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## Executive Committee Business

### Carrier Bags Bill: Final Stage (10 march)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/10-March-2014/#4>

Members discussed and passed the Final Stage of the Carrier Bags Bill. The main purpose of the Bill is to extend the carrier bag levy to low-cost reusable bags. DoE anticipated that the levy on single-use bags would generate an increase in the sales of low-cost reusable bags. From 19 January 2015 therefore, the Bill will extend the levy to reusable carrier bags with a retail price of less than 20p. It is intended to prevent them from being discarded prematurely and becoming the new throwaway bag. The extension of the levy should discourage new bag purchases and instead encourage their reuse, maximising the benefit to the environment. An amendment to the Bill at Consideration Stage, allows DoE, at any time, to review whether any description of carrier bag should attract the requirement to charge. Finally, at Further Consideration Stage, an amendment was passed that requires a report to be prepared on whether any type of biodegradable bags should be exempt.

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### Local Government Bill: Consideration Stage (18 & 19 March)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/18-March-2014/#4>

Members debated the Consideration Stage of the Local Government Bill across two days with 115 amendments in six groups: Group one dealt with access to information and the code of conduct; Group two was on the Minister's opposition to a range of clauses and amendments which dealt with councillors' qualification, disqualification, vacancies and resignations; Group three dealt with governance, decision-making, appointments and transition to new council structures; Group four dealt with general powers and duties, community planning, general power of competence and performance improvement; Group five were technical amendments; and Group six dealt with flags. While an amendment that representatives from the community and voluntary sector and the business community should be required to participate in community planning fell, a successful amendment was made to require council and its Community Planning Partners to proactively "seek participation of and encourage" the community in relation to community planning, instead of merely making arrangements to have their views heard. The Bill now proceeds to its Further Consideration Stage when further amendments will be tabled.

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## Written Ministerial Statements

### Rivers Agency: De-Agentisation (24 March)

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

The Minister of Agriculture and Rural Development informed members that the Rivers Agency was established as a "Next Steps" Executive Agency in 1996. Since then, much has changed and there is the opportunity to make its administration more efficient and scrutiny more consistent, without impinging on the operational autonomy of the staff carrying out its functions. Therefore, she has decided that Rivers Agency will cease to be an Executive Agency and will be subsumed within DARD with effect from 1 April 2014. Rivers Agency will continue to deliver the same core functions as before. This change is largely administrative and will retain its name for the immediate future.

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## Committee Business

### Electricity Policy: Pricing (3 March)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/03-March-2014/#4>

Members debated and passed a motion from the ETI committee: *That this Assembly approves the second report of the Committee for Enterprise, Trade and Investment on its review into electricity policy: part II — electricity pricing (NIA 14/11-15); and calls on the Minister of Enterprise, Trade and Investment, in conjunction with her Executive colleagues, the Northern Ireland Authority for Utility Regulation, the System Operator for Northern Ireland, the Single Electricity Market Operator and the Consumer Council to implement, as applicable, the recommendations contained therein.* The

electricity tariff for any consumer is made up of generation costs, network costs and supply costs, and the Committee has worked to unravel the complexities in each part. The Committee found that there is a considerable lack of transparency in generation costs and network costs. Among others Invest NI has also failed in its attempts to get some visibility on charges. For that reason, the Committee has recommended that the Single Electricity Market Operator (SEMO) undertake a review to see how generation costs can be made more transparent and that the Utility Regulator undertake further work to improve transparency in network charges.

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## Answers to Written Questions

### Minister of Agriculture and Rural Development

#### Floods Bill (14 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/14%20March%202014.pdf> Page: WA 11

The Minister of Agriculture and Rural Development updated members on her plans to bring forward a Floods Bill. She stated that the need for a Floods Bill to update the current Drainage (NI) Order 1973, and to address known legislative gaps, is widely acknowledged. Rivers Agency is currently developing a bid for the establishment of a Bill Team to take forward this work. Given the complexities of some of the policy areas to be addressed, this Bill will not be introduced until the next mandate of the Assembly.

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#### Household Flood Protection Grant (21 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140321.pdf> Page: WA 156

The Minister stated that as part of the work to implement the EU Floods Directive, consideration is currently being given to the benefits of an individual flood property protection scheme. While the detail of the scheme has not yet been finalised, she confirmed that the need for grant aid to assist those who wish to make flood resilience modifications to their homes is being actively examined. Rivers Agency has been working with the Local Flood Forums on the development of this approach, and there are Council representatives on these groups. Engagement with Councils will continue as proposals are developed, particularly in relation to options for administration of the scheme. She hopes to bring this matter to the Executive before the summer as she believes that this type of assistance would be welcomed by those at flood risk.

