

Northern Ireland Affairs Committee

Oral evidence: [Future of the land border with the Republic of Ireland](#), HC 700

Wednesday 29 March 2017

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Members present: Mr Laurence Robertson (Chair); Mr Gregory Campbell; Lady Hermon; Danny Kinahan; Dr Alasdair McDonnell; Nigel Mills; Jim Shannon; Bob Stewart.

Questions 578 - 622

Witnesses

I. Patrick Casement, Chair, Northern Ireland Environment Link; Rebecca Hunter, Living Seas Manager, Ulster Wildlife; Victoria Magreehan, External Affairs Consultant, National Trust; John Martin, Conservation Team Leader for Land Use and Marine Policy, RSPBNI.

Examination of witnesses

Witnesses: Patrick Casement, Rebecca Hunter, Victoria Magreehan and John Martin.

Q578 **Chair:** Good morning. Thank you very much for joining us. As you know, we are looking into the land border and all issues relating to that following Brexit. Today is perhaps a good day to be holding such a discussion. You are very welcome. Can I invite you all to just briefly introduce yourselves and your organisations, and tell us briefly what they do and what they are concerned with?

Rebecca Hunter: Thank you very much for the opportunity to be here today. My name is Rebecca Hunter. I am the Living Seas Manager at Ulster Wildlife. Ulster Wildlife is the largest charity in Northern Ireland dedicated solely to nature conservation in Northern Ireland, and my role there is focused on marine biodiversity and marine conservation.

Patrick Casement: I am Patrick Casement. I am chair of Northern Ireland Environment Link, which is the representative body for environmental NGOs within Northern Ireland. We co-ordinate the activities of a wide range of NGOs. We have more than 70 full members, ranging from the national NGOs like the RSPB, the National Trust, and the Wildlife Trust, right down to small community groups who have an interest in the environment. We act as a focal point for their activity, and a means of transmitting the views and opinions of the environmental sector to the Government, to the Departments and so on, but also for receiving and acting as a co-ordination centre for their activities.

Victoria Magreehan: Hello. My name is Victoria Magreehan and I work for the National Trust in Northern Ireland. My role in the National Trust is in external affairs, which sees me advise on policy and, in particular, environmental matters. The National Trust is a large charity. Our role is to look after special places, forever, for everyone.

John Martin: My name is John Martin. I am the conservation team leader for the RSPB Northern Ireland. My role is based mostly around land use and marine policy, and ensuring that we give nature a home in Northern Ireland. The RSPB's aim is to give nature a home in the United Kingdom and her overseas territories.

Q579 **Chair:** Thank you very much. Mr Casement, you wanted to make an opening statement?

Patrick Casement: I just wanted to say a very few words. Thank you very much for your invitation and welcome this morning. We are very much aware that we are here at a very critical moment in the process of leaving the EU, as Article 50 is about to be triggered. As we are all very well aware, Northern Ireland is unique in the United Kingdom in sharing a



land and sea border with another European country. Our starting point is that we also share a lot more than just a border with that other European country, Ireland. We share an awful lot in environmental terms. The island of Ireland forms a single bio-geographic unit, and I think what that means is we have common seas and common fish stocks. We have common river catchments, with rivers flowing in both directions across the border. We have common flora and fauna, quite distinct from that in Great Britain, and these plants and animals do not recognise the border. We share a significant number of designated sites, protecting and conserving internationally important species and heritage.

As a result, leaving the EU and the subsequent possible existence of some sort of harder border raises questions of inconsistencies in protecting and managing our environment, and brings a whole new dimension to the concept of common standards. Our paper, which I hope you have had a chance to see, highlights some of the potential issues and also looks at some of the possible opportunities that the border raises, in the hope that we can help Government to achieve their ambition to leave the environment in a better state than they found it. We would like this to be the start of a constructive dialogue to that end.

As you will be aware from the introductions, the team here comprises skilled professionals, with a wide range of expertise. I hope to bring some breadth of depth and experience. We look forward very much to answering your questions.

Q580 Chair: Thank you very much. It is a useful start. Given that the Government have said they plan to incorporate all the directives, regulations and so on into UK law, would that be sufficient safeguard to protect the environment, in your view?

Patrick Casement: It would ensure that there were common standards, yes. We have been through a major refit process, with regard to the European directives, such as the Birds and Habitats Directive, in the last couple of years. They have effectively received a significant endorsement from Europe. However, the point that was made in Europe that is critical here is that the regulations are doing a very good job. The problem is their application. We want to be sure that there is a continued common application of the EU regulations. John, you may wish to say a little bit more on this.

John Martin: Yes. The refit process was one of the most widely responded to consultations in European Union history. They had over 500,000 responses to the consultation, which shows the depth of interest of people from all levels of society in the importance of the European directives. The directives help protect some of our most special places. In Northern Ireland, I guess we would consider places like Strangford Lough, the Antrim Hills, the north coast, all of which have European designations. One of the processes of the refit was that it looked deeply into 10 or 12 examples from around Europe of how they were being implemented. The UK was one of the ones that they chose, and they



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came out to say, "Yes, we have designated these places well. They are doing a good job at protecting, but what we need to do now is ensure that there is a level of enhancement."

That goes alongside what was said in the Brexit White Paper, which was that we want to be the generation that hands the environment to the next generation in a better state than we found it. Moving forward, if we want to ensure that some of these designated places are handed over in a better state, there needs to be underpinning legislation to ensure that they are still in place in the future, within the UK statute book.

Q581 Danny Kinahan: It is extremely good to see you here today, and a huge thank you for all the work that you do. I know all you do will touch every Department in Northern Ireland, and every Department in Ireland, as well as Westminster and Europe, but at the moment, with no Executive and no Government, what is missing to make sure that you are kept informed and that you have a chance to lobby? Are we the best mechanism?

Patrick Casement: At the moment, that is effectively the case. In many ways, that is why we are so keen to come and talk to you, because we are finding it is very difficult to make much progress. We can talk to the civil servants in Northern Ireland, and we do talk to them constantly, but with the lack of political leadership and will, an awful lot of things have come to a halt. For example, I have been sitting on a Department of Agriculture, Environment and Rural Affairs committee called the Brexit Consultative Committee, and it met until the day that Michelle McIlveen, the last Minister of Agriculture, Environment and Rural Affairs had to leave her post. She asked for it to go on meeting, and two meetings that were scheduled were both cancelled. There has been no further discussion about the issue within the Department of Agriculture, Environment and Rural Affairs. We are left with virtually nowhere to turn, other than to come here to Westminster to discuss it with you.

Victoria Magreehan: On that, one of the things we are facing is a lack of leadership around environment at the moment, in terms of that voice into the process. What we have is a situation where the other devolved Administrations have made clear statements about what is needed for the environment. One of the things, if I may quote, that the Welsh Administration has said is, "In leaving the EU, we need to be vigilant and insistent that protections and standards which benefit our citizens and the wellbeing of society as a whole are not eroded". These kinds of statements have not been made around what Northern Ireland needs, and that is one of the reasons we are coming, to try to make sure there is a voice here about what is needed for Northern Ireland's environment.

