

Northern Ireland Assembly News – February 2016

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Executive Committee Business

Assembly Members (Reduction of Numbers) Bill: Consideration Stage (2 February)

[Full Debate](#)

The purpose of the Bill is to reduce the number of MLAs from 108 to 90; that is, from six to five MLAs for each of the 18 constituencies. During the debate it was revealed that currently, Scotland has one MSP per approximately 40,000 people, Wales has one AM per approximately 50,000 people, but, in NI, we have one MLA for 16,000 to 17,000 people. While all members spoke in favour of the reduction, an Alliance amendment to have the proposed reduction in the number of MLAs returned from each constituency come into effect in time for the May 2016 election, rather than in 2021 was defeated. The Bill subsequently: passed its Further Consideration Stage following [debate](#) on the 16 February with the inclusion of minor amendments; and its [Final Stage](#) on 23 February.

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Departments Bill: Final Stage (2 February)

[Full Debate](#)

Junior Minister Pengelly and gained approval for the passage of the Final Stage of the Departments Bill. This short Bill, progressed the reduction in the number of NI Government Departments from 12 to nine in time for the 2016 Assembly election. The Executive discussed departmental restructuring on several occasions in early 2015 and decided on the names and responsibilities of the future Departments. Those names are reflected in the current Bill.

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Environmental Better Regulation Bill: Final Stage (9 February)

[Full Debate](#)

The Environment Minister gained approval for the passage of the Final Stage of the Bill. Currently, Northern Ireland environmental regulators operate under 230 pieces of environmental legislation, which has produced a complex and unwieldy legislative landscape that is difficult for the regulated to understand and for the regulators to enforce. The Minister stated that the Bill aims to harmonise and simplify aspects of that body of environmental legislation and that better environmental regulation will mean a cleaner, safer environment for all. It will also mean that businesses will benefit from the simplification and reduction of the legislative burden under which they operate, while DoE will benefit from a more cost-effective use of its resources. Parts 1 and 2 of the Bill will make businesses more aware of what is required of them and make it easier for DoE to assess and implement compliance. It will also include parts of EU legislation that have previously been excluded and simplify the rules for powers of entry. The regulation of drinking water quality will also transfer from DRD to DOE. The Minister gave his assurance however that environmental standards will not be lowered as a result of this simplification of environmental regulation.

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Renewable Heat Incentive Schemes (Amendment) Regulations (NI) 2016 (15 February)

[Full Debate](#)

The ETI Minister gained approval for the passing of the draft Renewable Heat Incentive Schemes (Amendment) Regulations (NI) 2016. These regulations amend the Renewable Heat Incentive Scheme Regulations (NI) 2012, (referred to as the 2012 regulations), and the Domestic Renewable Heat Incentive Scheme Regulations (NI) 2014, (referred to as the 2014 regulations). The 2012 regulations established a renewable heat incentive (RHI) scheme for the non-domestic sector, and the 2014 regulations established a renewable heat incentive scheme for the domestic sector. The amendments to the 2012 and 2014 regulations give DETI power to issue a notice suspending the schemes to new applications. The power arises where it appears to DETI that it does not have, or is not likely to have, sufficient funds available to it for the purpose of meeting the full cost of payments under both schemes. The purpose of these regulations is to establish the power for DETI to suspend, not close the RHI schemes. The Minister therefore confirmed that if the Assembly passes this legislation, he would issue a notice closing both schemes to new applications from 29 February. The Minister explained why the scheme needed to close. Both RHI schemes - non-domestic and domestic - are paid out of annually managed expenditure (AME), which is in addition to NI block grant funding. However, the Chancellor's autumn statement in November confirmed that the AME cap for NI would be set out of the Barnett formula at around 3%, meaning that the block DEL would be penalised for any excessive spend. Total expenditure by NI for both schemes in 2015-16 is now forecast to exceed £30 million, plus £18.2 million from the AME. The success of those schemes has resulted in the

budget being exceeded. Although the legislation was ultimately passed: [Ayes 60; Noes 34](#) many members voiced their concern at how the schemes had been implemented and the impact that early closure would have on the local renewables industry.

