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## Executive Committee Business

### Reservoirs Bill: Second Stage (4 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/04-February-2014/#4>

The Minister of Agriculture and Rural Development moved *That the Second Stage of the Reservoirs Bill be agreed*. The purpose of the Reservoirs Bill is to introduce a legal and administrative framework for regulating reservoir safety in order to reduce the risk of flooding as a result of dam failure. It is intended that, when enacted, the legislation will provide assurance that people, the environment, cultural heritage and economic activity are better protected from the potential risks of flooding from reservoirs. There are a number of exclusions from the legislation, including natural lakes, canals, quarry ponds, sewage lagoons and slurry pits. The legislation will make it clear that reservoir managers are responsible for reservoir safety and will require them to commission qualified engineers to supervise, undertake routine inspections and oversee any remedial works in reservoirs. The EU floods directive requires that all significant flood risks are managed in an appropriate manner. To identify the potential sources of flooding on significant flood risk areas, DARD carried out a preliminary flood risk assessment in 2010. That assessment identified that 66,000 people live in the potential inundation area of the 156 impounding reservoirs that are capable of holding 10,000 cubic metres of water or more. DARD will be responsible for administering and enforcing the legislation, and it is proposed that a dedicated unit, known as the reservoir authority, will be established to undertake that role.

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## Written Ministerial Statements

### Planning — Preparing for 2015 (3 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/03-February-2014/#10>

The Minister of the Environment outlined a number of key actions he intends to undertake prior to the transfer of the bulk of planning powers to councils in 2015 and his intention to create a planning system that *'delivers for business - with timely decisions that bring investment and jobs but not at the expense of our environment, planet or people. A system which realises that the environment and the economy should not, and cannot be, at loggerheads. A system that fully recognises that a vibrant, sustainable environment can be a driver of prosperity and job creation. Similarly a strong economy and a prosperous society can be good for the environment. I am committed to do things differently and better'*. The minister outlined the 5 key actions he wants to focus on to bring the new system to life over coming months, namely: **1.** To shorten and simplify policy. Move to a single Strategic Planning Policy Statement (SPPS) rather than 20 separate policy publications. **2.** To initiate key reforms to the planning system. There are measures that can be set in place without legislation, such as new local development plan preparatory work, setting in place the new hierarchy of development arrangements, extending pre-application discussions and encouraging more widespread pre application community consultation. Better informed applications will be processed quicker. **3.** Tackling response times from consultees - particularly those from the NIEA. He intends therefore to bring forward statutory consultee response times to remove delay in the process so that decisions can be delivered faster. **4.** Improvement in customer service and access to case officers, and **5.** Ensuring all those with responsibility for delivering the new system have the capacity to do so.

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### Northern Ireland Climate Change Adaptation Programme (3 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/03-February-2014/#11>

The Environment Minister laid before the Assembly the first Northern Ireland Climate Change Adaptation Programme (Adaptation Programme). The Programme provides a cross departmental response to the potential risks and opportunities from our changing climate. The Climate Change Risk Assessment for Northern Ireland, which was published last year, provided an assessment of the risks to Northern Ireland of the current and predicted impacts of climate change. The Risk Assessment identified flooding as one of the priority climate change risks facing Northern Ireland. It

also highlighted a number of risks that threaten people, property, critical infrastructure and important natural habitats. The Adaptation Programme is intended to provide an integrated government response to the challenge of climate change and promotes action under four primary areas: water; flooding; agriculture and forestry; and natural environment. A number of actions and activities have been identified by all departments which aim to reduce the impact of climate change through awareness, integrating adaptation into key policy areas and building and improving the evidence base.

