

Aide Memoire – NIBG Presentation to the Environment Committee

4th March 2010

Under the Biodiversity Duty in the Bill:

We have already suggested that the biodiversity duty should include "to halt the loss of biological diversity",

1. Since public bodies have both functions and the potential to influence others in various ways -in Clause 1 (1) we would suggest adding the words **'policies or influence'** after the word 'functions' to ensure that the work of departments and public agencies that are intermediary funders for European and other funds and those that work through influencing others (such as for example the Department of Agriculture) is encompassed fully in the Bill.
2. Under the duty to conserve biodiversity Clause 1(3)a we would recommend adding 'protecting, maintaining' between the words fauna and restoring to read 'in relation to any species of flora and fauna, **protecting, maintaining**, restoring or enhancing a population of that species. This provides a better checklist for the task of conserving biodiversity.
3. Likewise in the same Clause 1 (3) b relating to habitats we would recommend an identical addition of the words **protecting, maintaining**.
4. In Clause 1 (5) we would ask you to ensure that both the **Crown** and the **Cross-Border Bodies** and indeed **NI Water** are included within the definition of public body. All have an important role to play in conserving biodiversity and two are major landowners..

Under the Biodiversity Lists:

We would suggest that the list to be published by the Department should be required to take account of agreed European priority habitats and species.

In Clause 3 (3) we do not understand why it is only the Department that is to take account of the list of species and habitats of primary importance and believe that this should read '**the Department and Public Bodies**'. In other words public bodies should have a particular duty to conserve species and habitats, within their influence, and about which there is most concern.

In Clause 1 paragraph 4 we have previously suggested that this should be amended to read 'the Department shall or should issue guidance', and it would be logical therefore to **require public bodies to have regard** to this guidance.

For consistency therefore the preceding points would also lead to an amendment of Clause 1(2) (*in the Biodiversity Duty section*) which would then read ‘ a public body must in particular have regard to any strategy, **list or guidelines** designated. etc

The Wildlife Order

We would further propose an amendment to article 9 – proposing an insertion to Article 10 of the Wildlife Order. In the proposed insertion of para 4a we recommend including the words **or injures** following the word disturbs. This would then read ‘recklessly disturbs or injures’ any wild animal etc

Finally in terms of new evidence we would propose that in the case of snares the method of management is also covered by the Bill. This can be achieved by adding ‘**or so managed**’ after ‘or so placed’. This would then read ‘of such a nature or so placed, or so managed as to cause’ etc. We would also recommend the deletion of ‘as to be calculated’ which suggests a particular intent which may or may not be present..

Judith A Annett

Chair NIBG