Patrick Casement: The other forum that we have had access to is actually in Dublin. I have been invited to join the All-Island Civic Dialogue on Brexit, and I have attended two plenary sessions in Dublin. It is a massive gathering of 300 to 400 people, and actually getting an environmental voice heard among all the other concerns is very difficult there. The environment is quite an important issue as far as Northern



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Ireland is concerned, with regard to Brexit, but from a Republic of Ireland point of view, the environment is well down the agenda of their concerns post-Brexit. They are much more concerned about trade. The economic issues have become much, much more important to them than the environment and agricultural trade of one sort or another. Getting our voice heard there is actually very difficult, despite the fact we have a place at the civic dialogue. We are finding it quite difficult to make the points that we want to make about our concerns and our hopes as well.

John Martin: Back to the border, under the Good Friday Agreement for the power-sharing Executive to operate, the Northern Ireland Executive and the North South Ministerial Council were one and the same. Without the Executive operating, the North South Ministerial Council is obviously not meeting as well. There is a key arena there to discuss some of the issues that are pertinent to what the inquiry is looking into today. Once that gets up and going again, we would like there to be a specific sub-group on the environment, which would look into what the environmental implications of Brexit are specifically. There is definitely a gap at the moment constitutionally for Northern Ireland. Scotland has made representation to Parliament through White Papers, as have Wales, but there has not been anything from the Northern Ireland Government as yet.

Q582 **Danny Kinahan:** That is why I asked the question. There is also governance for the next two years while we are negotiating, or whatever transitional years come in. I am assuming on governance it is exactly the same: you need someone you can go to if there is a breach and people to work it through. Should we be setting up a separate Committee or something that deal with it?

John Martin: I am not sure directly as to the answer to that. For Northern Ireland specifically, there has been a merger of Government Departments recently; we have just gone through a change in governance, where the Department of Environment and the Department of Agriculture merged. It is good to see those Departments working better and closer together, and over the long term that will be a good thing.

However, there is definitely a gap, again, on environmental issues, and one of the things that we would like to see in the Assembly going forward is something similar to the Environmental Audit Committee in Westminster, which would audit all the environmental operations of Government Departments in Northern Ireland. That is de facto the role of the AERA Committee at the minute, but that will only look to see what that Department in particular is doing; we feel there is a need for an Environmental Audit Committee, which will look across all of the Government Departments to see what the environmental impacts are. We feel that is something there is definitely a need for.

Q583 **Chair:** Can I just be clear on this? Obviously, the directives or the regulations coming from the EU apply to the whole of the UK, so what is



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the problem? Does it go back to what you said earlier: that it is the application, the monitoring and so on of those, and that is unlikely to be happening to the same degree in Northern Ireland? Is that the problem?

Patrick Casement: The environment is, in theory, a devolved issue, so all four countries within the United Kingdom take slightly different lines on how they deal with it. England, Wales and Scotland all have arm's-length bodies who deal with environmental protection and nature conservation. In Northern Ireland, that is a function of a Government Department and is run through a Government Department, so there is a slightly different system of governance. The whole issue of environmental governance is actually of great concern to us at a series of levels.

This is not to do with the border, but it is to do with the implication of Brexit and devolution, how things operate, and the need for common standards across the UK, and so on. I am quite happy to talk about it if you want me to, but I do not want to deflect you from the course of your inquiry.

Chair: We had better stick to the Brexit implications, but that is useful.

Patrick Casement: There are slight differences, but we do need some means of finding common standards across the UK that also mesh in with what the Irish Government is doing on the other side of our border, to ensure there is a common standard and approach to management.

Rebecca Hunter: The key point on that is that, while we do need overarching standards in the UK, and we also need those to plug in well with what happens in the Republic around standards because of the border, we need to also avoid any race to the bottom that might happen once we have laws devolved further out. What we do not want is for each individual Administration, over time, to start to diminish some of the standards. That is a shared concern through the whole of our sector at the moment—that we could end up in a place where there is a race to the bottom, and we very much want to avoid that.

John Martin: To give a good working example of that, if you do not mind, on pages 6 and 7 of the briefing, we outline the issues around water quality. The Water Framework Directive in Europe helped pull together all the relevant water legislation that the countries had to deliver on, and pulled it together so that countries could work towards targets on an interim basis of good ecological status. Northern Ireland is split into three river basin districts. Two of those cross the border for Northern Ireland. What happens in the case in the future when we are out of the EU and the Water Framework Directive, from a European point of view, no longer applies, and, for example, our colleagues in the south of Ireland who are managing part of the river basin district have standards that maybe are not as good as the new standards we create that would be better than the European ones, and they cause a water pollution offence, which then crosses the border? What governance structures are set up to help deal with that problem? Are the UK Government going to



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take the Irish Government to court? In what forum are they going to be able to do that? There is a definite example there.

Another, which Rebecca might be able to add a bit more information on, is the disputed waters in Carlingford and Foyle. There are definite issues there as to where the border lies in those disputed waters moving forward. There are definitely working examples we would be able to use and ask, "How are we going to deal with this, when the situation arises?" We do not want to be doom-mongers in a lot of this, but it is important to look at the risks and be prepared for what might come ahead, because these are issues we are going to have to bottom out at some stage.

Rebecca Hunter: I was just going to add on to John's point that in an inquiry about the border, when it comes to our seas, we do not actually have an agreed border in a lot of places, in our border with the Republic of Ireland.

Q584 **Jim Shannon:** It is nice to see you all here, and we do appreciate very much all the work you do as well in your different organisations. I have to declare an interest: I am a member of the National Trust. It is a very painless operation. It goes out of my bank every February. We are very pleased to have you all here as well.

I was just listening to what you said about the environment and the wildlife, and it reminds me of this statement—Mr Chairman, you will probably know it; it is in the *Shooting Times* magazine every week—"The wildlife of today is not ours to dispose of as we please. We have it in trust. We must account for it to those who come after." Our job is to make sure that what we have, we have for our children and our grandchildren, and for the future.

You also mentioned about Strangford Lough. Obviously, Strangford Lough is of particular interest to me. I wake up every morning overlooking Strangford Lough and I am very fortunate to do so. I know the beauty of it, the interest of it and the importance of it, and I represent about seven-eighths of the land that borders Strangford Lough as well, as a Member of Parliament. Strangford Lough is important. It is important for the fishing interests, and the question I am going to ask is in relation to the importance of fishing. I represent the village of Portavogie. For the record, so that everyone knows—if you did not already know, of course—Portavogie voted man, woman and unborn child to leave. Now that is fact. Nobody in Portavogie voted to remain in the European Union. That is where we are.

Chair: Let us have a Brexit question.

Jim Shannon: Yes, it is a Brexit question; that is what it is. I just want just to ask about the importance of the seas around my constituency, around Northern Ireland, whenever we leave through Brexit and move forward. What discussions have any of your organisations had with the Anglo-North Irish Fish Producers Organisation or the Irish Fish Producers Organisation, because they are two groups that represent most, if not all,



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of the fishermen? How do we get that balance, Mr Chairman? How do we get that balance between the needs of the fishermen to fish the seas in a sustainable way, which they want to, and the claim from yourselves, if I can respectfully say this to you, that we need to save everything and protect it all? The bureaucrats in Brussels stop the fishermen fishing the sea, when it is full of cod. You tell me how that can be.