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Answers to Written Questions

Minister of Agriculture and Rural Development

Tree felling to limit the spread of disease (2 February)

[AQO 9548/11-16](#)

In 2014 and 2015 Forest Service issued Statutory Plant Health Notices (SPHNs) at 60 sites for the control of *Phytophthora ramorum* in larch trees and Ash Dieback (*Hymenoscyphus fraxineus*) in Ash. In these two years a total of 34 SPHNs were issued for the felling of larch trees affected by *Phytophthora ramorum* on both public and privately owned sites. Approximately 134,000 trees have been felled to date. SPHNs were issued at 26 sites for the removal of ash trees affected by Ash Dieback. To date 4,088 trees have been removed from these sites. All sites under notice are monitored by Forest Service Plant Health Inspectors.

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Assistance for residents and businesses affected by flooding (2 February)

[AQO 9544/11-16](#)

The Minister launched the Homeowner Flood Protection Grant Scheme on 13 January 2016. The Scheme provides assistance to property owners to install individual property protection to help reduce the impact of flooding. The Grant Scheme is available to the owners of residential properties that meet eligibility criteria and will generally cover 90% of the installation costs with the remaining 10% contributed by the homeowner. The cost to homeowners may typically fall within the range of £350 to £750. The grant is capped at £10,000. The intention is to extend the Homeowners Flood Protection Scheme to small businesses, including farms subject to a business case being approved, later in 2016. In addition, the Executive has agreed that an Emergency Financial Assistance Scheme will be established for non-domestic properties, including small businesses, affected by the recent flooding. The details of the Scheme are to be developed by the Minister of Finance and Personnel and the DARD Minister.

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Increasing tree population (3 February)

[AQW 53227/11-16](#)

Woodland cover is currently approximately 8% of the land area of NI. The Minister reaffirmed her commitment to increasing the extent of woodland cover and in November last year launched the Forestry Grant Schemes under the Rural Development Programme 2014-20 and allocated up to £17.4 million to support woodland expansion and the sustainable management of existing woodland. This is sufficient to create 1,800 hectares of new woodland and sustain approximately 4,000 hectares created under previous programmes and will help to make a small but positive contribution towards the aim of achieving 12% woodland cover by the middle of this century. The DARD web site provides an indicative map for woodland creation indicating the areas of land being potentially "suitable for afforestation" and "suitable for afforestation with possible constraints".

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Fish stock management plans (23 February)

[AQO 9711/11-16](#)

Management of commercial sea fish stocks is achieved through the framework of the Common Fisheries Policy. The reformed CFP contains an objective which states that "the maximum sustainable yield, or MSY, exploitation rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks." Integral to achieving this are multiannual plans that the CFP states "shall be adopted as a priority, based on scientific, technical and economic advice, and shall contain conservation measures to restore and maintain fish stocks above levels capable of producing maximum sustainable yield." The process for multiannual plans generally involves plan development by regional groups of Member States with input from stakeholder Advisory Councils, leading to formal proposals from the Commission which must be agreed by co-decision between the European Council of Ministers and the European Parliament. A number of these multiannual plans are currently under development, and plans for the North Sea,

and the North Western Waters that include the waters around Ireland, will follow in due course. The only stock management plan, currently in place that affects our waters is the Cod Recovery Plan.

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Minister of Enterprise, Trade and Investment

Job losses with closure of the Renewables Heat Incentive Scheme (19 February)

[AQW 54075/11-16](#)

The Minister of Enterprise, Trade and Investment explained that as he set out in the plenary debate on The Renewable Heat Incentive Schemes (Amendment) Regulations (NI) 2016, keeping the Renewable Heat Incentive open to new applications would place additional pressure on the Executive's budget from 2016/17. Assessment of the impact on jobs in the renewable heat sector can only be *estimated roughly*. However, developing new installations creates more employment than ongoing maintenance so closure can be expected to have a negative impact in that sector. However he concluded that keeping open the scheme would consume more of the Executive's resources which could lead to job losses in other sectors.

