

## Northern Ireland Assembly News - May 2014

### Executive Committee Business

- [Renewables Obligation \(Amendment\) Order \(NI\) 2014](#)

### Ministerial Statements

- [North/South Ministerial Council: Transport — Roads and Transport](#)

### Written Ministerial Statements

- [Fish Kill at the ESB Power Station on the River Erne at Ballyshannon](#)

### Answers to Written Questions

- [Minister of Agriculture and Rural Development](#)
  - [Poultry Litter](#)
  - [Moorland](#)
- [Minister of Education](#)
  - [Eco-Schools Project](#)
- [Minister of Enterprise, Trade and Investment](#)
  - [Strategic Energy Framework](#)
- [Minister of the Environment](#)
  - [Townscape Heritage Initiative](#)
  - [Northern Ireland Environment Agency](#)
  - [Illegal Dumping: Costs](#)
  - [Recycling Targets](#)
  - [Illegal Dumping Sites](#)
- [Office of the First Minister and deputy First Minister](#)
  - [Sustainable Development Implementation Plan](#)
- [Minister for Regional Development](#)
  - [NI Water: Fees](#)

### Oral Answers to Questions

- [Minister of Agriculture and Rural Development](#)
  - [Active Farmer](#)
- [Minister of Enterprise, Trade and Investment](#)
  - [Gas Network](#)
- [Minister of the Environment](#)
  - [Wind Farms: AONB Protection](#)
  - [Dereliction Fund](#)

## Executive Committee Business

### Renewables Obligation (Amendment) Order (NI) 2014 (19 May)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/19-May-2014/#3>

The Minister of Enterprise, Trade and Investment sought and gained approval: *That the draft Renewables Obligation (Amendment) Order (NI) 2014 be approved.* The changes brought forward in the draft order relate to the Northern Ireland renewables obligation, or NIRO. The NIRO is the main way DETI incentivise the deployment of renewable electricity generation such as wind and solar. This order introduces two main changes to the NIRO. Unique to Northern Ireland, it provides a small increase in renewables obligation certificate support levels for ground-mounted solar photovoltaic (PV) generating stations above 250 kilowatts. In line with the renewables obligation in Great Britain, the order also introduces increased sustainability criteria for electricity generated from biomass and is designed to ensure that biomass material is sourced responsibly and in a way that minimises or eliminates adverse impacts.

[Back to Top](#)

## Ministerial Statements

### North/South Ministerial Council: Transport — Roads and Transport (12 May)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/12-May-2014/#3>

The Minister for Regional Development made a statement on the meeting of the North/South Ministerial Council (NSMC) in the transport sector held on 16 April 2014. The Council noted the opportunities for cooperation in developing the strategic road network of the island; enhancing connections to the north-west of the island; the future enhancement of the Enterprise service in particular and investment in the wider overall railway infrastructure; and driving a shift to public and more sustainable modes of transport, and the potential for shared cross-border public transport services in border areas. The Council also discussed opportunities to develop walking and cycling greenways in each jurisdiction and on a cross-border basis and agreed to the possibility of holding a seminar relating to all-island cycling strategies.

[Back to Top](#)

## Written Ministerial Statements

### Fish Kill at the ESB Power Station on the River Erne at Ballyshannon (27 May)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/27-May-2014/#10>

The Culture Arts and Leisure Minister advised members of her concerns in relation to a recent fish kill involving the loss of a substantial number of juvenile eels (elvers) at the Ballyshannon power station operated by the Electricity Supply Board (ESB). The ESB hydro-electric plant at Ballyshannon on the River Erne represents a significant barrier to the passage of migratory fish including wild Atlantic salmon and the European eel. In order to mitigate against the risk ESB is required by European law to manage methods to ensure safe fish passage and to comply with the EU Eel Management Plan (EMP's) for the catchment. As part of its commitment ESB, manages a "trap and truck" eel conservation fishery on the Erne to by-pass the dams. Following an incident last year which resulted in elver mortalities as a result of a failure by ESB to maintain the fish trap, a further incident at Ballyshannon occurred over Easter, with the loss of approximately 100kgs of elvers from the Erne system. This has happened at a time when eels stocks are under considerable pressure throughout Europe and the loss is significant bearing in mind that the total elver run in the Erne system for 2013 was only was 215kgs. DCAL has raised their concerns with the Department of Energy, Communications and Natural Resources (DECNR) and IFI and requested an urgent report from ESB. The responsibility for this fish kill lies solely with ESB and the Minister is far from satisfied that the company is carrying out its responsibilities in relation to compliance with the EU Eel Management Plan. The DCAL Chief Fisheries Officer met with ESB and IFI officials in Ballyshannon and the IFI is currently undertaking a formal investigation and is assessing what sanctions are appropriate in the circumstances. The Minister has also written to the Minister of State at the Department of Energy, Communications and Natural Resources to express her concerns and calling on ESB to be held to account. She has also sought his support in formalising protocols with ESB to

ensure that the arrangements on all fish passage issues on the Erne are in place. The Minister undertook to keep members updated on developments.