Chair: Let us have some attempted answers, please.

Rebecca Hunter: Whenever we come as an environment sector and talk about the need for protection and the value of that, that is not excluding any use of our natural resources. What we want to see is ongoing sustainable use, and through our input on environmental measures we can help and work with the industry and with Government to develop management measures that will see these being sustained into the future.

I met with the Anglo-North Irish Fish Producers Organisation recently, and it was just at a very early stage, because obviously this is going to be a big topic for us, and, like I said, we would like to add in our environmental expertise where we can to help sustain the industry. I thought it was very interesting that he said that no one really wants a sustainable fishing industry more than the fishermen do. I think we share common ground there.

Certainly when it comes to border implications and Brexit going forwards, the sea really is a very, very important area. An awful lot of our natural resources are highly mobile, and they will not respect a border or any border management that is placed on them. In that case, we need to not only look to develop a sustainable fisheries management system for Northern Ireland within a UK framework, but also one that is going to marry up with fisheries management in the Republic of Ireland, to make sure that those shared stocks are managed equally in a way that both countries are able to continue to utilise the resource.

Q585 **Jim Shannon:** That is how I see the relationship, and, to be fair, I think that is how the two organisations see it—as a relationship with the Republic of Ireland fishermen together; we can co-operatively fish the seas in a sustainable way. Is that how you see it as well?

Rebecca Hunter: I think so. There are very productive fishing grounds in the Irish Sea, and along the west of the Irish Sea where the main fishery there is for nephrops, a prawn species also known as langoustine or Dublin Bay prawns. The two main countries fishing in that area are Northern Ireland fleets from the three towns in County Down and fleets from the Republic of Ireland. As you know, that industry really supports those three towns in Northern Ireland completely. It is very, very important, not only economically but culturally as well. There has to be some kind of shared co-operative management, not only for the benefit of the industry; we are still sitting under a number of international fisheries obligations: the United Nations Convention on the Law of the



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Sea and also the United Nations Fish Stocks Agreement obligate the UK, even after it has left the EU and the common fisheries policy, to have co-operative measures around management and conservation of migratory shared stocks.

Jim Shannon: I am getting encouraged by the response to that question, because it clearly shows that there is a wish to have co-operation. It is important that the fishing industry knows that from yourselves as well, and to find a way forward that sustains and keeps it.

Q586 **Chair:** Any other comments?

Patrick Casement: I would just add to that, that would be the ideal, and we would all hope we could reach some sort of agreement with the Irish Republic. We must not forget that they will still be part of the European Union, and they will be bound by the common fisheries policy. That may add a layer of complication to any negotiation around this issue of joint fishing in the Irish Sea. There is a real issue here around who has access to what waters around Europe as a whole.

Of course, Europe regards access to British waters as very important to them and their fishing fleets in Europe. It is an important and powerful bargaining tool in the whole negotiation. My worry is that Irish fishing may get lost in a much bigger debate about European fishing. We would want to see, obviously, a sustainable fishery within the Irish Sea. It is not just as simple as the UK or Northern Ireland talking to the Republic of Ireland. It is much more complicated than that.

Q587 **Jim Shannon:** We have, or will have after today, control of our waters, so we are in a position of power as well when it comes to negotiation. It is always important to remember that.

Patrick Casement: I agree with that entirely. The other point I was going to make is there are potential issues around Scottish waters as well. If Scotland starts to establish some sort of rights over its own waters at some point in the near future, it would leave Northern Ireland with an extraordinarily small area of water to fish in, and huge constraint there. There is potential for us to be squeezed from both sides with regards to fisheries, and that is a really serious issue.

Rebecca Hunter: There are also quite big environmental implications if that was the case, as well. If our fleet was to be displaced from a lot of its current fishing grounds, then that is likely to intensify fishing within the Northern Ireland inshore waters, which would then obviously intensify the environmental impact as well. There are definite benefits to the industry and the environment of ensuring that that ongoing co-operation remains.

Victoria Magreehan: Thank you for your question, and thank you for your membership of the National Trust. Every member counts. I am really encouraged with the introduction to your question, where you talked about intergenerational equity and the importance of our being



able to hand on an environment that is better than the environment we received from our forefathers. That is actually the shared ground between us and the industry. You mentioned in your question environmental protections, and it used to be seen that those protections were anti-fishing, but actually I am encouraged to hear you using the term around sustainable fishing, because our sector and the industry both want that. I thought I would just come in and make the point that I am encouraged to hear that.

In particular on Strangford Lough, it is really important that we have that sustainable fishing and that it is managed well. It is an important part of our cultural heritage there, too. There is the food issue, but there is the cultural issue as well. Fishing is a very important part of our community.

Patrick Casement: As an illustration of how environmental interests and fishing interests are working together, the island of Lundy in the Bristol Channel is a marine nature reserve, and is a no-fish area. The warden on Lundy can spot the exact boundary of the no-fishing zone by looking from the island out to sea, and there is a line of lobster pots that demarcates the border between the two, the reason being that all the fisherman have GPS and they can set their pots as close to the no-fishing zone as they possibly can, because just on the outside is the only place they can catch lobsters within the Bristol Channel, because the only place they can breed safely and start to move out is in the no-fishing zone.

Therefore, there are huge benefits to the fishing industry from actually protecting parts of our marine environment, and perhaps in fairly draconian ways, by preventing fishing in certain spots. There are some very interesting ideas coming forward about non-static no-fish zones, so that you can set aside an area for a period of three or four years, and it can become a seeding ground or a breeding ground for a species of fish, and then it can be fished and you can move that management practice to another adjacent site for another period. There are some very interesting dialogues going on between our organisations and the fishing organisations as to how we can take this forward.

Q588 **Dr McDonnell:** Thank you very much for being here, and thank you for your evidence so far. I wanted to double-back, perhaps, because water, whether sea or freshwater, is obviously a big part of the environment. How do you see the management of our waterways and our shared loughs being threatened? What threats do you see out there, currently, to the sustainable management of those, following our withdrawal from the European Union? I presume the three river catchment areas are Foyle, Erne and Lough Neagh and Bann?

John Martin: Yes. They are described as international river basin districts. We have the north-western, which is Foyle and Erne, etc. We then have the Neagh Bann. We then have the north-eastern, and the north-eastern one is the only one that is exclusively Northern Ireland. The other ones share a border. We then have part of the river basin district that is mostly in the south of Ireland, which is the Shannon, but it



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creeps across the border as well. They share most of those other ones with us, and we share a small part of the Shannon with them.

In terms of risks going forward, the spirit of the Water Framework Directive was, as I said earlier, to pull together all the different bits and pieces of relevant legislation that help deal with water quality into one place. However, the spirit was enhancement. That was done in increments. The first increment was 2015 to 2020. The next one is 2021 to 2026. By that stage, they have to get to good ecological status. Northern Ireland is around 35% compliant to that at the moment, though the spirit of that was to move to 100% compliance at the end of each stage. The significant risk, I suppose, is that moving forward the common standards that Europe had dictated to the United Kingdom and Northern Ireland are lessened, and we maybe are not as ambitious as we could have been on reaching good ecological status.

