

Northern Ireland Assembly News – June 2020

51 MLAs have signed our Charter to Protect and Restore Nature – [see here for more information](#)

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Executive Committee Business

Environment Bill: Legislative Consent Motion (30 June)

Minister Poots sought and gained approval: *That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Environment Bill, as introduced on 30 January 2020, dealing with: environmental governance Northern Ireland in clauses 45 and 46 and schedules 2 and 3; waste and resource efficiency in clauses 47-53, 56, 58, 62, 64 and 68 and schedules 4-9; water quality in clauses 81 and 83; and amendment of REACH legislation in clause 125 and schedule 19.* The Minister stated that the Environment Bill is a UK Government Bill, containing a range of clauses; some of which apply UK-wide, some only to England and some to Northern Ireland and other devolved jurisdictions. A number of matters that are covered by the Bill are reserved and, as such, do not require the consent of the Assembly for the UK Government to legislate at Westminster. However, the environment in general is a devolved matter and, hence, most of the clauses in the Bill that apply to Northern Ireland require the Assembly's consent. The Minister stated that where possible Devolved Matters should be legislated for by the Assembly, however, there is not time to deliver fully considered NI legislation before the end of the transition period. He added 'failure to take this opportunity to keep open the options presented by this UK Bill would be detrimental to environmental governance and safeguards in NI. A number of MLA's spoke during the debate and reinforced concerns raised by NIEL on our [evidence](#) on the Bill. The Deputy Chair of the AERA Committee raised a number of Committee concerns including the absence of commitment to non-regression in the Bill, absence of a sunset clause in terms of a date by which NI should introduce our own Environment Bill, non- reference to the NI protocol and a range of concerns over the proposed OEP. However, the Deputy Chair of the Committee said that the Committee has not taken a position on the Bill. The Committee recognises the risk of governance gaps should there be an absence of legislation to protect and improve the environment here. That said, the Committee believes that a NI Environment Bill, taking account of our unique circumstances, is, ultimately, the way forward. Read the full statement and debate [here](#).

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Ministerial Statements

Green Growth Strategy and Delivery Framework (23 June)

The Minister of Agriculture, Environment and Rural Affairs briefed members on a new Green Growth Strategy and Delivery Framework where he stated that '*Developing and defending our natural assets is key to creating a resilient economy and a healthy environment and should be at the heart of future Government policies and business strategies*'. The Ministerial statement recognised "*Right now, we are presented with an exceptional opportunity – to make real and long-lasting linkages between the private sector, the public sector and the people, to help us achieve a total generational shift in how we approach our economy and our environment. We must not just defend our environment; we must develop it to maximise the benefits it presents*'. In order to achieve rapid green growth, the statement represented a 'roadmap' to achieving a healthy environment and a healthy bottom line for our economy. This roadmap includes a co-designed Green Growth Strategy, a framework of policies to achieve its objectives, and the establishment of an inter-ministerial group to help weave Green Growth throughout all future Government policies. The Minister intends to consult across the entire waste, agriculture, energy, environment, public and private sectors to get as well-rounded a view as possible. The Minister concluded: '*As we plan our recovery from the effects of the pandemic, it is crucial that we adopt a holistic approach, building on the many lessons learned in recent months. Rather than picking up where we left off, I am recommending economic renewal that recognises the importance of our environment and advocates green growth as a pathway to a sustainable future*' Read the full statement [here](#).

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Private Members' Business

Planning a Just Economic Recovery after the COVID-19 Crisis (1 June)

The Assembly debated and passed an amended motion: *That this Assembly recognises the unprecedented impact the COVID-19 global pandemic is having on our society and economy; commends the invaluable contribution made by our front-line workers who have provided vital service, selflessly, throughout this pandemic; believes that a fair, just and green economic recovery strategy is required in the aftermath of this crisis; agrees that an economic recovery strategy must not only recognise but also demonstrate that we value our front-line workers and want to protect them, and the most vulnerable, through any impending recession; understands that workers' rights and public services must be protected; commits to existing economic challenges being tackled by a just and green transition to a more high-skilled, regionally balanced and sustainable economy that works for workers, their families, and businesses; and calls on the Executive to ensure that these principles underpin an economic and society-wide recovery guided by a social partnership approach involving government, trade unions, businesses and the third sector.* Various speakers acknowledged that we cannot simply rebuild what was there and return to business as usual and that we must plan for the economic and societal recovery that we want to see and put a strategy in place to achieve it. Read the full debate [here](#).