[Back to Top](#)

## Answers to Written Questions

### Minister of Agriculture and Rural Development

#### Poultry Litter (2 May)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140502.pdf> Page: WA 15

The Minister was asked what progress has been made on addressing the issue of poultry litter. She replied that DARD and DETI are working jointly on a project for the Sustainable Use of Poultry Litter. In December 2012 the departments progressed a Small Business Research Initiative (SBRI) to develop technology options to treat poultry litter in the north of Ireland. Nine contracts were awarded for Phase 1 of the SBRI to develop proof of concept and feasibility of technologies. These contracts concluded at the end of November 2013 and the final reports have been reviewed by the cross departmental Project Team. She added that over the past 3 years, there have been significant developments in at least three potential technological approaches for the sustainable use of poultry litter. The SBRI funding has helped providers proposing these to overcome technical hurdles, which had previously prevented these technologies from being used at large scale for poultry litter. Government officials involved in the poultry litter project are currently preparing a support package which aims to fast track the development of the most promising technologies and are engaging with the poultry industry and potential technology providers. It is the responsibility of the poultry industry to commit to implement sustainable solutions for poultry litter and meet its obligations arising from EU Environmental Directives.

[Back to Top](#)

#### Moorland (23 May)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140523.pdf> Page: WA 197

The Minister was asked whether her DARD currently has a record of moorland. She replied that DARD carried out an exercise over twenty years ago to map the distribution of moorland in the Less Favoured Areas (LFA). The maps were at a scale of 1:10,000 and 1:5,000 and showed areas of moorland that are more than 5 hectares in extent. Moorland was defined in terms of the vegetation present, as predominantly semi-natural rough grazing consisting mainly of plant species characteristic of grassy plant heaths and moors. The exercise was carried out mainly using a combination of ground checking and aerial photographs that were in existence at that time. Hard copy maps were produced, with a total mapped area of 215,000ha. These maps were not digitised, as the underlying base digitised data was still under development at that time. They were used for the administration of a moorland scheme in the 1990s. The data has not been refreshed since initial publication.

[Back to Top](#)

### Minister of Culture, Arts and Leisure

#### Archaeological Artefacts (2 May)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140502.pdf> Page WA 20

The Minister outlined how her DCAL ensures important archaeological artefacts are stored in an appropriate way. The Historic Monuments and Archaeological Objects (NI) Order 1995 lists National Museums as one of three relevant authorities to whom archaeological finds should be reported. When an artefact is deemed significant enough to be accessioned into National Museums' collections it must also be retained in line with the requirements of the Museums and Galleries (NI) Order 1998. Compliance with these requirements is a matter for the Trustees of the organisation. Other artefacts which are not brought to the attention of National Museums are not state property and outside the remit of DCAL. These fall under the control of the DoE and the NIEA who have policy and licensing responsibilities for the storage of archaeological artefacts generated since the introduction of Planning Policy Statement 6 in 1999. The NIEA holds details of all the licenses it has issued, which includes standards for the storage and safe retention of archives held by archaeological firms.

## Minister of Education

### Eco-Schools Project (9 May)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140502.pdf> Page: WA 73

The Education Minister was asked for his assessment of the Eco-Schools project. He replied that Programmes such as the Eco-Schools programme play an important role in fostering environmental awareness and action for future generations. He added that the Department of Education is committed to playing its part in tackling climate change and increasing awareness of environmental issues including incorporating Education for Sustainable Development across all key stages of the curriculum. The Eco-Schools programme provides one way of delivering this aim. All five Education and Library Boards have been working with local councils to promote and support Eco-Schools and 1,151 schools are currently enrolled on the programme. In total, 197 schools have been awarded the Green Flag, which demonstrates the highest level of achievement in the programme; 493 schools have achieved a Silver award and 650 schools have received a Bronze award.