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Minister of the Environment

Development of a NI Land Use Strategy (9 February)

[AQW 53640/11-16](#)

DoE is considering the feasibility of a land use strategy following the work undertaken by the NI Land Matters Taskforce set up by the NI Environment Link and in the context of other land use initiatives. In particular, officials are examining how such a strategy would fit with the objectives of an agricultural land use strategy which includes enhancement of the environment in its overall aims. The Minister has met with members of the Land Matters Taskforce, and welcomes in principle their proposals to achieve an integrated approach to sustainable land use. However, he recognised that developing an overarching land use strategy which addresses major issues such as flooding will be a complex task and that a wide range of stakeholders and departments will have an interest in determining the outcome of such an initiative which will require Executive approval. With this in mind, the Minister added that there is limited scope for taking the matter forward in the remainder of this Assembly's mandate. He has however asked officials to work closely with Taskforce members to develop proposals for the new DAERA Minister to initially consider early in the new mandate.

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Update: Built Heritage At Risk Register (16 February)

[AQW 53876/11-16](#)

A building that is still lived in can be included on the Built Heritage at Risk Register for NI. DoE officials met the UAHS's Chief Executive and buildings at risk officer on 11 January 2016 and agreed a timetable for the project. The UAHS is currently compiling relevant material. The work therefore remains on track for completion in the first half of this year. Once the work is complete, DoE will determine the appropriate means by which to make it public.

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Grants for World War 2 Sites (16 February)

[AQW 53755/11-16](#)

There are between 20-30 scheduled monuments in Northern Ireland which date to World War Two. The majority are defensive pillboxes built to repel possible invasion, but they also include light and heavy anti-aircraft battery positions. Scheduling is an ongoing process and it is intended to schedule more World War Two sites in future. There is provision in legislation for DoE to support owners of scheduled monuments in their upkeep through management agreements. These management agreements are aimed at ensuring that our heritage is maintained in a sustainable manner for the future and in recognition of the economic benefit such sites can provide for the local economy. Such agreements are considered by DoE on the basis of the risks to the monument and the benefits that it can bring to the surrounding area, within the confines of Departmental budgets. DoE has a grant-aid scheme to assist with the costs of eligible repairs for most listed buildings; however - due to constraints on departmental budgets - it has not been in a position to allocate any monies to new letters of offer for listed building grant aid in this financial year. In the new Department for Communities, which will also have responsibility for urban regeneration and for local government,

there will be an opportunity to create new options to support works to protect and conserve the historic environment, alongside ongoing advice and guidance to owners of historic structures

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Removal of waste originating from the Republic of Ireland (17 February)

[AQO 9667/11-16](#)

To date 11 of the 17 unauthorised sites have been addressed and approximately 88,000 tonnes of waste has been repatriated. Waste removal is currently ongoing at one site and this site will be completed this financial year. That will leave 5 sites remaining to complete the repatriation programme.

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Municipal waste going to landfill (17 February)

[AQO 9660/11-16](#)

The latest available statistics regarding local authority collected municipal waste (LACMW) going to landfill were those published on 28 January 2016 which covered the period Jul-Sep 2015. The provisional data supplied by the 11 new councils showed that LACMW fell to 97,603 tonnes a drop of 4.4% compared to same quarter last year. This gave an overall quarterly landfill rate of 38.3% compared to 40.5% last year. This was seen as a 'good result' since LACMW arisings (that is all the waste the collected by the councils) increased by 1.1% in the same period. The reduction in landfilling is in line with the NI Landfill Allowance Scheme (which reduces the amount of *biodegradable* LACMW that can be landfilled each year).

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Sand extraction from Lough Neagh Special Protection Area (23 February)

[AQW 54109/11-16](#)

DoE is currently undertaking a procurement exercise to identify if there are any adverse impacts to the ecology of the Lough Neagh system as a result of sand extraction. One element of the research will include broad estimates of the locations and quantity of sand remaining. Provision for the cost of the contract will be made from the budget for the 2016-17 financial year.