EU Withdrawal Transition Period: Extension (2 June)

Members debated and approved an amended motion on a split vote: *That this Assembly notes its unique role as a named party to the UK-EU Withdrawal Agreement and the unique impact of Brexit on Northern Ireland; further notes the ongoing COVID-19 crisis and the extreme challenges facing all sections of society and the economy; and calls on the UK Government to request and the European Union to agree an extension of the current Brexit transition period beyond 31 December 2020 in order that Northern Ireland is given adequate time to rebuild and prepare for the implementation of new arrangements.* Read the full debate [here](#).

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Answers to Written Questions

First Minister and deputy First Minister

Update on Compact Civic Advisory Panel (9 June)

The First Minister and deputy First Minister were asked to outline the steps they have to take to enable the Citizens' Assembly to meet; and how will they ensure there is appropriate civic engagement and public consultation on the topics to be considered. They [replied](#) that the New Decade, New Approach Deal (NDNA) outlines in paragraphs 3.9 and 3.9 proposed arrangements for future structured civic engagement, including the role of Compact Civic Advisory Panel in recommending appropriate models of engagement on specific issues, including a Citizens' Assembly. They will be considering the potential and opportunities of a Citizens' Assembly as part of the work on implementing NDNA. A detailed assessment on NDNA commitments is currently underway within the Executive Office.

Minister of Agriculture, Environment and Rural Affairs

Update on EPA (2 June)

The Minister was asked for an update on progress to establish an independent environmental protection agency. He [replied](#) that he was committed to considering the implications of the proposals in the New Decade, New Approach agreement for the establishment of an independent environment agency to form part of the possible outline of a future Programme for Government '*but an independent environmental protection agency cannot be created overnight – consideration needs to be given to appropriate options and these will all require robust economic appraisal to determine the best option for Northern Ireland*'. He added 'Understandably, in the current crisis resources are spread more thinly than I would like and so some prioritisation has been necessary. There are other

issues that need to be addressed first, such as the OEP and NI's first overarching Environment Strategy, which will help in our recovery from the devastating effects of Covid-19'.

Current Infraction Proceedings and Brexit (4 June)

The Minister was asked for an update on the infraction proceedings initiated by the European Commission against the UK in respect of the management of NI's Special Areas of Conservation and Special Protection Areas and what impact Brexit will have on these proceedings. He [replied](#) that Legal proceedings by way of a "Letter of Formal Notice" were instigated against the UK in May 2015 in relation to Special Areas of Conservation under the Habitats Directive This is the first stage in the infraction process. Since May 2015 no further legal action has been taken by the Commission on this specific legal case. As the court proceedings were instigated prior to Brexit, it remains a live case and is a matter for the Commission to determine how they wish to proceed.

Departmental Powers & Compensation for starting fires (15 June)

The Minister [stated](#) the Forestry Act (2010) specifies that a person shall not burn vegetation within one and a half kilometres of a forest unless they have served the forest owner notice of their intention to burn vegetation. A person who burns vegetation in contravention of this commits an offence and is liable, on conviction, for a fine and all damages which are recoverable by the forest owner from the person burning the vegetation. Farm businesses claiming grants or subsidies under a number of DAERA schemes must meet the conditions contained in the Northern Ireland Cross-Compliance Verifiable Standards. Under the Verifiable Standards, the farm businesses must not burn heather, gorse, whin or fern between 15 April and 31 August each year. A breach of this Verifiable Standard could result in a cross-compliance penalty being applied.

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Independence of the Office for Environmental Protection (24 June)

The Minister was asked to outline to outline how the Office for Environmental Protection (OEP) will be independent from government. He [replied](#) that the Environment Bill will establish the OEP as a body independent of government. The Bill provides for the body to have its own chief executive and board independent of government, hold its own assets, employ its own staff and manage its own budget. The principal objective, functions and duties of the OEP are set out in the Bill, including the requirement for the body to prepare a strategy setting out how it will exercise its statutory functions. This will include the preparation of the OEP's enforcement policy and while the Bill provides guidance on what should be contained in the strategy, neither Defra nor DAERA will have any direct role in its preparation. The OEP will report independently to Parliament and the Assembly. The Secretary of State and DAERA also have a statutory duty to have regard to the need to protect the OEP's independence.

