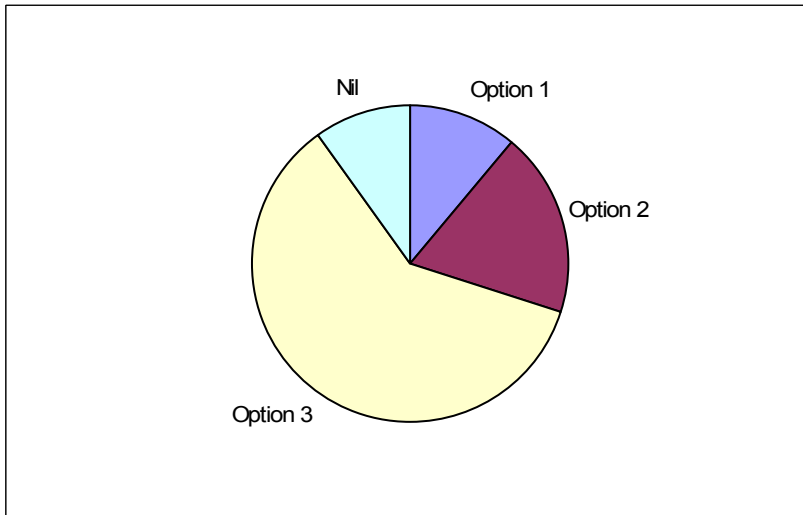
### Advisory Body

**Option 1:** Strengthen links with the Royal Commission on Environmental Pollution (RCEP)

**Option 2:** Establish a Northern Ireland Commission on the Environment

**Option 3:** Establish a Commission on the Environment for the island of Ireland reporting to both Governments

**Nil:** No response



## APPENDIX C: LIST OF RESPONDENTS

In addition to the respondents listed below, there were four submissions from respondents who did not reveal their identity, four from individuals who wished their responses to remain confidential and six from organisations which requested confidentiality.

### Organisations

Alliance Party  
 Antrim and District Angling Association  
 Ards Borough Council  
 Arena Network  
 Arts Council of Northern Ireland  
 B9 Energy Services  
 Ballycolin Residents Association  
 Bangor and Hollywood Town Centres Limited  
 Belfast Metropolitan Residents' Group  
 Black Mountain Environmental Group  
 Calcast Ltd.  
 Canavan Consulting  
 Castlerobin Residents  
 Colin Glen Trust  
 Comber Regeneration Ltd.  
 Democratic Dialogue  
 Enler Angling Club  
 Environmental Law Foundation  
 Friends of the Earth (Northern Ireland)  
 Bannside Friends of the Earth  
 Craigavon Friends of the Earth  
 Downpatrick Friends of the Earth  
 Green Action  
 Green Party Northern Ireland  
 Hollywood Flyfishers  
 Irish Hare Initiative  
 Iveagh Angling Club  
 Just Say No to Lignite Campaign  
 Killinchy Rural Preservation Group  
 Lagan Valley Permaculture  
 Moyola Angling Association  
 The National Trust  
 Newmills and District Angling Club  
 Newry and District Angling Association  
 North Down and Ards Council of Trades Unions  
 North Down Borough Council  
 Northern Ireland Council for Voluntary Action  
 Northern Ireland Environment Link  
 Portballintrae Residents' Association  
 Prehen Historical and Environmental Society  
 RPS Planning and Environment Ltd.  
 Randalstown Angling Club  
 Royal Society for the Protection of Birds  
 Quarry Products Association (Northern Ireland)  
 Shanes Castle Angling

Social Democratic and Labour Party  
 Squire's Hill Residents Association  
 Statutory Advisory Councils  
 J. C. Stewart Ltd.  
 Technical Advisers' Group  
 Three Mile Water Conservation and Angling Association  
 Tidy Northern Ireland  
 Tools for Solidarity  
 UK Environmental Law Association  
 Ulster Architectural Heritage Society  
 Ulster Farmers' Union  
 Ulster Society for the Protection of the Countryside  
 WWF Northern Ireland  
 Woodburn Game Anglers Association  
 Ulster Unionist Party  
 Ulster Wildlife Trust

### Individuals

Neil Alldred  
 Michael Benington  
 Brenda Campbell  
 Peter Christie  
 Sue Christie  
 John Cowdy  
 Patrick Cunningham  
 Geraint Ellis  
 Esther Greene  
 Jean Forbes  
 N Geddis  
 Peter Hirsch  
 Tom Jennings  
 Markus Karcher and Ellen Weaver  
 Nuala Kelso  
 Anna Leech  
 Patrick McAteer  
 Ken McGregor  
 Ted McHugh  
 Karen and Philippe Moison  
 Ian Murray  
 Professor Julian Orford  
 Karl Partridge  
 Noel Patterson  
 Marcus Patton  
 Joyce Rankin  
 Deidre Sherlock  
 Annie Stewart  
 Mary Taylor  
 Maria Woods  
 Tom Woolley