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### Minister of the Environment

#### Lough Neagh Special Protection Area: Sand and Gravel Extraction (7 march)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140307.pdf> Page: WA 322

The Minister was asked to detail what development consents are required and have been granted for commercial sand and gravel extraction from Lough Neagh Special Protection Area. He replied that Dredging involves the working of minerals and that activity constitutes a mining operation, development as per Art. 11 of The Planning (NI) Order 1991 and requires permission as per Art. 12 of the Order. Planning permission is thus required for the activity of sand dredging. The Department's records indicate that there are no recorded permissions for sand extraction from Lough Neagh SPA.

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#### Lough Neagh Special Protection Area: Mineral Extraction (7 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140307.pdf> Page WA 323

The Minister detailed the number of times unauthorised mineral extraction from Lough Neagh Special Protection Area was reported to DoE; the number of enforcement cases opened; the number of enforcement cases closed, including the reasons for closure; and the number of times formal enforcement action was taken, in the last ten years. He stated that the DoE's Strategic Planning Division would investigate unauthorised mineral extraction, including that reported within Lough Neagh SPA. The DoE's records indicate that four complaints of unauthorised extraction have been reported. In accordance with the reports of unauthorised extraction listed the DoE has opened an enforcement case for each. Two of the cases were closed, one for 'No breach', the other for 'Immune'. The remaining two cases are subject to ongoing investigations. There are no recorded

incidents of formal enforcement action being taken in relation to the unauthorised extraction of minerals from the Lough Neagh SPA.

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### **Unauthorised Extraction of Peat: Lough Neagh (7 March)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140307.pdf> Page: WA 326

DoE's Strategic Planning Division are aware of 4 sites where it appears unauthorised commercial peat extraction is taking place. The sites are located in the Dungannon, Cookstown and Omagh district council areas. DoE has taken formal enforcement action against one site, is processing a planning application for two of the sites and is in discussions with the operator of a fourth site. Peat extraction is also controlled within Areas of Special Scientific Interest by the NIEA under The Environment (Northern Ireland) Order 2002.

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### **Consented Areas for Mineral Extraction (7 March)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140307.pdf> Page: WA 327

The Minister was asked how many active quarries are currently operating outside their consented areas for mineral extraction, broken down by council area. He replied that information provided refers to live investigations by DoE on existing quarries (i.e. with approval) where it is alleged that unauthorised extraction is taking place outside the approved area. Operations may have ceased either voluntarily or on in response to action by the DoE. Unauthorised areas may be subject to regularisation or restoration. The total is 23, by Council area the numbers are: Derry City 2 sites; Cookstown 3 sites; Coleraine 1 site; Strabane 3 sites; Ballymoney 2 sites; Omagh 5 sites; Moyle 1 site; Fermanagh 2 sites; Magherafelt 1 site; and Newry and Mourne 3 sites

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### **Planning Policy Statement 2: Damage to Habitats (14 March)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/14%20March%202014.pdf> Page: WA 57

The Minister explained that Policy NH 5 of Planning Policy Statement (PPS) 2 Natural Heritage states that a development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required. These measures will be assessed on a case by case basis in consultation with the appropriate environmental bodies. Where proposed development impacts on a protected species, NIEA will be the competent authority for carrying out an Appropriate Assessment under the Habitat Regulations. The benefits and values of a planning application are assessed having regard to the individual merits of a planning proposal within the relevant planning policy framework for the area. This includes consideration of a range of factors such as: the site location; the characteristics of the site; the category of habitat; the species and or features present; expert advice from consultees; the scale and type of potential benefits, and all other material considerations. The amount of work and consideration should be proportionate to the location, type and scale of development. This will also influence whether the benefits and values calculated will have short, medium or long term effects. Ultimately, this is a matter of professional planning judgement. In relation to mitigation and/or compensation measures the planning process allows amendments to be negotiated and made to design out any potential harmful impacts of a proposal. Appropriate mitigation measures can be secured by way of planning condition. Compensation of mature habitat is not always achievable. Any decision relies on a number of ecological factors such as habitat type, quality and area. There may be occasions where newly created or recreated habitats would become of sufficient quality to ensure the coherence of any network of sites of which they are part. Where damage to habitats is permitted compensation measures may, for example, involve: creating a habitat on a new or bigger site which is linked with other sites in a network; enhancing an existing site to make sure that its value is retained or, if it is designated, that its conservation objectives continue to be met; or improving remaining habitat on a site, in proportion to the loss caused by the development, where the damage is temporary. Newly created sites or recreated habitats may need long term management.