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Areas of Special Scientific Interest yet to be designated (23 February)

[AQW 53948/11-16](#)

To date, DoE has designated 385 Areas of Special Scientific Interest (ASSIs). On the basis of an earlier review (2006), there remains approximately 50 sites which were identified for further investigation as potential ASSIs. However, designations are only made if preliminary investigations and detailed surveys confirm that ASSI designation criteria have been met, making it difficult to provide a final completion date for the network. As outlined in the Biodiversity Strategy for NI to 2020, launched in 2015, the ASSI programme has now reached the phase where a greater emphasis is being placed on managing existing sites while maintaining progress towards completion of the site network.

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Minister for Regional Development

Toome to Castledawson Dualing Scheme and Flooding (3 February)

[AQW 53247/11-16](#)

The Regional Development Minister stated that the proposed Toome to Castledawson dualling scheme has been subject to a flood risk assessment and assessed in relation to development on floodplains. The impact has been assessed as negligible as the encroachment of the road onto the edge of the floodplain is relatively minor in comparison to the vast area of the flood plain. The extent of flooding in recent winters has been mapped and assessed in relation to available Whooper Swan grazing habitat and how it affects the count and distribution of the swans. This year's flooding has also been mapped and this mapping will continue as required. The mapping will be assessed following completion of this winter's Whooper Swan monitoring. She added that the vertical road alignment of the proposed works makes appropriate allowances for the effects of climate change.

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Coastal Management Forum (11 February)

[AQW 53738/11-16](#)

The Minister clarified that the remit of the Coastal Management Forum is to inform a more strategic approach to coastal management involving local councils and relevant government departments. Land in private ownership will not be addressed directly by the Forum unless it is deemed to have an impact on assets in public ownership.

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Current and future spend on cycling (11 February)

[AQW 53696/11-16](#)

DRD's spend per head of population on cycling in the last five years is detailed below. This includes TransportNI expenditure mainly on on-road infrastructure and including segregated off-road provision, Transport Projects on Active Travel Demonstration in a number of councils, and the Cycling Unit's promotion of cycling and walking and the funding of the Active School Travel Programme.

	Cycling Spend £million	Spend per head of population
2010/11	0.43	£0.24
2011/12	1.25	£0.69
2012/13	0.98	£0.54
2013/14	0.98	£0.54
2014/15	7.51	£4.17

This year it is anticipated that the DRD will spend around £2.4 million on measures related to cycling. As the current population of NI is estimated at 1.858 million this gives spend of around £1.30 per head of population this year. Allocations for 2016/17 within the DRD budget have yet to be finalised.

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Bus Lane fines and use of revenue (9 February)

[AQW 53304/11-16](#)

The issuing of Penalty Charge Notices (PCNs) for Moving Traffic Offences in bus lanes in the Belfast area commenced on 22 June 2015 and the amount paid up to 26 January 2016 is some £1.2 million. All revenue received, less the cost of operation and collection, contributes to the financing of the services provided by DRD. This year it has also enabled the provision of new services such as audio visual systems and real-time passenger information systems for public transport. Additional revenue raised will be used to support a number of sustainable transport projects.

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Possible effects of drilling beside water catchment facility (16 February)

[AQW 53667/11-16](#)

The Minister stated that the exploratory drilling by Infrastrata is regulated under the terms of its Consent to Drill. The 'Consent to Drill' at Woodburn Forest has been granted by DETI and the granting of this consent demonstrates that DETI is satisfied with all of the technical, environmental and health and safety aspects of the proposed drilling plans. DETI's consent follows a separate consent issued by NIEA (Water Management Unit) under the Water (NI) Order 1999, which regulates the well in terms of surface water and groundwater impacts and includes the implementation of a monitoring plan to verify that no adverse impacts arise on neighbouring waterbodies from the exploratory activity. Infrastrata produced a detailed Project Environmental Report, addressing all aspects of biodiversity and environmental impact, which was considered and approved by NIEA. The Minister added that NI Water has in place Drinking Water Safety Plans (DWSP) for all of its water treatment works and associated supply areas. Drinking Water Safety Plans identify the potential for risk to water quality from all potential raw water sources within the catchment area of a treatment works. NI Water works closely with the NIEA to minimise any potential impacts on drinking water quality and keeps under review any risks identified to inform the DWSP risk assessment process. The Minister concluded, *The exploration project at Woodburn has been designed as 'zero discharge' and NI Water is satisfied that the proposed work will have no detrimental impact upon the impounding reservoirs or the public water supply and therefore has not conducted a separate investigation.*