## NOTES

1. The organisations are as follows: Conservation Volunteers Northern Ireland, Friends of the Earth, Northern Ireland Environment Link, Royal Society for the Protection of Birds, The National Trust, Ulster Wildlife Trust, Wildfowl and Wetlands Trust, Woodland Trust, and WWF Northern Ireland.
2. See Appendix A for notes on the methodology adopted for the analysis of responses.
3. ‘Private sector’ includes responses from organisations representing private sector interests.
4. It should be noted that any analysis of this kind has limitations due to the small numbers of responses from each of these sectors. A difference was only regarded as ‘marked’ where there was a difference of 20% or more in the percentage response.
5. Throughout the text of this report, the statistical results of the consultation survey have been expressed as numbers only, without any percentage figure. This is because the total number of submissions included in the quantitative analysis – 103 – is so close to 100 that the actual number is always very close to the percentage figure, and it did not seem worthwhile stating it separately. There is an exception in the case of the results for one question – see footnote 17. Appendix A explains the slight discrepancy between the total number of actual submissions and the total number included in the quantitative analysis.
6. Information from English Nature’s website: [www.english-nature.org.uk/special/sss/](http://www.english-nature.org.uk/special/sss/)  
Information from Environment and Heritage Service, Department of the Environment Northern Ireland.
7. Environment and Heritage Service (2003) *A Forward Programme for the Declaration of Areas of Special Scientific Interest in Northern Ireland* (Belfast: EHS), p.35.
8. Information from the DOE’s Environment and Heritage website: [www.ehsni.gov.uk/natural/designated/spec\\_conserve.shtml](http://www.ehsni.gov.uk/natural/designated/spec_conserve.shtml)
10. Northern Ireland Biodiversity Group (2000) *Biodiversity in Northern Ireland: Recommendations to Government for a Biodiversity Strategy* (Norwich: The Stationery Office), p. 36.
11. Professor Richard Macrory (2004) *Transparency and Trust: Reshaping Environmental Governance in Northern Ireland* (London: Centre for Law and the Environment, University College, London), p. 15.
12. Aggregates are sand and gravel, crushed rock and other bulk materials used in the construction industry for purposes such as the making of concrete, mortar, asphalt or for roadstone, drainage or bulk filling.
13. Special Protection Areas are designed to offer protection to rare and vulnerable bird species, and regularly migrating species.
14. These responses were recorded as a nil response on the statistical database used for this report.
15. Better Regulation Task Force (2003) *Independent Regulators* (London: Cabinet Office). Available at: [www.brta.gov.uk/docs/pdf/betterregoct.pdf](http://www.brta.gov.uk/docs/pdf/betterregoct.pdf)

## NOTES

16, *ibid.*, p. 11.

17. See Figure 4, Appendix B for a full breakdown of all first preferences with regard to this question.

18. Macrory, *op. cit.*, p. 7.

19. A response for this question was not available for responses submitted via the web. The response to this question was inadvertently omitted by the company responsible for processing responses submitted via the web. This problem affected 23 responses.

20. See Figure 5, Appendix B for a full breakdown of all first preferences with regard to this question.

21. See Figure 6, Appendix B for a full breakdown of all first preferences with regard to this question.

22. In its response, the SAC stated that there was now formal recognition that the remit of the Council for Nature Conservation and Countryside also extended to the Department for Agriculture and Rural Development (DARD).

23. Macrory, *op. cit.*, p. 11.

24. From the JNCC's website:  
[www.jncc.gov.uk/management/committee/index.htm](http://www.jncc.gov.uk/management/committee/index.htm)

25. Annett, Judith A and Spouncer, Celia (2004) *A Framework for Biodiversity Publicity and Promotion in Northern Ireland: A Report Prepared for Environment and Heritage Service and the Northern Ireland Executive* (unpublished)



This paper analyses the responses provided to the consultation exercise carried out by a coalition of environmental organisations on environmental governance. The consultation questions were based on the report by Prof. Richard Macrory, *Transparency and Trust – Reshaping environmental governance in Northern Ireland*.

*We would like to sincerely thank all those groups and individuals who took the time to respond to this consultation exercise.*

***Coalition Members:***

**Conservation Volunteers Northern Ireland**

**Friends of the Earth**

**Northern Ireland Environment Link**

**Royal Society for the Protection of Birds**

**National Trust**

**Ulster Wildlife Trust**

**Wildfowl and Wetlands Trust**

**Woodland Trust**

**WWF Northern Ireland**