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### **Court of Justice of the European Communities: Environmental Decisions (14 March)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/14%20March%202014.pdf> Page: WA 60

The Minister provided his assessment of the ruling on 13 February 2014 by the Court of Justice of the European Communities against the UK Member State's continued breaching of the Aarhus Convention; and in light of this judgement, whether it is appropriate for his Department to be pursuing costs against applicants who have been unsuccessful in challenging environmental decisions, where that challenge was in the public interest. He stated that the lead UK Departments, including DoE, are currently considering the implications of the ruling of the Court of Justice of the European Communities on UK implementation of the Aarhus Convention. However, no firm conclusions have yet been reached and the Minister will consider further DoE's position once the overall UK position is established.

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### **Waste and Minerals Planning Applications (21 March)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140321.pdf> Page: WA 185

It is anticipated that following the implementation of the Review of Public Administration in 2015, the majority of waste and minerals applications will be dealt with by councils. The Minister has instructed that extra resources are allocated to the Minerals Unit to help ensure waste and mineral application backlogs are cleared before planning transfers to local councils. Any regionally significant development proposals will be determined by DoE and they will be consulting on the criteria for identifying local, major and regionally significant applications in the near future.

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## **Minister for Regional Development**

### **Translink: Electric Trains and Hybrid Buses (7 March)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140307.pdf> Page WA 380

The Minister was asked what plans Translink have to introduce electric trains and hybrid buses. He replied that he had liaised with Translink officials who have advised that in NI Railways have no firm plans to introduce electric trains, however, they recognise that planning railway strategies is a long term process and involves planning periods in excess of 25 years. NI Railways currently enjoy the benefits of a modern fleet of diesel trains (Class 3000 from 2005, Class 4000 from 2012) and these units have a life expectancy of up to 30 years. Electrification is likely to be a serious option for a next generation Enterprise train service where benefits of improved performance, reduced environmental impact and lower operating costs could be expected to outweigh the higher capital costs involved. The Enterprise trains could be life expired by the end of the next decade. NI Railways will work closely with DRD and its operating partners, Iarnród Éireann, to establish the time lines for development of future options, economic assessment and implementation schedules for such long term developments. With regard to hybrid buses Translink's vehicle procurement plan for Metro in the next Comprehensive Spending Review period does contain hybrid buses, however, this is subject to the necessary funding being secured.

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### **Transport: Sustainability (21 March)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140321.pdf> Page: WA 240

The Minister provided an update on 'Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation'. He stated that he launched the document in March 2012 and at that time set out his vision to have a modern, sustainable, safe transportation system which benefits society, the economy and the environment and which actively contributes to social inclusion and everyone's quality of life. The New Approach set out a commitment to develop a Policy Prioritisation Framework (PPF). The aim of the Framework was to identify and prioritise those strategic transport interventions that most closely align with the Executive's priorities. This PPF has now been completed. DRD is now undertaking an analysis of the social, economic and environmental context to identify the key challenges and developments to inform the prioritisation process. This work will inform transport priorities for future budget periods. DRD officials will be engaging with key stakeholders directly in the coming months to discuss DRD's proposals for transport investment which is aligned with and supports delivery of the Executive's vision for Northern Ireland.

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## Oral Answers to Questions

### Minister of Agriculture and Rural Development

#### Lough Neagh (24 March)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/24-March-2014/#6>

Question 7

The report into the future of Lough Neagh is still a working document, which has been updated, and further work has been carried out by DCAL during 2013. Until the report is finalised and brought to the Executive, it cannot be published. The interdepartmental working group was reconvened informally on 24 February and officials are working towards the production of an Executive paper for the April Executive meeting. DARD will lead the way in taking forward the Executive's decision on the way forward, so the Minister plans to publish the paper after it goes to the Executive. The Minister subsequently added that the key problem is that there is no overarching management plan. A lot of things can happen in the absence of any regulation or any plan for all the things that go on, whether it be sand extraction, the tourism potential on the lough, biodiversity or environmental concerns. In my opinion, one of the first things that have to happen is that we put in place an effective management plan that will help to bring together and marry all the interests on the lough and make sure that there is regulation where it is needed.