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## Ministerial Statement

### Strategic Planning Policy Statement for Northern Ireland (4 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/04-February-2014/#3>

The Minister launched for consultation the draft strategic planning policy statement. The SPSS signals a new approach to the preparation of regional planning policy and outlines the reformed, two tier planning system as a result of local government reform. It covers issues such as the purpose of planning; new overarching core planning principles, the role of Development Plans and Development Management; sustainable development, community engagement in planning. With regard to fracking, SPSS states that there should be a presumption against the exploitation of fracking until DoE is satisfied that there is sufficient and robust evidence on all environmental impacts. A new strategic policy on Town Centres and Retailing is also being proposed. Its aim is to support and sustain vibrant town centres across Northern Ireland by adopting a town centre first approach for the location of future retail and other town centre uses. The SPSS is expected to be published in final form by end of 2014 ahead of the transfer of planning powers to councils on 1 April 2015. The DoE is piloting an interactive online portal to gather consultation responses.

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## Private Members' Business

### Climate Change: Impact on Flooding (24 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/24-February-2014/#10>

Anna Lo introduced a motion: *That this Assembly notes the recent incidents of serious flooding; expresses its gratitude to the emergency services, public workers and volunteers who worked hard to minimise the impact of the flooding; believes that the seriousness of future flooding is likely to increase as a direct result of climate change; calls on the Executive to reduce Northern Ireland's environmental footprint and, consequently, its contribution to climate change; and further calls on the First Minister and deputy First Minister to initiate a holistic overhaul of flood mitigation policies, including a cross-departmental approach to emergency planning, placing a single agency in charge of coordinating relief, an audit of the effectiveness of current flood defences so that investment can be targeted effectively, improvement of the flood warning system and a single funding stream for flood defences and coastal erosion.* Ms Lo stated that a 'changing climate is a serious issue that has dramatic social, economic and environmental implications for all of society. To deny that is irresponsible and mistaken'. She highlighted that several NGOs are calling for a cross-departmental, overarching land strategy, which she supported. *We need a strategy in order to optimise the use of land in Northern Ireland and to facilitate a more joined-up approach to how our precious land resource appears, functions and is used. We need to ensure that all land use-related policies contribute to climate change mitigation and adaptation. A strategic approach to land use would ensure that land that is highly suitable for water catchment management, flood management or carbon storage is duly recognised in decision-making.* Steven Agnew moved the following amendment: *After the second "climate change" insert ", including the introduction of, and support for, a Northern Ireland climate change bill".* Despite opposition from some members that the introduction of a NI Climate Change Bill would have an adverse effect upon our economy both the motion and the amendment calling for a Bill were passed.

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## Answers to Written Questions

### Minister of Agriculture and Rural Development

#### Agri-food Strategy Going for Growth (14 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140214.pdf> Page: WA 457

The Minister was asked whether a Strategic Environmental Assessment (SEA) will be conducted for the Agri-food Strategy Going for Growth. She replied that the report is very extensive in 'scope and aspiration' and contains over 100 recommendations, some of which are likely to have environmental implications. The Minister stated that *'Indeed, the report itself recognises the need for growth of the sector to be sustainable and makes a number of recommendations to underpin this, including the identification of sustainable production methods, low carbon business practices and a regional land management strategy'*. In developing their proposals, the DARD and DETI Ministers considered the potential implications of the report in terms of sustainable development and conducted a formal, high level environmental screening exercise. They also sought legal advice on meeting the requirements of the European directive 2001/42/EC12 "on the assessment of the effects of certain plans and programmes on the environment" (SEA Directive). The conclusion, taking account of that advice, is that the Going for Growth report itself does not require a SEA, in advance of Executive agreement on the way forward. However, any specific plans or projects developed as part of the implementation of Going for Growth must ensure that agri-food growth is delivered and sustained within the capacity of our natural environment and the objectives of the relevant EU environmental directives and, where appropriate, include completion of an SEA.

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### Minister of Culture, Arts and Leisure

#### Amendments to Fisheries Legislation (7 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140207.pdf> Page: WA 341

The Minister stated that proposed changes to angling regulations are currently under consideration and these relate to a range of salmon conservation measures which have been the subject of extensive consultation. It is proposed that there will be a prohibition of salmon netting, catch and release will be mandatory for all salmon and sea trout caught by anglers in the DCAL jurisdiction and that worming will only be allowed for such fishing after the end of June. Only single or double barbless hooks will be permitted for salmon and sea trout angling. It is intended that these regulations will be in place by the start of the game angling season on 1st March.