[Back to Top](#)

## Minister of Enterprise, Trade and Investment

### Strategic Energy Framework (2 May)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140502.pdf> Page: WA 29

The Minister outlined the range of renewable technologies that are currently being supported and developed under the Strategic Energy Framework. Renewable electricity technologies eligible under the Northern Ireland Renewables Obligation are: anaerobic digestion; bioliquids; biomass; energy crops; energy from waste with CHP; gasification (advanced and standard); geopressure; geothermal; hydro; landfill gas; offshore wind; onshore wind; pyrolysis (advanced and standard); sewage gas; solar photovoltaic; tidal; and wave. Renewable heat technologies eligible under the Northern Ireland Renewable Heat Incentive and/or Renewable Heat Premium Payment are: air source heat pumps; biomass; biomethane and biogas combustion; ground source heat pumps (including deep geothermal); and solar thermal. Whilst the above technologies are eligible for support, not all are necessarily currently being developed.

[Back to Top](#)

## Minister of the Environment

### Townscape Heritage Initiative (2 May)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140502.pdf> Page: WA 33

The Minister was asked to outline the impact on the Townscape Heritage Initiative (THI) following the Northern Ireland Housing Executive terminating matched funding for the scheme; and what action he is taking to retrieve the situation. He replied that aim of the THI is to secure the long-term future of NI's built heritage by contributing towards expenditure for the promotion, preservation or enhancement of the character or appearance of a designated Conservation Area. The THI proposals may benefit from a number of different grants depending upon the eligibility of the project. The total amount of grant a project receives is known as the 'common fund'. The two main players in the common fund are the Heritage Lottery Fund (up to 75% of the grants total) and Planning (up to 25% of the grants total). Other contributors may include NIEA and local councils depending upon the nature of the proposed works. Each grant is administered by the relevant Department / other contributor to the common fund and is considered on a case by case basis. In 2013/14 DoE allocated £160k of budget for THI Grants. He added however that the THI Grant allocated by the Northern Ireland Housing Executive *is a matter for the Department for Social Development*.

[Back to Top](#)

### Northern Ireland Environment Agency (2 May)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140502.pdf> Page: WA 37

The Minister was asked whether he plans to undertake an independent review of the working effectiveness of the Northern Ireland Environment Agency (NIEA). The Minister replied that he had previously announced a 'root and branch' review of the NIEA and was determined to see NIEA build on its previous success, tackle its problems and challenges and deliver in ways that drive better environmental outcomes and stronger economic outcomes in tandem. This review comprised the findings by Mr Chris Mills in his independent review into waste management and the work he directed the Chief Executive of NIEA to undertake to improve the effectiveness and efficiency of

NIEA. This work has been completed and the Chief Executive is now implementing a series of fundamental changes at NIEA to meet Ministerial direction for an improved customer focus, regulatory reform and partnership work. These include four new Operating Principles, the creation of NIEA Client Managers, some structural change at NIEA, the negotiation of voluntary Prosperity Agreements and legislative and operational reforms to the regulations that NIEA administers. The Minister will soon publish more information about these reforms.

[Back to Top](#)

### **Illegal Dumping: Costs (16 May)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140516.pdf> Page: WA 134

The Minister outlined the action he is taking to recover the costs incurred by DoE from those responsible for illegal dumping. Provision is made under waste legislation to seek the recovery of costs incurred by DoE in circumstances where a person has been convicted of charges relating to the deposit or disposal of waste. A compensation order may be sought by the DoE (or others) in removing waste or taking steps to reduce the consequences of the deposit or disposal. This provision was made in June 2007, however there are a range of operational and legal issues (including the significant costs involved in dealing with illegal waste, which defendants often do not have available) that have made its use challenging. Further options are presently being considered through use of the Environmental Liability Regulations. This regime makes provision for cost recovery where an operator fails to comply with a statutory notice. In the event of an operator failing to comply with a notice they are liable for any reasonable costs incurred by the DoE in taking reasonable action to discharge its duty. Local councils also have powers under Article 28 of the Waste and Contaminated Land Order 1997— these powers enable councils to remove waste following a prescribed process and to recover costs from the occupier. The NIEA makes regular use of Proceeds of Crime legislation to carryout investigation of the criminal benefit that waste offenders make and in identifying assets held by the offender. The PPS can then ask the prosecuting court to make a confiscation order to recover the benefit from offending. While the monies paid for confiscation orders cannot be used directly for cleaning up illegal waste, the use of this tool is very powerful in acting as a deterrent to waste offending and in rendering offenders unable to continue illegal activity. Many of those involved in waste crime are careful to manage their finances in a way that attempts to limit the ability of enforcement organisations to trace or restrain/confiscate assets.