However, I would say personally that for things that are beneficial to human health and beneficial to tourism and beneficial to the economy, it is unlikely that the UK Government would roll back on them, because they have contributed in Northern Ireland and in those areas shared with the south, such as Blue Flag status, improving waste water treatment works and improving the value of our landscapes. All of the economic analysis that has been done for each cycle of river basin management plans has shown a significant cost-benefit to implementing the good ecological status. It shows, essentially, that if you invest money now, this is how much it will pay back to society within a number of years. Our concern would be around the common standards and whatever powers are devolved back to Northern Ireland, and whether they will be unpicked locally, or whether there will be an imperative from Westminster to maintain those common standards.

One of the things that they do as well as ensuring water quality remains at a good standard is to ensure it is a level playing field for industry. They all know what the standards are for water quality and what they should be, and if they were to change between the different parts of the UK then it would maybe lead to some unfair competition within business. There would be significant impact potentially for agriculture in Northern Ireland, which is more important to Northern Ireland than other parts of the UK, in terms of its employment and economic benefits.

There are a whole range of potential concerns there. What we want to see is the Water Framework Directive brought into what will potentially be the great repeal Bill and for the standards to be maintained, if not improved. One of our criticisms of the Water Framework Directive's implementation in Northern Ireland was that it did not necessarily receive as much funding as it should have from the Northern Ireland Executive to help implement it. It essentially brought together everything that already existed. It did not do as much as it could have. Having said that, in the league tables across the UK we are not doing too badly. We are around 35% or 36% compliant, Scotland are 60% or 70%, and England are at



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the bottom of the league tables, at around 17%. We are heading in the right direction, and it takes a lot of time for water quality to improve, because of these legacy issues of phosphate and nitrate, which take a long time to come out of the environment. However, we are going in the right direction, and it would be a real shame to lose that momentum through legislation, if that caused a rollback in any of those common standards.

Patrick Casement: On a more practical level, in answer to your question about what the threats are, the main sources of pollution for our rivers are agriculture, and a less well understood or monitored source is seepage from septic tanks, and as you know we have a very dispersed rural population, most of whose sewage ends up in a septic tank of some sort, very few of which are actually compliant with best practice.

However, some of the agricultural issues have been addressed recently in the publication of a sustainable land management strategy, which concentrated very heavily on water quality, in fact, because that is one of the really big issues facing our environment. As John says, we are way behind in our compliance, in many ways. It is a matter of ensuring that the use of fertiliser is absolutely aligned with what the land requires for the crop that is being grown on it.

It is important to implement that, and also there has been much improved water monitoring. In some catchments of the Republic, they have introduced real-time constant water monitoring, and it is actually an invaluable tool for finding out where and when pollution is happening. Our current sampling system is totally inadequate, so there are some big issues around that. Those are the main sources, but we do have possible plans. They require implementation, which has a cost attached to it, but we are dealing with that and we have been working very closely with colleagues across the border, who have done a lot of work on water catchment and water quality, and involving farmers in this. There is, again, a level of co-operation across the border to try to meet those common standards and offer practical measures.

Q589 **Dr McDonnell:** What are the risks, going forward from today, in terms of your Water Framework Directive being properly managed and implemented? Let me be specific: is there any risk in terms of sewage leaks and pig slurry? Are there any risks in terms of silage leaks, or can they all be managed regardless of the border?

John Martin: Those things are all managed through different bits and pieces of legislation. The Water Framework Directive brings those things together, so there is always going to be a risk of water pollution if people are not adhering to the appropriate legislation. Diffused pollution from agriculture is one of the biggest contributors, and it is one of those things that is extremely difficult to prevent, in a way. There are mechanisms out there that farmers can put in place and have to put in place through cross-compliance, which is a result of the common agricultural policy.



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There is a potential risk moving forward, in terms of how this links together with other policy areas. We are undoubtedly coming out of the common agricultural policy. That sets certain standards for how farmers manage their resources in terms of water quality. If we are out of the Water Framework Directive, then what standard do we set for farmers, in terms of managing their resources to ensure that pollution offences do not occur in the future?

I guess agriculture is the biggest contributor, but it can be one of the biggest solutions to help to prevent these things. At the minute, there is a European-funded agri-environment programme, and it has within it quite clear measures that help prevent water pollution on farms, by using land management. Patrick has already mentioned the land management strategy, so there are potential implications through other bits of policy and legislation, which could add to the level of risk for agriculture and water pollution. There is always a risk of water pollution from industry. Industry levels in Northern Ireland are fairly compliant as it is, but there is always a risk that something could happen to impact on water quality. Government then have to fork out the money to try to resolve the problems or prosecute people that have caused water pollution offences. Northern Ireland Water, again, cause water pollution offences, and there is always a risk there, even though their level of compliance has significantly improved over the past 10 years.

There is always going to be a risk. It is just about how we ensure that there is enough within the statute for us to manage that risk, because water is a shared resource that everyone uses.

Q590 Dr McDonnell: If we leave the fresh water for a second and move onto the Loughs Agency, which is the other bit of the water equation, do you see any threat to the continued sustainable management, specifically, or do you see the Loughs Agency surviving?

Patrick Casement: I have spoken to the Loughs Agency about this, because we are gravely concerned. They fulfil an incredibly important role in the Foyle catchment and in Carlingford Lough. Their standards of management of fisheries, the habitat and the environment are actually much higher than they are on other river catchments, because they are very much more focused in many ways. Every question I asked them was met by a shrug: "We do not know". There is a complete air of uncertainty about the future of the Loughs Agency. I have no idea and they seem to have no idea about what will happen post-Brexit, how the work that they do will be carried on or what their structure will be. I flagged it in the paper, and it is a real worry for all of us, because they do invaluable work and they just quietly get on with it. It is one of the unsung stories of success of the peace process and the Good Friday Agreement, in terms of what came out—the Loughs Agency and the high value of the work they do. It would be a disaster and a tragedy.

Q591 Dr McDonnell: How much of that instability or uncertainty is down to uncertainty at Stormont, as distinct from the European Union?



Patrick Casement: I am not sure I could tease out what the differences are, but I think simply because we do not know the form that Brexit will take, what the effect on the border will be, how cross-border bodies will be treated. I just do not think people have got that far down the road of thinking about the detail of it. That is my own personal guess; I have no insight into what discussions are going on.

Q592 **Mr Campbell:** You are very welcome. I wanted to ask a question really on the larger picture of the environmental considerations. I am really thinking about looking ahead over the course of the next few years and beyond. There have been a number of countries that have come into the EU with very different environmental considerations than we have—for example in the past 12 or 13 years. Most of them have been eastern European countries, in quite close proximity to Russia. They have issues such as deforestation and industrial pollution, which are probably not as pertinent to Northern Ireland or even to the Republic. As they come into the EU, with the state of flux once we leave, we do not know what will happen there.

However, in terms of EU directives and considerations for environmental concerns, it obviously would have a big impact as to the number of those eastern European countries. I am not asking for a political answer, but do you think that now we begin the journey of looking for our own environmental considerations on the Atlantic seaboard, which is 1,000 miles from eastern Europe, we will be able to concentrate more specifically? You talked just now about the Loughs Agency. Do you think we will be able to concentrate on issues that directly impact upon us on the Atlantic seaboard?