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#### Reservoirs Bill (24 March)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/24-March-2014/#6>

Question 10

The Minister stated that she is willing to be flexible with the Reservoirs Bill so that small reservoir owners and community organisations will not be unduly burdened by the proposed legislation adding that *I am open to listening to views as part of the Committee's scrutiny process, and I look forward to engaging with the Committee on how best we can make the Bill fit for purpose and meet the needs of local communities.*

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### Minister of Enterprise, Trade and Investment

#### Electricity Generation Capacity (4 March)

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

Question 1

The recently published Systems Operator for Northern Ireland (SONI)/EirGrid generation capacity statement for 2014-2023 notes that the generation surplus in Northern Ireland drops from 600 megawatts to 200 megawatts in 2016 due to the impact of European Union emissions legislation. However, the adequacy standard will still be met. There is agreement between SONI and the Utility Regulator that an additional generation adequacy of around 250 megawatts is desirable post-2015, and feasible options for securing that by December 2015 are being explored by the Utility Regulator and SONI. DETI are also looking at making an application to the EU to get money to help us to deal with our grid infrastructure, particularly in the west of the Province where a lot of renewable energy is trying to get on to the grid, but, at present, there are difficulties with that because of the strength of the grid. The Minister also considers the North/South interconnector essential in order to improve the electricity infrastructure and network efficiency, and it will save consumers in NI an estimated £7 million per annum. She believes it will enhance our long-term security of supply and allow generators in NI to export the electricity and reduce constraints on renewable energy and provide access to supply opportunities in the rest of the European market. NIE's revised environmental statement for the project is with DoE.

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### Minister of the Environment

#### Waste Crime: Illegal Dumping (4 March)

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

### Question 3

The Minister provided an update on illegal waste disposal at the Mobuoy site. On 5 June 2013, his predecessor commissioned Chris Mills to conduct an independent review of illegal dumping at the Mobuoy Road landfill site. Minister Durkan released the Mills report on 18 December 2013, and will shortly issue his response to the report's recommendations. This response will set out comprehensive actions to tackle waste crime and strengthen waste regulation in NI. The Minister added that they have already identified and are investigating 33 other illegal dumps across NI.

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## Minister for Regional Development

### A5: Timescales (18 March)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/18-March-2014/#5>

#### Question 1

Members were informed that work is progressing on reports to inform the appropriate assessment process to address impacts on all areas with environmental designations — special areas of conservation, special protection areas and Ramsar sites — and proposed mitigation. There are four reports in all, dealing with nine environmentally sensitive sites. The reports will be the subject of a public consultation exercise expected to commence at the end of April 2014. A review of other matters considered in the environmental statement is ongoing and will lead to the publishing of an updated environmental statement, which will also require a public consultation exercise. The draft vesting order and direction order will also be reviewed and published at the same time as part of that process. While he emphasised that he cannot in any way pre-empt the outcome of any public consultation exercise, an outline programme has been developed and the following key dates identified: in April 2014, there will be consultation on reports to inform the appropriate assessments associated with water-based special areas of conservation, special protection areas and Ramsar sites; consultation on the report to inform the Tully Bog special area of conservation appropriate assessment in September 2014; and, in November 2014, consultation on the updated environmental statement, together with the updated draft direction order and draft vesting order. That may lead to the need for a further public inquiry in the spring/summer of 2015.

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## Minister for Social Development

### Fuel Poverty Action Group (18 March)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/18-March-2014/#6>

#### Question 2

The Minister provided an update on the fuel poverty advisory group. It was formed in 2005, and its primary task was to allow the private sector and voluntary groups to discuss fuel poverty issues and to advise DSD on progress with its fuel poverty strategy. Following publication of DSD's new fuel poverty strategy, Warmer Healthier Homes, in March 2011, the fuel poverty advisory group was succeeded by the cross-sectoral partnership on fuel poverty. The cross-sectoral partnership was established to ensure the effective coordination of policies and actions to tackle fuel poverty. Membership of the group comprises senior officials from all main Departments that have a role in tackling poverty and representatives from the voluntary and community sector and the energy sector. In line with the recommendations from the Social Development Committee's fuel poverty report of May 2012, the group divided into four thematic subgroups, which have met regularly since. Those subgroups have developed action plans and brought forward initiatives to tackle fuel poverty. The composition of the subgroups provides a great wealth of knowledge on fuel poverty and a platform for sharing information across government, the energy companies and the voluntary sector. The Minister chairs the cross-sectoral partnership, which meets twice yearly. The next meeting is expected to take place in June 2014 and to help maintain a focus on fuel poverty issues, DSD are reviewing the structure of the subgroups to ensure that the fuel poverty strategy is supported fully.

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