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## Executive Committee Business

### Local Government Bill: Final Stage (8 April)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/08-April-2014/#8>

The Assembly passed the Final Stage of the Local Government Bill. The main purposes of the Bill, are to 'introduce strong, modern statutory governance arrangements that will provide protections for the interests of minority communities through a number of new approaches and improve transparency in the operation of councils and their business; to establish an ethical standards regime, including a mandatory code of conduct for councillors and others appointed to take part in council business; and to place councils at the heart of delivering improved services and outcomes for everyone living and working in their district through the operation of community planning, a new performance improvement framework and the use of the general power of competence'. The new approach to partnership working is to be supported by the establishment of a formal relationship between elected representatives of councils and Ministers in the form of the Partnership Panel for Northern Ireland. The Bill also puts in place the provisions necessary for the effective reorganisation of local government in respect of the transfer of assets and staff from the current councils to the new councils that will be established following the elections on 22 May and of the transfer of staff and assets connected with the functions and powers moving from Departments to the new councils.

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## Ministerial Statements

### Mills Report: Waste Management (8 April)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/08-April-2014/#2>

The Environment Minister stated that the Mills report found significant criminal infiltration in the waste sector, some of which is linked to organised crime. It also identified issues for how DoE has managed that feature of the waste sector and, in particular, how effectively they have responded to the challenge posed by those who are 'prepared to risk human health, the economy and the environment for significant and ill-gotten financial gains'. According to the Minister the most fundamental lesson from the Mills report is the need to drive greater levels of resource efficiency and work to curtail the creation of waste in the first place. The Minister believes the benefits of this approach will be to protect human health by ensuring that waste is properly managed; ensure that our environment is not damaged and degraded by illegal dumping of waste; reduce the supply of waste available for criminals through closer working with councils that collect municipal waste and arrange for its management and treatment; unlock economic gains through resource efficiency across all industry sectors; and support the development of legitimate waste operators in a well-functioning waste sector. The Minister announced the following key actions: a full Operational Strategy with a detailed action plan; the creation of a new Resource Efficiency Directorate staffed by officers with appropriate skills within NIEA; a review of the current legislative framework for waste management. All of these actions are to be completed by the end of June. The Minister also highlighted that he is developing a Better Regulation Bill to transform the overall approach to environmental regulation in Northern Ireland. Key actions will include: a regime of targeted inspections to ensure all waste operators comply with the law; a new partnership with local government so that local councils and NIEA share information, resources and strategies to manage waste properly; innovation partnerships with Northern Ireland businesses to help them stop creating waste and cut costs. A Better Regulation Bill will also 'transform our environmental regulatory systems by creating the capacity for the DoE to issue one streamlined integrated permit to a business and will also give NIEA uniform inspection powers meaning that an individual officer will be authorised to inspect against all environmental regulations.

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## Written Ministerial Statements

### PPS 23 - Enabling Development For The Conservation Of Significant Places (28 April)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/28-April-2014/#9>

The Environment Minister informed members that the Executive had agreed Planning Policy Statement (PPS) 23 'Enabling Development for the Conservation of Significant Places'. PPS23 provides planning policy for proposals for 'Enabling Development'. This is development necessary in order to secure the long-term future of a significant place, which includes all parts of the historic environment of heritage value including scheduled monuments, archaeological remains, historic buildings together with any historically related contents, industrial heritage, conservation areas and historic parks, gardens and demesnes. The cost of maintaining or renovating these places can be prohibitive and frequently exceeds the value to the owner or the market value following renovation. Enabling Development is therefore designed to provide an important source of funds to make good this 'conservation deficit' and ensure that these important places are secured for future generations. Under PPS23 proposals for Enabling Development can be permitted even when there is divergence from other planning policies, provided it is demonstrated that they are necessary to secure the long-term future of a significant place in the public interest.

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## Answers to Written Questions

### Minister of Agriculture and Rural Development

#### Agri-Environment Schemes (18 April)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140418.pdf> Page: WA 253

The Minister revealed that between 1 January 2015 and 31 December 2016, a total of 8,820 farmers will complete their agri-environment scheme agreements. A new agri-environment scheme is being developed for the next Rural Development Programme. The amount of funding available to the next Rural Development Programme and its constituent measures (including a new agri-environment scheme) is not yet confirmed. While the lack of any transferred funds from Pillar 1 has the potential to reduce the scope and flexibility of the Programme, the Minister stated she was continuing to discuss with her officials how the next Programme can be financed.

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#### Bovine Tuberculosis (18 April)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140418.pdf> Page: WA 250

The Minister provided an update on current incidence of Bovine Tuberculosis in animals. As of 31 January 2014, the annual TB herd incidence was 6.48% which was an 11% reduction over the same incidence figure as at 31 January 2013 (7.19%). For annual TB animal incidence, this was 0.521% at 31 January 2014 compared with 0.661% at 31 January 2013, a 27% reduction in incidence.

