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Executive Committee Business

Environmental Better Regulation Bill: Consideration Stage (11 January)

[Full Debate](#)

Minister Durkan moved the Consideration Stage of the Environmental Better Regulation Bill. The aim of the Bill is to retain the focus on streamlining environmental regulation while robustly protecting the environment and, in turn, ensuring that businesses can operate in a more efficient and cost-effective manner. It aims to ensure that those who comply with environmental regulation are free to continue their good practices unencumbered by red tape. It is intended that this will, in turn, free up resources to pursue those who are failing in their environmental obligations, meaning that serial offenders or those who seriously breach the regulations will be dealt with severely and quickly. Conversely, those businesses that have breached the regulations through oversight or misunderstanding will receive support and guidance to achieve compliance. The Bill will amend the Clean Air (NI) Order 1981, the Environment (NI) Order 2002 and the Water and Sewerage Services (NI) Order 2006 in order to provide a framework that is easier to regulate, understand and operate. Under the Bill, the existing separate regimes governing waste, pollution, water and radioactive substances will be brought together into a single framework. Members debated and approved 6 amendments to the Bill most of which were recommendations made by the Environment Committee following input from organisations that provided written evidence and comments obtained from oral evidence sessions involving NIEL and the Ulster Angling Federation. Amendment No 1 to clause 3 requires DoE to consult certain regulators and other persons as it thinks fit before making regulations to protect and improve the environment. Amendment No 2 was a new general purpose clause outlining the Bill's objectives. Amendment No 3 is a technical amendment that addresses advice from the Examiner of Statutory Rules. Amendment Nos 4 and 5 relate to the code of practice on powers of entry. Finally, amendment No 7 to schedule 1 removes powers given to the DoE to further define and modify the definition of, and to specify, other "environmental activities". The Committee requested the removal of this power, as it believed that the DoE already had sufficiently broad powers under Part 1 of the Bill. The Consideration Stage was completed upon acceptance of these amendments.

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Budget 2016-17 (19 January)

[Full Debate](#)

The Chair of the Committee for the Environment outlined the Committee's view on the budget proposals. Departmental officials had briefed the Committee at its meeting on 14 January. Officials discussed the in-year monitoring position, the transfer of functions from DOE to three new Departments and the budget for 2016-17. As current DOE functions are being split over three Departments, the Committee sought clarification on what funding would be available for current DOE functions following the transfer. Officials advised the Committee that a 5-7% reduction had been applied to the resource budget. This will present challenges to the new Departments as they seek to maintain the delivery of priority services. The Committee was aware that approximately £16 million resource has been allocated for road safety and policy and strategic planning and policy in the Department for Infrastructure and approximately £28 million for the environment functions in Department of Agriculture, Environment and Rural Affairs (DAERA). Officials also advised that £56 million had been allocated to the Department for Communities for local government and the historic environment division. The Committee sought to ensure that the current environment functions receive the appropriate budgetary and policy weight in their new Departments and that there is no diminution of planned programmes. The Committee has been advised that, following the May elections, the June monitoring round will provide new Ministers the opportunity to reallocate and realign budgets to reflect their priorities more closely. She added that there are many priority areas in the current functions of DOE: local government, which recently underwent its own significant reform and has faced financial challenges; the natural environment fund, which provides important funding for projects that aim to protect our environment and our precious biodiversity; and road safety. However, that is certainly not an exhaustive list, and the Committee is concerned that those functions may be diluted in a larger Department. The Committee will reflect that in its legacy report. The Budget was passed on with cross-community support on a vote of Ayes 62 and Noes 30.

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Assembly Members (Reduction of Numbers) Bill: Second Stage (25 January)

[Full Debate](#)

Junior Minister McCann (OFMdFM) sought and gained approval that the Second Stage of the Assembly Members (Reduction of Numbers) Bill [NIA Bill 76/11-16] be agreed. Section 33 of the NI Act 1998 provides for each of our parliamentary constituencies to return six Members to the Assembly. The purpose of this Bill is to reduce that number from six to five. Section 6 of the NI (Miscellaneous Provisions) Act 2014 provides that alteration in the number of Members of the Assembly returned by each constituency is a reserved matter. That allows the Assembly to legislate to change the number of MLAs returned for each constituency but restricts any such change to a reduction by one. The Act also prohibits any provision being made for different numbers of Members being returned for different constituencies. As it is a reserved matter, the Secretary of State's consent was required for the introduction of the Bill in the Assembly. It is also the Secretary of State's responsibility, ultimately, to submit the Bill for Royal Assent. That will only occur provided the Bill has cross-community support at the point at which it is passed by the Assembly.