John Martin: I suppose this is the biggest opportunity within a generation to ensure that our environment and land use is protected in a way that is beneficial to the United Kingdom, and is specific to the United Kingdom. I would say, however, that the Birds and Habitats Directive has provided a gold standard for what environmental protection should look like, so there is a significant bedrock there, which we believe should be transposed into the great repeal Bill, and in fact enhanced to ensure that our environment is in an even better state when we leave the EU.

I guess one of the big concerns around the common agricultural policy was that it always tried to be very common. It tried to be one-size-fits-all, and it did not necessarily always suit all of Europe. The example that you used around eastern Europe was a good one, because there are significant environmental challenges in those places, but in terms of biodiversity, that is where some of the best biodiversity and some of the most untapped resources are, potentially, in terms of high nature value farming and things like that.

Greening is another example from the last common agricultural policy, which was set to try to reduce the number of huge fields in places like France, Germany and Belgium, where in Northern Ireland we were already fairly green, so it did not necessarily have a huge impact.



We definitely have a huge opportunity, especially in reframing what will replace the CAP for something that delivers for farmers, keeping farmers farming and keeping farming profitable, while also providing a subsidy to help protect the environment at the same time. There is a huge opportunity that is dawning, really. We need to really work together to ensure that we deliver as best as we can, both for this generation and the next.

Rebecca Hunter: It is also important to point out, on EU directives, that the UK have actually been the leader in terms of environmental improvements. For instance, in the most recent reform of the common fisheries policy in 2013, the UK were really the leader in a lot of the reforms that are underpinning our sustainability. We would be hoping, to see the UK continue that environmental leadership going forwards, but also taking any opportunity to look more closely at any specific issues or flexibility we can bring in for our country.

Patrick Casement: I think we would all recognise that, good though the environmental directives from Europe are, they could actually be improved, and there are one or two areas that they do not address very well. One is the natural succession of habitats: when one habitat naturally evolves into another one, as drainage silts up or whatever, you get a change from one form to another. The European directive wants to try to keep things as they were on the day that they were designated.

Another one is the issue of climate change. It was formulated, really, in a period before we recognised that our climate was changing very dramatically, and we do need to take account of that and plan for that in the way we look after our environment.

The third area particularly relates to the sea, but also to rivers. It does not deal very well with highly mobile species, and we have been trying to protect, for example, the harbour porpoise through the Habitats Directive, and the harbour porpoise does not recognise boundaries or borders, or stay in one place for very long. Either one designates vast areas of sea, or one does not designate at all. That has been a huge dilemma, and as a result nothing has happened for two decades. We are finally trying to address that, but it is difficult within the framework of the directive.

Q593 **Mr Campbell:** I have one final point on the Loughs Agency—and I appreciate there is uncertainty, and it is not confined to the Loughs Agency or to the UK either; there is uncertainty across the EU and beyond. If you set aside the business of irrefutably determining ownership and so on, which has been a long-running saga for decades, in terms of day-to-day management, I do not detect a massive desire for change, given the very good job that the Loughs Agency has done in terms of the day-to-day management of both Carlingford and the Foyle catchment area, which I am more familiar with. There is no big desire for massive change there, and that may be some reassurance. I have not



heard anyone saying, "The one thing that has to be top of our agenda is changing the Loughs Agency and how they make a mess of the environment". They do not; they are very good, and most people are supportive of their work.

Patrick Casement: I would agree that there is no desire, but they may be accidental victims of what happens. We do not know, because so far there does not seem to have been any coherent thought about how they might be constituted in the future. That is our fear: suddenly we will get to the point where there is no mechanism for keeping them running, and they just fall off a cliff. It is important that the issue of the future of the Loughs Agency is addressed and seriously considered.

Q594 **Lady Hermon:** Thank you so much for coming this morning. I am delighted to see you all here. Just following on from my colleague, Mr Campbell's, remarks, Rebecca, could I just ask you: has anyone actually written to the British Government and asked them to clarify the status and the jurisdiction over Lough Foyle and Carlingford? If it is causing such uncertainty, it seems to me obvious to ask for clarification at an early stage.

Rebecca Hunter: My understanding is that this has been an ongoing issue since before the referendum to leave the EU, and it has had implications to our marine environment for an ongoing period as well. The two loughs have slightly separate issues. In Carlingford there is a voluntary agreement of a median line between the lough, which both sides have accepted, and this has allowed certain designations, for instance of marine protected areas, to progress within Carlingford Lough.

Exactly where the borderline would be drawn in Lough Foyle is disputed. As far as my understanding goes, both Northern Ireland, as the UK, and the Republic of Ireland claim the full sea area. What has happened is that this has then stopped any level of environmental protection within the sea. For instance, for our own national level of marine protected areas and our marine conservation zones, which have been moving forward and making very positive progress in Northern Ireland over the last few years, we had our first round designated last December. One of those first sites is in Carlingford Lough; however, Lough Foyle's native oyster population has been identified as a species requiring protection, but it is just not possible. The Department is just not able to designate a site in that area until the issue is resolved.

When we met with the Department last year, they had it on their work plan, in terms of the Fisheries Bill for Northern Ireland, that the first element of work would be to resolve the jurisdiction issue in Lough Foyle, which I think they were anticipating would take about a year to a year and a half.

Lady Hermon: That is very optimistic.

Rebecca Hunter: Yes. This was already a piece of work that I think they were working on before the EU referendum happened. I would



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imagine that even with the political situation at Stormont, DAERA is continuing to work under its work programme as we speak. The issues around Lough Foyle will be prioritised.

Patrick Casement: The Secretary of State for Northern Ireland made a statement about the Lough Foyle border the other day. I am not quite sure what he said. I am just aware that he said something that was seen by a lot of people as rather inflammatory.

John Martin: I am not going to add to that, but looking at Lough Foyle, for example, further down the line depends how hard-ball the EU want to be, but say for the fishing fleet that is coming back into Lough Foyle, into Northern Ireland—and there are potentially tariffs for the fleet entering EU waters and coming back out—because of how Foyle is set up, the channel is on what would be construed to be the Republic of Ireland side, so they would have to leave UK waters, enter into EU waters to go down the channel, to then come back into UK waters. It depends on how hard the EU want to play it, from that point of view. That fleet might have to pay a tariff to enter and then to leave again, just to get back to port.

Q595 **Lady Hermon:** That is actually the first time that piece of evidence has been given to this Committee. That is very important indeed.

John Martin: I am not an expert in it in any way, and I think it will take more in-depth study to see what the potential impacts could be, but there is a definite grey area there that needs investigating.

Q596 **Lady Hermon:** We have identified a very serious problem. It is a very serious problem, because the Republic of Ireland remains in the EU and the UK is definitely coming out, because the Prime Minister has actually signed the letter to trigger Article 50 today—signed yesterday, to be delivered today.

Would you also kindly identify the other problems, specifically around the border? In terms of the environmental problems, you have mentioned river pollution; that is obvious. What are the other environmental issues that we need to be focusing on, in terms of the border?