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Oral Answers to Questions

Minister of Agriculture and Rural Development

Wind Energy and Forest Estate (2 February)

[\(AQO 9540/11-16\)](#)

A strategic outline case to support the work of Forest Service to commercialise its wind potential has already been approved. The next stages of business case work will be presented to the Minister shortly for consideration. It will inform how best to commercialise the potential that exists on the forestry estate. There have been significant policy changes in the renewables area throughout 2015 locally and at UK level, which has led to delays as Forest Service considers how best to integrate the changes into its proposals. The proposals coming forward now have taken the changes into consideration. Revenues for DARD or, indeed, communities will be dependent on sites becoming operational. The Minister added that any proposals will be assessed against environmental standards and the planning standards that already exist for wind farms. As part of its process, Forest Service has excluded environmentally designated areas such as Special Protection Areas.

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Minister of the Environment

Gold-mining: Community Concerns (15th February)

[\(AQO 9657/11-16\)](#)

The Minister stated that DoE's objectives for minerals development are set out in the strategic planning policy statement for NI. The objectives seek to facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment. DoE will seek to minimise the impacts of minerals development on local communities, landscape quality, built and natural heritage and the water environment, and, where development occurs, secure restoration of the site at the earliest opportunity'. There is a statutory obligation on prospective developers to consult with the community before any major planning application is submitted to DoE. This engagement is considered an essential component in addressing community concerns and environmental impacts at an early stage in developing a project. When an application is submitted, it will also be subject to the normal procedures of consultation, and any representations received will be taken into account in determining the application. He added that proposals for minerals developments, including proposals for gold-mining, will also be subject to a wide range of consultation to assess the impacts on the environment, including on air, soil, water quality, wildlife habitats, landscape, sites of archaeological and historic interest, and on people. Applications for planning permission will be expected to be accompanied by robust environmental information to allow an assessment of the impacts of mining and, where required, by an environmental statement. Whilst there are clearly a number of environmental challenges in developing such mining proposals, those are matters that fall to be addressed through the planning system. The Minister is satisfied that the system will allow community concerns to be highlighted and addressed through the measures highlighted above.

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Minister for Regional Development

A5: Draft Order (1st February)

[\(AQO 9510/11-16\)](#)

The Minister reiterated that the Fresh Start Agreement committed the Executive to advance the A5 western transport corridor project. The Irish Government have made a commitment to contribute £75 million match funding towards the project. That funding commitment is intended to ensure that, subject to the successful completion of statutory procedures, construction of the New Buildings to Strabane section can commence in 2017, with an estimated completion date of 2019. Work on the new draft statutory orders and environmental statement is now complete. The Minister is also planning to introduce a land acquisition and compensation Bill to assist landowners losing their land to vesting. The Minister will be seeking accelerated passage for this Bill to bring compensation levels into line with the rest of the UK around compulsory land purchase.

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Belfast Bicycle Network (1 February)

[\(AQO 9511/11-16\)](#)

The Minister was reminded that adequate investment is essential to delivering safe cycle routes in Northern Ireland. The DRD cycle strategy aims for £10 to be spent per person, and the DRD/Sustrans Bike Life report shows that Belfast residents support a £25 per person spend on cycling. Given that the spend in 2014-15 was £4 per person and in 2015-16 is £3 per person, the Minister was asked what will her allocation be for cycling in the 2016-17 budget? She replied that this year, it is

anticipated that DRD will spend £2.4 million on cycling. This includes expenditure on the Active School Travel programme. In 2014-15, a total of £7.5 million was spent on cycling. That included quite a significant amount of capital for active travel demonstration projects. The Minister added, she was aware of Sustrans's manifesto and plans and that DRD is undertaking to develop a bicycle network plan for Belfast that will guide the development of infrastructure around the city for the next 10 years. Plans also exist for a greenway strategy, hopefully any incoming Minister will see the benefits of both those plans when allocating funding. In response to a further question the Minister revealed that there have been 150,000 journeys to date through the bike share programme in its first nine months.

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