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### Minister of Enterprise, Trade and Investment

#### Recreational Sea Angling (21 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140221.pdf> Page: WA 49

The Minister was asked for her assessment of the impact that recreational sea angling could have on the local economy and tourist industry. She replied that according to the recent 'A Strategic Review of Angling in Northern Ireland: Final Report – February 2014' for sea angling there were strong messages from consultees that at present the quality of the fishing is poor and could not provide the basis for a sustained promotional campaign. She added that 'However, in reality, the picture is quite uneven and there clearly are 'hot-spots' of excellent sea angling particularly in the Loughs Agency coastal areas, which could benefit the local economy and tourist industry.

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#### Renewables Grid Liaison Group (28 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140228.pdf> Page: WA 206

The Minister provided an update on the progress made by the Renewables Grid Liaison Group since it was established by the Utility Regulator. Since creation in 2012, the Group has facilitated discussion on issues such as wind farm cluster development, small scale generation connections and offshore connections. It has also published a bi-annual Renewable Integration Status Report which sets out progress for all participants on NIE grid development plans. These reports, together with the

Group's Terms of Reference and minutes of meetings can be accessed on the Regulator's website – [www.uregni.gov.uk](http://www.uregni.gov.uk).

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## Minister of the Environment

### RPA: Update (7 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140207.pdf> Page: WA 402

The Minister provided the following update on the Review of Public Administration: **1.** The Local Government Reform programme remains on target for 1 April 2015. The Local Government Bill was introduced into the Assembly on 23 September 2013 and is currently at Committee Stage. The intent is to have the remaining Assembly stages scheduled for March 2014 with Royal Assent needed by early May 2014. The Bill is a major step towards making local government reform a reality and will provide the legislative framework necessary to give effect to the Executive's decisions on the future shape of local government. **2.** Plans remain on track for elections to the new councils in May 2014. The Secretary of State has brought forward two pieces of legislation to make arrangements for the elections in May 2014. The District Electoral Areas (Northern Ireland) Order 2014 was laid before Parliament on 18 December. **3.** All 11 Statutory Transition Committees (STCs) are now established and operating as required by the Regulations. The work of the STCs is monitored by the Regional Transitional Committee, which the Minister chairs, and he is in the process of conducting a series of visits to all the Statutory Transition Committees to engage with elected members at a local level. **4.** Councils will operate in shadow form for a period of time until April 2015 when the new councils assume full powers and responsibilities. The newly elected councils, acting in shadow form, will have the statutory authority and democratic mandate to make policy decisions. The advertisement for Chief Executive posts was placed in the press and successful candidates should be selected by the end of March 2014.

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### Nitrate Levels in Lough Neagh (28 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140228.pdf> Page WA 209

The Minister stated that assessment of water quality is mainly based on monitoring by NIEA and is reported in the four-yearly "Report on the State of Implementation of the Nitrates Directive in the United Kingdom (NI)". This is submitted to the European Commission in accordance with Article 10 of the Nitrates Directive (the Article 10 report). The latest Article 10 report (for 2008-2011) was produced in 2012. Trend assessments have compared 2008-2011 data with the previous four-year data set 2004-2007. Between the two reporting periods, the 4 sampling locations in Lough Neagh showed stable average nitrate concentrations, with all sites showing a decreasing trend in maximum nitrate concentrations. However, Water Framework Directive (WFD) trophic classification (based on total phosphorus and biological parameters) for Northern Ireland's 27 surveillance lakes for 2009-2011 shows that phosphorus levels remain high in Lough Neagh leading (in conjunction with biological parameters) to the lake being considered hypereutrophic and classified as at "bad" status under WFD. This situation has changed little since the previous two assessment periods (2000-2005, 2006-2008). The Nitrates Action Programme is currently being reviewed by DOE and DARD (to be completed by 31 December 2014) and that review provides an opportunity to examine this issue and consider whether any further measures to address the situation are necessary.