John Martin: Colleagues will maybe add a bit more to this. If you go to pages 4 and 5 of the briefing, it has identified some of our shared SPAs—special protected areas—and areas of special scientific interest that are both north and south of the border

Q597 **Lady Hermon:** Could you name some of them?

John Martin: Lough Foyle and Carlingford are two examples, but then we also have Pettigo Plateau, Slieve Beagh, Lisnaskea—different places like that. Constitutionally, further down the line, we have the border in those places. Those areas are managed as European site at the minute, because we are both in the EU and that is okay. Moving forward, part of those sites will still be European-protected, and then the other part, once you cross the line a few centimetres, is protected under different



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legislation. There is potential governance issues there for how, potentially, those sites are managed. Again, as I mentioned earlier in the briefing, if, for example, there is an environmental crime committed in terms of managing those sites or inappropriate use of those sites, where do the Republic of Ireland Government or the UK Government go to get remuneration for fixing those sites? What court do they go to?

Q598 **Lady Hermon:** What happens at the present time? If that happens at the moment, what happens?

Patrick Casement: Take an example where Ulster Wildlife thinks that the Government have in some way offended against an EU directive. The classic case was the scallop-dredging in Strangford Lough; they complained to the European Union. It goes to the European Court of Justice, ultimately. That is if the complaint is upheld; obviously they try for some sort of mitigation or remediation.

Q599 **Lady Hermon:** Yes, but that is Strangford Lough and that is clearly within the UK.

Patrick Casement: It is, yes, but the same applies to any European protected site. However, in future we would not have that authority to turn to. For the environmental NGOs, who do they go to if it is the Government that are transgressing in the management of what had been a European site, one which is still protected by UK legislation but where there is failure in the planning process or whatever to protect it? If the Government are, if you like, the accused in the case, they cannot also be the judge in the case. We need some other means of environmental governance to deal with that.

Q600 **Lady Hermon:** Do you mean an external body? Do you mean that in fact we should continue to be within the jurisdiction of the European Court of Justice?

Patrick Casement: No, I am not suggesting that. I think we need to find a new method of doing it. As I mentioned earlier, in the rest of the UK, in the other three countries, there is an independent or semi-independent environmental agency of some sort that might be able to deal with it. In Northern Ireland, we do not have that, so we will actually have to look at some new governance structure. I know this is not directly related to the border, but it actually affects the way in which one might manage our common heritage across the border.

Q601 **Lady Hermon:** I thought someone might have said something about fuel-laundering and the dreadful environmental pollution as a result along the border.

Patrick Casement: I was going to come up with a whole lot more things that are issues. John has mentioned the management of these sites, but the one that is next on our list is about invasive species. We have a lot of invasive species. In fact, we do not still have an all-island invasive alien species strategy. That has collapsed. However, it is costing all of



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us millions and millions of pounds every year, which nobody is aware of, just in trying to manage and cope with these species.

Q602 **Lady Hermon:** Would you like to identify it? When you refer to invasive species we could all have very different things in mind.

Patrick Casement: There are things like Japanese knotweed, Himalayan balsam, but there are a lot of freshwater things. There are zebra mussels, for example. There are other things that come in and clog up our waterways.

Q603 **Lady Hermon:** What do we do about fuel-smuggling?

Patrick Casement: They are a little peripheral to our interests, I am afraid. I know they can cause pollution.

Q604 **Lady Hermon:** They cause enormous pollution and environmental damage, because they leave the rubbish behind that they have used to launder the fuel. The cost of that has to be paid for by Fermanagh and Omagh District Council, or someone else. Surely that is an issue that you have looked at.

Victoria Magreehan: It is an issue, and in a wider sense it raises that issue of the need for cross-boundary, inter-governmental machinery. We do not know what the solution is going to be to that, but there is no doubt that when we lose that oversight system that the European Court of Justice and the European Commission have in terms of environmental governance, and then we end up in a situation where it is much more highly devolved, there is no doubt that those cross-border issues are going to require wider focus for inter-governmental machinery. We do have some things in place at the minute. We know that the North South Ministerial Council and the different Administration Departments work together, but actually we will need an oversight system that can deal with the things like that. How do we pay for things like pollution? We want to have a system where we have polluter pays, as a principle, put in place. How do we achieve that? We do not have any answers to that today. We just know it is something that will need to be dealt with.

John Martin: From a legal point of view, again I am not an expert in this, but environmental crime is something that Northern Ireland has not been great at addressing. For issues like fuel-laundering, from the European point of view, we have been able to raise an international arrest warrant through Interpol, to go across the border and potentially get the perpetrators who had come across the border and committed that crime. However, once we leave the European Union, will that still be available to us, and what jurisdiction will the law enforcers have across the border between north and south? That could potentially make that difficult.

Wildlife crime is another big thing, again, that Northern Ireland has not been great at holding up. Again, if people from the north go to the



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south, and vice versa, to commit crimes, where does the jurisdiction lie for the bodies that are responsible for prosecution?

Patrick Casement: We have had horrendous waste dumping coming across, owing to slightly different ways in which we deal with waste north and south, but they all fall within the European Waste Framework Directive, but it is how you interpret that and manage it, so there are issues there.

Q605 **Lady Hermon:** In the early part of your evidence, one of you made a number of very striking comments. A number of things have come to a halt; this is in the context of the Northern Ireland Assembly having been prorogued in January, then we had the election, and now we have at least another three weeks until we see what comes out beyond Easter, according to the statement by the Secretary of State for Northern Ireland yesterday. The comment was that a lot of things have come to a halt shortly after that, and that there has been a lack of leadership in Northern Ireland within the Assembly. You have been aware of that for some time now. We now know that nothing is going to move for the next three weeks. Time is marching on. Article 50 will be triggered today, 29 March. Have you moved past the Assembly and made representations to the Northern Ireland Office, or indeed to the Brexit Secretary, David Davis? Would that not seem to be sensible?

Patrick Casement: We have started that process, and we have made contacts there that we hope might lead to having access to the Brexit Committee. We have to wait. They have a very full schedule. They have to invite us to come. We cannot demand to go to them.

Q606 **Lady Hermon:** However, you have suggested that you be invited to come along, in the circumstances that we do not have a devolved administration working at the present time in Northern Ireland, yes? Does that mean all of you? Is that collectively, or, Patrick, are you going?

John Martin: I think regardless of whether there is an Assembly or not, it is important for us to be here, because I think the Northern Ireland Affairs Committee and the wider body politic at Westminster will be involved directly within the negotiations in the next two years. We will obviously be involved from a devolved point of view as well, and we will seek to meet with those institutions where we can, but I think it is important that we continue to make representations here. This Committee has an important role at Westminster, to ensure that they are pushing the institutions back home—once they are reformed—to ensure that Northern Ireland interests are represented both here and at home. Absolutely we will be working back home.

Q607 **Lady Hermon:** So that is a “yes”, you will be making representations to the Northern Ireland Office.