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Water and Sewerage Services Bill: Final Stage (25 January)

[Full Debate](#)

The Minister for Regional Development sought and gained approval that the Final Stage of the Water and Sewerage Services Bill [NIA 51/11-16] do now pass. The Minister explained that *'The Bill is vital, not least because it will ensure that my Department can continue to pay a subsidy to Northern Ireland Water after March this year in lieu of domestic charging. However, the Bill is about much more than that. It also contains important governance and environmental improvements that will result in considerable benefits to the water sector and the general public'*. She added that during the Committee Stage she had listened to the views expressed and had, ensured that the Bill addresses one of the main areas of concern and amended it to make it clear that the suitable alternative means of dealing with surface water, which are referred to in the Bill, include natural features and other arrangements that are commonly known as soft sustainable drainage systems or soft SuDS. Sustainable drainage is a key concern, particularly in light of the recent flooding events, and DRD will continue this important work and engage with key stakeholders to investigate how a full range of SuDS can be progressed. The Minister believed a lot of good work has already been done, and was pleased that DRD has included soft SuDS in a number of its major road schemes. DRD also hopes to publish 'Sustainable Water - A Long Term Water Strategy' later this year which will be another means of working towards a sustainable water sector of which SuDS is a key part. With this in mind, she was happy to broaden the references to sustainable drainage in the Bill to make specific reference to soft SuDS.

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Environmental Better Regulation Bill: Further Consideration Stage (26 January)

[Full Debate](#)

As no amendments were tabled, there was no opportunity to discuss the Environmental Better Regulation Bill. Members will, of course, be able to have a full debate at Final Stage. The Further Consideration Stage of the Bill is, therefore, concluded.

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Answers to Written Questions

Minister of Agriculture and Rural Development

Consequences of the WFD on the dredging of watercourses (25 January)

[AQW 52691/11-16](#)

DARD has a duty under the Water Environment (Water Framework Directive) Regulations (NI) 2003 to exercise its function in a manner which secures compliance with the WFD. Rivers Agency, along with colleagues in Britain and Ireland involved in flood risk management, has developed good practice guidelines and mitigation measures for flood risk management activities that enable this function to be carried out in compliance with the WFD. The Minister added the Directive does not prevent the Agency from carrying out river in-channel works which may cause a deterioration of the ecological status on a watercourse where it is shown to be of overriding public interest.

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Minister of the Environment

DOE Legal Fees (5 January)

[AQW 50833/11-16](#)

Since taking up his office on 16 July 2013, DoE has spent £1,448,656.56 on legal fees, including outstanding fees. This includes amounts paid to DFP Departmental Solicitors' Office and payments to barristers and solicitors employed on DoE's. Legal costs comprise the costs associated with various judicial reviews in respect of planning matters and waste management, enforcement action against breaches of the Department's regulatory activities, defending public and employer liability claims, and commercial and property legal costs.

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Environmental Problems and Septic Tanks (6 January)

[AQW 52206/11-16](#)

The Minister gave his assessment of the environmental problems caused by septic tanks.

Under the Water (Northern Ireland) Order 1999, the consent of DoE is required to discharge trade or sewage effluent to a waterway or water contained in underground strata. This includes the discharge of effluent from domestic septic tanks. As part of the development of the River Basin Management Plans, the main pressures in WFD failing water bodies have been identified. For Northern Ireland, around 68% of failures are due to diffuse agricultural pollution, and 33% are due to point sources from Wastewater Treatment Works (WWTWs), industry, sewerage networks, urban runoff and other non-sewered discharges. As a result the River Basin Management Plans, Programme of Measures set out clear actions to be taken to tackle these pressures. To date Research Programmes have found that septic tanks amount to only 10-15% of the nutrient loading within NI water bodies. Where NIEA detects a pollution risk as a result of inadequate septic tank performance, the Enforcement Policy will be applied. This will normally involve working with the owner of the system to achieve voluntary compliance, but can lead to formal enforcement proceedings if co-operation is not forthcoming.