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## Office of the First Minister and deputy First Minister

### Planning Bill (7 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140207.pdf> Page WA 312

The First Minister and deputy First Minister were asked for their assessment of the DoE Minister's statement on the 22 October 2013 regarding his decision not to proceed with the Planning Bill. The Ministers replied that *'whilst disappointed that the Minister did not proceed with the Bill we are nevertheless determined to find a way forward that ensures that we get the best planning system. We hope that a solution can be found that will allow the Planning Bill to proceed through this Assembly. In order to help facilitate the best outcome, we met with the DOE Minister on 28 November to discuss his concerns. At that meeting we agreed that he would bring forward proposals*

*that would facilitate the Bill being brought forward by agreement. Once we receive his proposals it would be our intention to reconvene our meeting with the Minister to discuss the way forward.'*

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## Oral Answers to Questions

### Minister of Enterprise, Trade and Investment

#### Renewable Energy (17 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/17-February-2014/#6>

The Minister stated that while last year we achieved 17% for renewable energies, the biggest challenge for renewable energy is the grid. The strong uptake in small renewable projects has put more of a strain on the grid than the larger renewable energy projects. While the regulator has allowed NIE to invest in the grid, this maybe not as much as NIE would have liked. DETI are also looking at European funding, which would have to be match-funded by the industry here, to see whether it could be available to help to strengthen the grid, particularly in the west of the Province.

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### Minister of the Environment

#### Illegal Dumping: Mills Report (11 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/11-February-2014/#8>

Question 4

The Minister was asked what steps DoE has taken to reduce waste crime and illegal dumping in Northern Ireland following the publication of the Mills report in December last year. He replied that his predecessor commissioned the Mills report but that a number of actions were taken even before the report was received. A total of £1.5 million was secured in the June 2013 monitoring round that has been used to employ 10 extra waste enforcement experts in NIEA's environmental crime unit; to clean up some of the waste at the Campsie illegal waste dump that posed the most immediate environmental risk; and to buy specialist investigation equipment. The funding has helped the NIEA to set up a major waste crackdown through what is known as Operation Toothfish. The operation is being led by the NIEA's environmental crime unit with the assistance of the PSNI. The operation currently involves 25 investigations covering 31 sites and 42 suspected companies and individuals across Northern Ireland. This is a 'comprehensive crackdown' that is targeting a variety of potential types of waste crime, including illegal landfill, refuse-derived fuel, fuel laundering, end-of-life vehicles and waste tyres. The operation is the start of a programme of action over the next few years to reduce the creation of waste and to establish a fully compliant waste industry here in Northern Ireland. The Minister added that his officials and those from the DOJ recently held a joint seminar on the issue of waste crime and the need for the severity of sentence to reflect the seriousness of the crime.

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### Minister for Regional Development

#### A5: EU Habitats Directive (18 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/18-February-2014/#7>

Question 4

The Minister stated that four reports are being developed to inform the habitats regulations assessments of the potential impacts on the various designated sites arising out of the A5 project. Work is almost complete on three reports, which will inform appropriate assessments for the water-based special areas of conservation, including the River Foyle and its tributaries and the River Finn special areas of conservation, as well as the special protection areas and the Ramsar sites. DRD remains on schedule to commence public consultation on those reports in April 2014. The public consultation on the remaining report associated with the appropriate assessment for the Tully Bog special areas of conservation is scheduled to commence in September 2014.

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## Office of the First Minister and deputy First Minister

### Shale Gas (10 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/10-February-2014/#5>

Question 6

The First Minister and deputy First Minister whether they have had any discussions with the Minister of Enterprise, Trade and Investment on bringing forward a cross-departmental policy on the exploitation of shale gas. Junior Minister Jonathan Bell replied that OFMDFM has had no such discussions with the ETI Minister. In response to a supplementary question on shale gas Mr Bell stated *'It is important that we always follow the evidence and best practice. We all have a responsibility to be good stewards of the environment and the earth... and we all have a responsibility to ensure that we pass on the environment in a responsible manner. We also have to take a balanced approach to looking at international best practice, international science, the difficulties that exist and, equally, the opportunities.'*

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