Patrick Casement: We have, as a sector, been trying to use all the mechanisms we have. We have been to, while it was still running, the



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DAERA Committee within Stormont; that is no longer running. We have given evidence to the British-Irish Parliamentary Assembly, who came to Northern Ireland. We gave evidence to them. We are continuing that. Also, because we have very strong links to the other UK Link organisations, Wales Environment Link, Scottish Environment Link, and Wildlife and Countryside Link here in London, we are working on a UK-wide basis, and we are dealing with a consortium of environmental NGOs, such as Greener UK, as well, and we have formed strong links with some academics who are doing research into all of this, with funding from the Government to look at some of the implications.

We are trying to ensure that we keep as wide a network of contacts and information going in all sorts of directions. It is a matter of finding our way in what is increasingly a maze of different areas and places we could be doing work, and we are discovering the routes we need to take as we go along. We have always had our traditional one at Stormont; we are having to find other ones now.

Q608 Lady Hermon: Yes. Just on the great repeal Bill, it is going to bring all of the EU directives, regulations, and decisions of the European Court of Justice together to become part and parcel of UK domestic law. The difficulty or the problem then is that the Ministers can pick their way through them and repeal or take out ones. If you were identifying the high-priority ones that need to be kept, could you go along and identify them, starting with Rebecca? Rebecca, which ones must the Government keep? It is really, really important, and that is why I am suggesting to you that it may be useful to feed your views into the Northern Ireland Office, because of course it will be the Cabinet who will be involved in negotiations over Brexit, and we have such a limited time span. Eighteen months we have—not two years but 18 months. These points need to be made to the Government level.

Rebecca Hunter: Our key ones we have already mentioned would be the two nature directives, the Birds Directive and the Habitats Directive. They underpin a lot of our network of protected sites both on land and at sea, the special protection areas and special areas of conservation that John mentioned. However, they also have a requirement to protect those habitats and species at a wider level, not just within the sites, and that is very important.

Definitely, then, for marine as well, one that we have not yet mentioned this morning is the Marine Strategy Framework Directive. This is a framework directive, because it recognises the very complex issues in the sea, and the fact that it is a system that is shared across a lot of member states. This was developed to provide an overarching, very ambitious management framework to then feed into a lot of national legislation. This should underpin an ecosystem-based management approach to our seas, to ensure that by 2020 our entire marine area has good environmental status. It is a very, very ambitious directive, and is key to the wider health of our marine environments, not only in terms of



protected areas but in terms of bringing an ecosystem-based approach to the management of our marine activities and our human activities in the area.

That would be a very big one, and that has driven an awful lot of our national legislation, which we know is secure, so the Marine and Coastal Access Act and devolved marine Acts, so in Northern Ireland it would be the Marine Act (Northern Ireland), which was passed in 2013 and that then led to the designation of marine conservation zones, and will allow the Department to put forward a marine plan. The Marine Strategy Framework Directive has not only driven a lot of good national work, but is also still there as a policy driver for ecosystem-based management.

Patrick Casement: The Water Framework Directive is absolutely essential for both our fresh waters and our coastal waters. The Bathing Water Directive also addresses a lot of issues around coastal quality and is very important for that. I would add those two.

Victoria Magreehan: I would add the climate to that as well. We know, given the balance of competences that was conducted and reported on in 2014, that a broad range of sectors—not just the environmental sector—have said that all of the environment and planning directives, and other legislation there, are in the UK national interest. I would not want to cherry-pick which ones should be here and transposed in the best way. We need to ensure that when we do move them here, the standards are common across the devolved administrations. From a Northern Ireland perspective, that is what we want to get across here today. It is all well and good bringing it into UK law, but we are very concerned about what happens in terms of the Northern Ireland devolved situation.

Q609 **Lady Hermon:** That it will be different in Northern Ireland as compared to the devolved administrations in Scotland and Wales.

Victoria Magreehan: Yes. It goes back to the question that they could be unpicked over time, and my original point about being concerned about a race to the bottom in terms of standards. For us it is the main thing.

John Martin: I agree with everything that has been said there, but to add to the Water Framework Directive, I would add the Floods Directive, which is the sister directive to WFD, which ensures synergy between our water bodies and any potential risk coming from flooding, and flooding that is managed in a way that helps society mitigate and adapt to climate change.

I would also add the Environmental Impact Directive, which ensured any development going forward required an environmental impact assessment. It is called the EIA Directive, which ensures that any environmental impacts are mitigated from the start of the planning process. There is also the Waste Framework Directive, which Northern Ireland has been compliant with and which has helped to ensure the



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proper disposal of waste and the increase in recycling domestically in Northern Ireland, which is very important. What we need to do is probably to come back to the Committee with a more definitive list of things that we would like to see.

I would like to add that, although the directives are important from a legislative point of view, they help hold the line for the environment in certain things, and the enhancement has not been as good as it perhaps could have been. The thing that has improved has been the European funding. That has been through programmes called LIFE, which has five years' worth of environmental funding for specific projects, for organisations like the ones represented here and others. They can apply into Europe to do environmental projects over a five-year period, with specific outcomes. That funding has been vitally important.

There is also the Interreg programme, which is specifically relevant to this inquiry, which has been about cross-border co-operation. Organisations here have been successful in the past in applying to that fund, and getting environmental projects out of that, which has improved enhancement. We are also just now coming into PEACE IV, and with the original iterations of PEACE in Northern Ireland, some of it was geared towards environmental projects. The original agri-environment programme was funded through the PEACE programme, but it has now moved to be funded through the common agricultural policy. However, the PEACE funding in Northern Ireland has essentially underpinned the peace process in Northern Ireland, and we are going to come into the last three to four years of that now. That was always going to be the last one, but once that goes then what is left?

The directives are important and they help us to toe the line, but the things that have helped improvement have been the bespoke bits of funding, and we would like to see equivalent funding from the UK Government to ensure that environmental charities and other wider-society charities can bid in to secure funding for specific projects that help improve things.

Rebecca Hunter: I just have one very important thing to add on to that, and that is fisheries. The European Maritime and Fisheries Fund is what helps fishing communities transition towards more sustainable practices. A lot of the new measures in the reformed common fisheries policy, which, like I said, the UK led the way on in many ways and many of them may remain, require quite big changes on the ground—your gear type and things like that. That can have quite high associated costs. The EMFF is then there to help fishing communities be able to change their gear and change their practices in line with the policy. There are also certain provisions for some conservation funding, and to diversify and support coastal communities. It is very important.

Q610 **Lady Hermon:** When we leave the EU, what happens to that fund, for the fishermen of Portavogie?



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Rebecca Hunter: That fund is linked to the common fisheries policy, and when we talk about the directives that will get moved into the great repeal Bill, if that all goes, is the environment okay? Certainly in terms of our seas, there are a lot of conservation measures within the common fisheries policy, and that will not be part of the great repeal Bill. From the day we leave, that will be gone. That is something we would be looking to see that is completely new legislation that will need to be written, and the funding associated with that would be quite substantial. For Northern Ireland it was in the region of about £15 million for just the 2014-to-2020 period. It is a very substantial pot of funding, which is very important, like I said.

Q611 **Lady Hermon:** Is that given to coastal communities, to fishing communities?

Rebecca Hunter: That is held by DAERA, and even though it was 2014 to 2020, the pot was only actually opened at the end of 2016, so the majority of that money is still there. It is open now for calls, the team is working with the industry, and we are looking at it ourselves. It is open to a diverse range of groups for projects that will improve the economic viability of the fisheries industry.