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Carrier Bag Levy Increase (6 January)

[AQW 51566/11-16](#)

The Single Use Carrier Bags Charge Regulations (NI) 2013 became operational on 8 April 2013 and were subsequently amended in January 2015 by the Carrier Bags Act (NI) 2014. This amendment extended the scope of the Carrier Bag Levy to include **all** bags with a retail price of less than 20p effectively extending the levy beyond single use bags to include cheap reusable bags. The first year of the levy delivered a reduction in bag numbers of 71.8%. Validated statistics for the second year of the levy indicate that this reduction from the baseline figure of 300 million bags dispensed prior to the introduction of the levy in 2013 is continuing. Proceeds totalling £13.5m covering the 2013-14 to 2015-16 period have been ploughed back into a full range of local and community based environmental projects. The extension of the levy is relatively new and the Minister believes at this stage it is too soon to measure its impact on customer behaviour or indeed delivery of any further decrease in bag usage. It is also difficult to determine whether any increase in the levy charge would deliver any further reduction in bag usage or facilitate greater protection for our environment. However, a review of the Carrier Bag Levy charging regime is scheduled for 2017 with the findings to be presented to the Departmental committee.

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Guidelines for the Landfill Community Fund (20 January)

[AQW 52844/11-16](#)

The Landfill Community Fund (LCF), formerly the Landfill Tax Credit Scheme, operates on a UK-wide basis and is administered and regulated by ENTRUST, a not-for-profit company. The LCF allows landfill operators to pay a portion of their landfill tax liability to not-for-profit Environmental Bodies who then distribute the funding to community projects benefiting the general public, biodiversity or the environment. The most common way to access funding is to approach an Environmental Body who distributes funds on behalf of landfill operators. Full guidance on accessing the Fund and its implementation can be found on the ENTRUST website <http://entrust.org.uk/landfill-community-fund/>.

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Moratorium on Unconventional Gas Exploration and Extraction (26 January)

[AQW 52769/11-16](#)

The Environment Minister stated that the introduction of a formal moratorium on this activity is not within his statutory powers. However, with regard to the recently published Strategic Planning Policy Statement (SPPS), the SPPS reaffirms his position that there should be a presumption against the exploitation of unconventional hydrocarbon extraction until the Department is satisfied that there is sufficient and robust evidence on all environmental and health impacts. The SPPS must be taken into account by Councils in the preparation of new Local Development Plans and is material to all decisions on individual planning applications and appeals. The provisions of the SPPS apply to the whole of Northern Ireland, including County Fermanagh. He believes that the SPPS provides clarity and certainty to Councils and everyone affected by and interested in planning decisions in relation to this form of development.

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Minister for Regional Development

Proposed A5 and Flooding (29 December)

[AQW 52208/11-16](#)

The Minister confirmed that the proposed A5 Western Transport Corridor (A5WTC) crosses approximately eight miles of a floodplain. DRD officials are aware of recent flooding incidences at specific locations along the proposed route, and they are currently checking this against information gathered previously and with Rivers Agency. The Minister added that the proposed A5WTC is designed in accordance with current guidance and good practice in relation to drainage and flooding and the carriageway will be at a sufficiently high level so as not to be at risk from flooding and an appropriate level of mitigation against potential effects of increased flood risk associated with construction in the flood plain is being proposed.

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Ecar Charging Points (30 December)

[AQW 51935/11-16](#)

Under Phase 1 of the ecar project which commenced in 2011, a network of 334 ecar charging points were installed across NI by a consortium which included DRD, the DoE, NIE and some local councils. The funding for the installations was provided by members of the consortium, the Office for Low Emissions Vehicles (OLEV) and the EU under the Ten-T programme. Under Phase 2 of the ecar project which commenced in 2014, 54 charge points were installed throughout the public sector estate. The charge points were 75% funded by OLEV and intended primarily for workplace usage. However, where appropriate some are available for public access and will be added to the National Charge Point Registry.