DAERA Climate Change-related research and development (26 June)

DAERA has funded or co-funded 21 climate change related projects over the last five years, including research into developing a better understanding of greenhouse gas emissions from livestock enterprises; research on carbon sequestration in our soils; and modelling potential impacts of climate change on land and marine environments to inform policy development. A full list of these research project titles is provided [here](#).

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Minister for Communities

Archaeological items, storage and public display (19 June)

The Minister [revealed](#) that her Historic Environment Division (HED) holds the excavation material from 450 excavations carried since 1950. Given the fragmentary nature of most of the material recovered in excavations (which can include animal bones, production waste, pottery sherds and environmental samples) it is impossible to state the total number of items but there are certainly tens of thousands of individual items in this material. HED also curates a limited amount of material from non-Departmental excavations, including some works associated with infrastructure schemes. In regard to display, many of the most significant objects are already on loan to a variety of appropriate and publically accessible institutions, including National Museums NI (NMNI), local authority museums and heritage centres; and some relevant artefacts are also on display on some of

the monuments in the care of the Department. All loan requests to NMNI are individually assessed to ascertain the security and environmental conditions required for the objects requested.

Minister for the Economy

Update on the Petroleum and Minerals Licensing Regimes (18 June)

The Minister gave an [update](#) on her Department's reviews of the petroleum and minerals licensing regimes. Given the importance of these reviews, in terms of informing our future policy on both petroleum and mineral licensing, the decision has been taken to commission two separate pieces of independent, NI specific research into the economic, societal and environmental impacts of exploration for, and extraction of, our petroleum and minerals resources. The Department is currently considering two petroleum licence applications; in order to inform decisions on issues raised in public consultations on those applications, the decision has been taken to commission the research into the impacts of petroleum exploration and extraction first. The tender for the petroleum research was published on 9 June and work is ongoing to finalise the specification for the minerals research, with a view to publishing this tender in the coming months. The outputs from the two research projects will be used to inform the development of future policy positions on petroleum and minerals licensing.

Update on the new Energy Strategy for Northern Ireland (22 June)

The Minister stated that there is a substantial work programme ongoing to review the inputs provided through the Call for Evidence, gather further evidence where needed and develop robust policy options for a new Energy Strategy. A summary report of responses received will be published by the end of June, alongside each individual response. This will also be accompanied by a report on the five workshops that took place in February to highlight the key themes emerging from these. The Minister intends to publish an options paper on the Energy Strategy for consultation by the end of March 2021. Following the consultation, and subject to securing Executive approval, the aim is to have the final Strategy in place by November 2021. The Energy Strategy will provide strategic direction on the pathway to net zero emissions by 2050 and the policy levers needed to deliver this. However, government does not determine what individual energy infrastructure projects are brought forward, and this detail will therefore not be included within the Strategy.

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Minister for Infrastructure

Progress on the A5 Western Transport Corridor (5 June)

A Public Inquiry administered by the Planning Appeals Commission into the A5 Western Transport Corridor scheme, concluded on 13 March 2020. The Minister [stated](#) she is awaiting the Inspector's report, which is scheduled for completion in September 2020. Subject to a favourable outcome from the Public Inquiry and the successful completion of all statutory procedures and environmental assessments, construction work on the first phase of the scheme, Phase 1A from New Buildings to north of Strabane, could commence during 2021.

Financial pressures facing NI Water (9 June)

The Minister provided a detailed [breakdown](#) of the financial pressures facing NI Water (NIW). NIW is reporting significant financial pressures, both in 20/21, and beyond into the next Price Control (PC21) period from 2021 – 2027. The economic and social consequences of the COVID – 19 pandemic has also created an immediate resource pressure in this financial year, estimated at some £31.6m. In the longer term, NIW is reporting a requirement of around £2.3bn in capital budget, in PC21, to invest in the major infrastructure improvements. Set against a budget allocation of around £930m in the current Price Control (PC15), this is a significant increase. However without that level of funding, NIW will not be able to deliver the level water and wastewater service improvement required to sustain good public health, help the economy recover and to protect our environment.