Patrick Casement: Could I make a more general point about the great repeal Bill? In terms of the things that are being transposed or brought back into that piece of legislation, the Acts that have been used to put European directives into domestic law are not just straightforward single pieces of legislation that push a directive in. They are all mixed up with domestic legislation. They are Acts that contain a mixture of European stuff and domestic stuff. Teams of people are having to comb through all these pieces of legislation and work out what applies to domestic and what to Europe.

We have talked about lack of leadership with regard to this, but there is also now a lack of capacity within the civil service, because they have been diverted into doing things like that, particularly in the policy areas, but also some of the actual people who get out and do things. We are seeing a loss of momentum in activity by Government Departments, particularly the Department of Agriculture and Environment, in its ability to react to the sorts of things that we want to sit down with them on on a day-to-day basis. We are very concerned about that. They are distracted, if you like, by this exercise.

Q612 **Lady Hermon:** Should we be recruiting more officials?

Patrick Casement: Unfortunately, we have just seen a huge exercise—

Lady Hermon: Yes, we have, of letting people go.

Patrick Casement: There has been an exodus. Some of the most experienced and expert people have disappeared. That has put an additional burden, and created an additional capacity issue.



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Lady Hermon: Thank you very much. I like the expression very much about the EU directives holding the line.

Q613 **Bob Stewart:** Can I ask, with European regulations, who actually supervises European environment regulations on behalf of the European Union? Is there a body that checks out the regulations, or is it left to you? Is it left to the Northern Ireland Assembly? How does it work? What is the mechanism?

John Martin: Under the Lisbon Treaty, I suppose the European Commission and the European Parliament form the legislation for the directives, so there is a level of scrutiny at—

Q614 **Bob Stewart:** How do you get scrutinised?

John Martin: I guess the European Commission is similar to—

Q615 **Bob Stewart:** Yes, but how do they actually do it? Does someone go to Strangford Lough or Foyle and look at it?

Patrick Casement: Ultimately there is a reporting cycle for all of these things, so the Water Framework Directive has a five or six-year—

Bob Stewart: So you all individually report and it goes back to Brussels.

Patrick Casement: No. In that case it is the Northern Ireland Environment Agency.

Bob Stewart: And they report to Brussels.

Patrick Casement: They report on the condition, but they rely on the people who are actually managing those sites to do a lot of the work.

Q616 **Bob Stewart:** You know what I am getting at: after the great repeal Bill, who is going to supervise and what do you want?

Victoria Magreehan: What we want is an oversight system that works. It goes back to the point I was making earlier. When we lose that European Commission and European Court of Justice oversight system, there will be a gap. You have quite rightly identified that.

Bob Stewart: So there will be a gap.

Patrick Casement: We do not know what will follow. What we would want to see is continued monitoring in the way that it is done, and some system then for accountability for when they fail.

Bob Stewart: That is when we come to accountability; that is what we are talking about.

Patrick Casement: That is exactly right, and some means of someone who is going to make a judgment as to whether action needs to be taken or whether they are just going to let it go on sliding downhill. In fact, many of our protected sites are not in favourable condition, and they are



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not showing much sign of improvement, in spite of being recognised over two cycles.

Q617 **Bob Stewart:** Whoever supervises, whatever body that is, that is going to have to go across the border. There may even be a cross-border body.

Patrick Casement: We are beginning to think in terms of some sort of possible environmental ombudsman that may be necessary for Northern Ireland.

Q618 **Bob Stewart:** That would make sense, would it not? Some sort of environmental ombudsman for the island of Ireland.

Patrick Casement: That would be ultimately, but I think we would initially want to just—

Q619 **Bob Stewart:** I think that would be the hope, but it would not happen.

Patrick Casement: I hope that there would be then contact, and close contact, between whatever is happening in Northern Ireland and the mechanisms they have in the Republic. This all has to be talked about and evolved, but we are just starting to get our heads around all of this. I have become involved in this by accident, and I am finding that it is taking over my entire life trying to keep up with it.

Q620 **Bob Stewart:** You have a farm to run, have you not?

Patrick Casement: I had to give up farming.

Bob Stewart: It is too much.

Patrick Casement: I am losing too much money. It is just that there are so many complexities to this, and it is about getting hold of them all; the more you learn, the more problems and issues arise from it, and you realise we have to address more and more things. You mentioned the time available. I find the prospect of trying to sort all of this out worrying. The issues around the border are complicated enough without many of the bigger things that just affect us.

Q621 **Bob Stewart:** We will muddle through, in the end, I am sure. When people get depressed about the two years, I always think, "What happened in 1945 in Europe, when the whole place was a disaster zone?" People picked themselves up and got going in the end. It took a while, but they got going, and I think in the same way we will work it out. It is going to have to work, because we are like that. We will muddle through, it will work, but actually, we have seen precedent before when things have been a total disaster, in all senses. I am not trying to compare it.

Patrick Casement: As a slightly cautionary note, I do feel that in 1945 everybody was looking in a similar direction. I do think we have quite severe divisions in society, not only over this issue but overall.



Bob Stewart: Maybe the analogy is not fair.

Patrick Casement: It makes it a little bit more complicated.

Bob Stewart: I do not want to delay any more questioning. I should not have opened that one up. Thank you.

Patrick Casement: It is just that you need to qualify it.

Q622 **Chair:** I think when you say everybody was looking in the same direction then, I think environmentally the vast majority of people are looking in the same direction, are they not?

Patrick Casement: It is very interesting that you say that. It is something I was going to try to tease out a little bit if we had an opportunity, and you have given me a slight one. One of the issues—and it is a border issue—that gives a lot of people cause for concern is the effect of hard borders on the peace process in Northern Ireland—the process we have been going through over the last few years of reconciliation, of trying to come to terms with our past. During the years when we had serious civil upheaval, nobody was focusing on looking at the environment at all. It was way down the bottom of the agenda, and it is still very low on the agenda of most people in Northern Ireland.

Now that we have returned to what is a pretty normal society in general, people are looking around them and taking account of their surroundings and the environment that they live in, and beginning to take a significantly greater interest in it. It is reflected in the membership of the organisations who are sitting beside me here, it is reflected in responses to initiatives and so on, and it is reflected in the number of community groups who are doing environmental work, for example. They are no longer just doing social things; they are doing environmental work, and we have had very successful funding opportunities for them, which have been hugely over-subscribed.

There has been a growing awareness of the importance and the role of the environment, and I do worry that if we reverse or halt that process of peace, that for the environmental sector it is going to cause a reversal of that awareness. People are going to withdraw back into their shells and think less about the environment, to the detriment of the environment and to the detriment of their health and wellbeing, because ultimately it all depends on having a good and healthy environment.

Chair: I note your words on that, but also that you are finding it more difficult now the institutions are suspended. I hope those are listened to by people who are in Northern Ireland and trying to find reasons not to work together. I think this is a very good reason why they should try to work together. If there are no more questions, I will thank you very much. We have concentrated a lot on security and economics in this inquiry and in a lot of inquiries, so it is quite refreshing and very useful to get a different angle, and you have provided that for us today. Thank



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you very much indeed.