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Belfast Transport Hub - Update (26 January)

[AQW 52740/11-16](#)

Translink is working closely with DRD, the Strategic Investment Board and Belfast City Council on the plans for the new Belfast Transport Hub to ensure the development is fully realised as a major public transport and regeneration opportunity. The project aims to provide a state of the art, multi-modal transport interchange that will be central to providing improved transport connectivity. It will combine rail and bus termini with taxi, private car, cycling and eventually Rapid Transit modes situated within Belfast City Centre. It will facilitate improved rail links between Belfast and Dublin and aligns with DRD's wider rail strategy. To date a considerable number of environmental surveys and investigation works have been undertaken on the existing site and engagement is on-going with the surrounding communities. This project is now progressing through design / master planning. An Outline Business Case (OBC) is being prepared and expected to be ready early this year, with a possible planning application later in 2016 and at this stage an estimated completion date of 2021. However, this is clearly dependent upon OBC approval, affordability considerations, relevant statutory approvals and procurements.

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Oral Answers to Questions

Minister of the Environment

Snares: Legislative Update (26 January)

[\(AQO 9480/11-16\)](#)

The Minister stated that in November 2015, he decided to put a hold on the Snares Order because he was aware that many are opposed to the idea of using snares in any situation due to concerns about animal welfare. However, he was aware that those who support the use of snares consider their use to be essential in assisting countryside management practices such as farming, game management and reducing pressure on ground-nesting bird species. The order would supplement existing regulatory controls and would place new technical requirements on snares and how they should be used. All snares would be required to be fitted with permanent safety stops. All snares would need to be fitted with swivels to facilitate twisting action by the animal caught by the snare without causing damage to the animal. The order would require that snares should not be set in a place or in a manner where an animal is likely to become fully or partially suspended or be at risk of drowning. Snare users would be required, when conducting their daily checks, to ensure that the snare remains free-running and to remove or repair the snare if it is not in such a state. Lastly, the use of drag snares would be prohibited. It would be a requirement that snares must be firmly staked into the ground or firmly anchored to an object in an appropriate manner so that the snare could not be dragged away by an animal caught in it. He concluded that he was in the process of meeting groups that hold very strong views on both sides of the issue and will then decide his next steps. He added, *'My personal instinct is that I would like to see them banned. However, these decisions have to be evidence-based. I am in the process of gathering more evidence'*.

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Japanese Knotweed (26 January)

[\(AQO 9482/11-16\)](#)

The Minister was asked what steps his Department is taking to help landowners affected by Japanese knotweed. He replied DoE's role is largely limited to the provision of advice and guidance to members of the public on dealing with Japanese knotweed on their land. DoE has no legal powers to force a landowner to undertake control of Japanese knotweed on their land. However, the Minister has tasked his officials with carrying out an analysis of the scale of the problem and outlining options for further discussion with Executive colleagues. This work is to be completed by the end of January.

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Minister for Regional Development

NIW Environmental Pollution: Financial Penalties (11 January)

[\(AQO 9322/11-16\)](#)

The Minister outlined the financial penalties that Northern Ireland Water has incurred as a result of environmental pollution offences in the past five years. These amount to £61,250. That figure equates to £16,250 for 2011; £22,500 for 2012; £7,950 for 2013; £9,300 for 2014; and £5,250 for 2015. The Minister added that NIW has steadily improved its environmental compliance over the past number of years, and that improvement has led to them achieving the best ever waste water compliance in recent years: 98.4% in 2014. This is attributed to significant investment in sewerage services and improvements to the management and operation of the waste water assets. To achieve that, NIW has developed and implemented a pollution-reduction strategy centred on the three areas of operational management, capital investment and education and awareness.

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Coastal Erosion (11 January)

[Topical Question 8 AQT 3288/11-16](#)

In relation to the effects of coastal erosion and the need for better coastal management, the Minister acknowledged that there is a somewhat fragmented approach that sees different Departments and local councils exercise different responsibilities. As a result, she called together a number of stakeholders, including the Minister of the Environment, the chief executive of the Rivers Agency, representatives of the National Trust and councils affected by coastal erosion to discuss the issue. While she plans to have another meeting of the forum in February, at this stage, it is difficult

to set out a programme of work, given that we are moving into a change of Departments, but it remains 'a good basis for moving forward'.

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