Progress on the DFI's Planning Environmental Governance Work Programme (19 June)

The Environmental Governance Work Programme (EGWP) outlines a number of areas of work being taken forward which are aimed at improving environmental governance and practice across the

planning system. The Minister [stated](#) that progress has been maintained across the main strands of the Programme. In relation to capacity building and support, there has been positive engagement with all councils with the delivery of tailored training in conjunction with an external environmental expert. An 'Environmental Officer's Forum' has also now been established which includes planning officers from DfI and councils. This work was completed as programmed, however, the current COVID-19 crisis has delayed the next phase of the training and the timing of practice guidance. Work is underway to take this forward as soon as possible. DfI continues to engage with councils in relation to certain operational environmental compliance issues where appropriate. Work in other areas of the Programme, including engagement and co-operation with other organisations and authorities, remains ongoing.

Update on the Blue/Green Fund (23 June)

The £20m Blue/Green fund will act as a catalyst for positive infrastructure and cultural change in the way citizens live and travel. The Minister wants to make sure that there is an inclusive approach to determining the deployment of this fund with a wide range of stakeholders having had the opportunity to identify innovative solutions that will transform communities for the better. The Minister therefore intends to meet with a wide range of stakeholders in the coming weeks to swiftly explore and seek support for co-design ideas and initiatives that can be taken forward under the fund immediately.

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Oral Answers to Questions

Minister of Agriculture, Environment and Rural Affairs

Environmental NGOs: Funding (16 June)

The Minister was asked (Question 7) whether he will change the arrangements for funding eNGOs from funding in arrears to prime funding, with the aim of making funding more stable and beneficial for these organisations. The Minister [replied](#) that the environment fund multi-year strategic strand supports the delivery of priority environmental outcomes across Northern Ireland by environmental non-governmental organisations and councils. Funded organisations have always been able to request quarterly payment in advance where they have identified a need for this. To assist with the impacts of COVID-19, grant recipients were issued with emails in May, reminding them of this option and asking them whether they wish to seek any amendments to their current 2020-21 environment fund grant. 23 organisations are funded under the multi-year strategic strand, and they have been offered funding totalling just over £2.2 million in 2020-21. Additional in-year funding may be offered to these organisations if additional budget becomes available later in the year. DAERA also have a capital environment challenge fund competition for £650,000. The Minister concluded that close to £3 million of support is being offered to eNGOs *'which is of great assistance to them in the work that they do'*.

Environmental Protections (16 June)

The Minister was asked (Question 8) whether he is engaging with the DEFRA on inserting a clause into the Environment Bill 2019-21, to make clear that these provisions are temporary pending Assembly legislation setting out local environmental protections. He [replied](#) that the Environment Bill, alongside existing environmental legislation, provides a basis for continued environmental protection and improvement in NI. Making such protection temporary or contingent upon something that the Assembly may or may not agree at an unspecified point in the future in the challenging circumstances that we face at the moment is not, he believes, the best way to safeguard the environment. The Minister appreciated that some people may have proposals that differ from what is in the Bill. If these are put forward, he will be happy to consider them in the future, and the Assembly will be free to make whatever changes it sees fit. However, if the Bill does not go forward, the result will be a loss of existing environmental safeguards. In reply to a follow up question on whether he would commit to bringing to the Assembly an environment Bill that will build on existing environmental protections he stated that the first issue is to get the current Environment Bill

through and to secure environmental protections. Thereafter, it is for either him or another Member of the Assembly to bring forward further legislation, as and when required, that can enhance our support for having good environmental practice in Northern Ireland.

Environmental Crime (16 June)

The Minister was asked (Question 9) how many cases of environmental crime are under investigation by his Department. The Minister [stated](#) that NIEA has 413 reportable active investigations into alleged environmental offending. The cases are all at various stages of consideration and cover purported waste, water and natural environment criminality. Some will involve the issuing of warning letters. Some will involve automatic fines from the NIEA. Some will involve seizing property, equipment and so on. Some cases will go to court. When the NIEA takes someone to court, it always seeks to recover costs. The fine is a matter for the judge sitting on the day. We encourage judges to implement fines that reflect the nature of the event. The public very often do not believe that that has been the case. It is a matter for the judiciary, however.

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