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### Minister of Enterprise, Trade and Investment

#### Common Agricultural Policy (18 April)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140418.pdf> Page: WA 319

The ETI Minister was asked whether her Department has calculated the impact of the recent non-decision on the transfer of Common Agricultural Policy funds for rural development on Northern Ireland's reputation as a 'clean and green' place to live and visit, given its reliance on both for the agri-food and tourism sectors. She replied that maintaining and developing Northern Ireland's natural, clean and green image and provenance is essential to the continued growth of the agri-food and tourism sectors. She added however that the 'non-transfer of funds between Pillar 1 and Pillar 2 of the Common Agricultural Policy (CAP) will help to ensure that this continues to be the case by providing funding direct to farmers and supporting them as they seek to look after the countryside, maintain rural communities, produce affordable food and create employment'.

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### Minister of the Environment

#### Lough Neagh Special Protection Area: Mineral Extraction (4 April)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140404.pdf> Page WA 46

The Minister was asked whether changes in water quality in Lough Neagh Special Protection Area are linked to the unregulated mineral extraction taking place; and what assurances he can give that this unregulated mineral extraction is not harming the ecology and integrity of this Natura 2000 site. He replied that some bird populations are declining on Lough Neagh and that this could in part be linked to changes in water quality. The most recent ecological study has shown that there has been a decline in the invertebrates on the lake bed and hence food for diving ducks. Although not proven this could be related to improvements in water quality. He added that there is nothing as yet to suggest that there is a link between the decline of bird populations and unregulated sand extraction on Lough Neagh and DoE's Strategic Planning Division currently has a live investigation into the activities on the Lough. This investigation will include consultation and consideration on any potential impacts to the Lough from the mineral extraction.

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#### **Single Waste Authority (4 April)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140404.pdf> Page: WA 38

The Minister was asked whether he plans to create a single waste authority to coincide with the creation of the new super-councils in May 2015. He replied that local government is responsible for designated waste management functions and under current legislation it is for them to determine how best to deliver those functions. In light of increasingly stringent waste targets, and the difficult challenges waste infrastructure procurement for long term contracts has presented at council level, the reform of local government requires councils to give careful and informed consideration to all the options available to maximise the efficiency and cost effectiveness of their waste management services. A new governance structure to facilitate more effective delivery of statutory waste functions by local and central government, the Waste Co-ordination Group, has been established by DoE. Local government is already considering strategic options for revised delivery of its waste management functions under the new council configurations and will bring those to the new Waste Co-ordination Group for consideration in due course.

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#### **Permanent Tree Preservation Orders (4 April)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140404.pdf> Page: WA 39

The Minister detailed the criteria on which Permanent Tree Preservation Orders (TPOs) are issued. To be considered for a TPO trees must be of high amenity value and in reasonable condition. The following criteria will be used when assessing the merits of a potential TPO: Potential Threat; Visibility; Individual Impact; Wider Impact; Historical Importance; and Rarity. Whilst protected trees can often represent a significant constraint to development, they provide an opportunity to enhance the quality of development proposals and make an important contribution to the environment, creating a varied, interesting and attractive landscape. The Minister stated that it would be remiss of public bodies to ignore the statutory protection of TPOs and to not avail of such opportunities.

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#### **European Birds and Habitats Directives (11 April)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140411.pdf> Page: WA 153

The Minister was asked how the precautionary principle was considered and applied by his Department in relation to the unregulated mineral extraction from Lough Neagh Special Protection Area. He replied that where plans or projects are proposed which may have a likely significant effect on a site, an assessment of the impact is required. In these cases consent can only be given having ascertained no adverse effect on the integrity of the site. As the Department has never issued permission for extraction of sand from Lough Neagh no assessment has been undertaken.

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#### **Air Pollution (18 April)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140418.pdf> Page: WA 337

The Minister revealed that Air quality in Northern Ireland is generally good and has improved significantly over the last decade. In 2012, EU limit values, target values, and corresponding UK Air Quality Strategy objectives had been met for the following air pollutants: particulate matter, carbon monoxide, benzene, sulphur dioxide and metallic pollutants. However, in general, there remains a problem with nitrogen dioxide from road vehicle exhaust emissions. A small number of sites near

busy roads in urban areas did not meet limit values and objectives of the UK Air Quality Strategy for nitrogen dioxide in 2012 and preceding years. Official compliance with the EU Air Quality Directive was also assessed using modelling, and this showed exceedences of nitrogen dioxide in the Greater Belfast urban area (in particular, along the A12 Westlink). Problems also exist with levels of polycyclic aromatic hydrocarbons (PAHs) in urban centres, and it is believed that these levels result from domestic combustion of solid fuel, in particular, smoky coal. In recent years, there have been exceedences of the EU Target Value for annual mean PAHs in some, or all, of the three sites where this pollutant is measured. Emissions of ammonia (a pollutant which can adversely affect sensitive ecosystems and habitats) from agricultural activities, such as manure spreading and handling, remain a particular problem, with data showing only small decreases year on year.

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## Minister for Regional Development

### C665 Water and Wastewater Networks Services Project (25 April)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140425.pdf> Page: WA 453

The Minister provided an update on the progress of the C665 water and wastewater networks services project. The C665 water and wastewater network services contract is undergoing final approval within Northern Ireland Water and will be awarded at the end of April 2014. The purpose of the contract is to supplement existing in-house resources in repair and maintenance activities on the water and sewer networks and the provision of new water and sewerage network services across all of Northern Ireland. The contract will start on 1st August 2014 and run for a period of 3 years.

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## Oral Answers to Questions

### Minister of Agriculture and Rural Development

#### Rural Communities: Building Rights (28 April)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/28-April-2014/#6>

Question 8

The Minister was asked whether, given the fact that the definition of an active farmer will change, she was concerned about the impact on rural families that want to build on their own land. She replied that she had recently received a letter from the Environment Minister also seeking clarification. The Minister added that 'it is important that any changes that come about as a result of the active farmer definition do not impact on people who want to build on their own land. I will engage with the Minister of the Environment to make sure that that is the case'.

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### Minister of Culture, Arts and Leisure

#### Archaeological Artefacts (29 April)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/29-April-2014/#6>

Question 1

The Minister was asked whether she plans to transfer the thousands of unclassified archaeological artefacts, currently stored by private companies, to a more appropriate storage facility with an adequate curative process to enable long-term preservation and public access. She replied that the DoE and the NIEA hold responsibility for policy and licensing in the matter but are urgently considering the issue, with input being provided by DCAL and museums in an advisory capacity. On 2 July 2012, an Assembly debate was held on the management of artefacts that have been generated since the introduction of planning policy statement (PPS) 6 in 1999. At that debate, the then Environment Minister, gave a commitment to present an Executive paper setting out the need for a strategic shift in resources, policy and law related to the protection of our heritage. Since then, officials from DOE, NIEA, museums and DCAL have sought to identify the full range of issues and possible solutions. When the findings of the joint working group come before the Executive, they will map out not only the process but the way forward and the implicated cost.

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## Minister of the Environment

### Hydraulic Fracturing (1 April)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/01-April-2014/#2>

Question 3

The Minister reiterated his position on hydraulic fracturing stating that 'granting permissions relating to fracking operations will take place only when it has been supported by very strong evidence that indicates that fracking is safe for public health and the environment. Given the scale of ongoing worldwide research, it would be reckless and irresponsible to do otherwise'. He added that NIEA are working with the EPA in Ireland to take forward a major programme of research to help to establish the facts and safety issues associated with fracking. This programme of research is at the tender evaluation stage.

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### Local Government Reform: Costs (1 April)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/01-April-2014/#2>

Question 5

The Minister updated members on the latest estimated costs for the reform of local government. In 2009, PricewaterhouseCoopers (PwC) estimated that the cost of local government reform would be in the region of £118 million over five years. Further work has been undertaken since then. In 2013, the Executive agreed to provide councils with a reform funding package of £17.8 million over the 2013-15 period. Based on the estimated costs of some elements of the reform programme, the package will cover: £5.2 million for new councils in the shadow period; £4 million for systems convergence; £3.5 million for councillor severance; £3 million for capacity building; £1 million for change management; £0.6 million for staff induction; and £0.5 million for winding up existing councils. A commitment was given for an additional £30 million for rates convergence post 2015. Over recent months, senior local government officers have undertaken a detailed financial assessment of the additional transitional work streams that are unavoidable and are not covered by the funding package provided by the Executive. The four transitional work streams identified that fall to councils to fund over the 2014-18 period are staff severance; alignment of services; councils operating in shadow form; and other transition costs. A total upper limit for those costs likely to be incurred during the transition period, excluding the Executive funding package, has been estimated at around £33 million. These costs have been calculated at a regional level and are based on the transition cost data capture exercise completed by the local government sector.

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## Minister for Regional Development

### Reservoirs Bill: Impact (8 April)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/08-April-2014/#5>

Question 4

The Minister stated that while the introduction of the Reservoirs Bill will not have a major impact on NI Water, it will, however, be required to introduce a new activity in relation to the preparation and maintenance of formal on-site and off-site flood plans. In addition, the introduction of the Bill is likely to reduce the potential sale value of surplus reservoirs, because a buyer will have to comply with the Reservoirs Bill and carry out the required surveys and any necessary maintenance. NI Water owns approximately 46 reservoirs, half of which are no longer used for water supply. He added that in the future, NI Water may want to look at offloading those no longer used for water supply and perhaps with the reorganisation of local government, 'to see whether any of those previous water supply facilities could be utilised by councils to become recreational areas'.

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