[Back to Top](#)

### **Recycling Targets (16 May)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140516.pdf> Page: WA 137

Over the past four years the DoE's Rethink Waste Programme has assisted local councils to increase their recycling rates through a range of incentives from the provision of financial assistance to technical advice to communications. Under the Rethink Waste Fund, grants of over £8.8 million have been awarded to councils to cover the capital costs of improving or extending their existing waste collection, re-use and recycling infrastructure. To date in 2014/15 a further £2.9 million of capital monies has been allocated. Although recycling rates plateaued in 2012/13, recent quarterly figures have shown a return to increasing recycling rates. The most recent figures show that household waste recycling between October to December 2013 was 39.2%; an increase of 2.9 percentage points compared with the same period in 2012 when 36.2% was recycled or composted Councils and other stakeholders have made great strides in increasing recycling rates and encouraging waste prevention over the last decade. Further plans for significant funding for the development of kerbside services and recycling infrastructure, communications and training are being developed by DoE to assist the new councils.

[Back to Top](#)

### **Illegal Dumping Sites (23 May)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140523.pdf> Page: WA 235

The Minister detailed the number of illegal dumping sites DoE has identified and the level of fines issued as a result. During the past three years, 1,222 incidents have been reported to NIEA, over 90% of which relate to allegations of illegal waste management. These incidents range from one or two bin bags to major illegal waste activity. In some of these reports, the incidents relate to facilities which are authorised by NIEA, and are therefore dealt with by regulatory teams within NIEA. In the same period, 127 enforcement files have been opened. Of the cases which have been identified during this time, 21 have completed the court process. Others are still progressing through the criminal justice system or are under investigation. To date, the fines resulting from these cases

amount to £29,550. Five suspended prison sentences have also been given out by the courts ranging from three to six months. One confiscation order of £60,000 has been made under the Proceeds of Crime Act 2002.

[Back to Top](#)

## Office of the First Minister and deputy First Minister

### Sustainable Development Implementation Plan (23 May)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140523.pdf> Page: WA193

In response to a request for an update on the Sustainable Development Implementation Plan, the Ministers replied that *the Sustainable Development Strategy and Implementation Plan articulate the Executive's strategic approach to promoting the achievement of sustainable development. Initiatives to support the delivery of progress against the priority areas for action are mainstreamed into the Corporate and Business Plans of Executive departments, and reflected in the cross-cutting Programme for Government principle of sustainability. The period of the current Implementation Plan runs to the end of this year, at which time we will review the progress we have made in mainstreaming sustainability into the business of departments, with a view to identifying the most effective means of achieving this aim going forward.*

[Back to Top](#)

## Minister for Regional Development

### NI Water: Fees (23 May)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/140523.pdf> Page: WA 269

The Minister was asked whether he has had any discussions with NI Water in relation to excessive fees imposed on house builders for sewer inspections and bonds. He replied that he had discussed this issue with NI Water staff on several occasions and plans to publish a consultation paper shortly which will invite representations on the level of sewer bonds set by NI Water.

[Back to Top](#)

## Oral Answers to Questions

### Minister of Agriculture and Rural Development

#### Active Farmer (19 May)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/19-May-2014/#7>

Question 1

The Minister outlined DARD's definition of an active farmer. EU legislation adopted by the EU Commission on 11 March 2014 states: *"In line with the case-law of the Court of Justice of the European Union, payment entitlements should be allocated to the person enjoying decision-making power, benefits and financial risks in relation to the agricultural activity on the land for which such allocation is requested."* This means that, in future, direct payments, which are intended as an income support for farmers, should go to those who actively farm the land in question. This provision has particular relevance for land let under conacre arrangements. In general terms, this means that, in 2015, when all existing single farm payment entitlements are abolished and new entitlements established, landowners letting out land in conacre will not be able to establish entitlements on that land, the principle being that where land is let, the farmer actively farming it will be the one claiming direct payments on it.

[Back to Top](#)

## Minister of Enterprise, Trade and Investment

### Gas Network (6 May)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/06-May-2014/#8>

Question 5

The Minister provided an update on the gas network extension to the west of Northern Ireland. On 6 February 2014, the Utility Regulator announced a licence competition for taking gas to towns in the west, with a licence award expected in the autumn. The project will provide the opportunity for up to 40,000 business and domestic consumers in Dungannon, Coalisland, Cookstown, Magherafelt,

Omagh, Enniskillen, Derrylin and Strabane to have a more efficient, lower-carbon and, potentially, cheaper choice of fuel. It is anticipated that construction works could commence in 2015, with the first customers connected to gas in 2016.

[Back to Top](#)

## Minister of the Environment

### Wind Farms: AONB Protection (12 May)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/12-May-2014/#9>

Question 3

The Minister was asked what protection is in place for areas of outstanding natural beauty, which are subject to a planning application for a wind farm. He replied that Policy RE 1 of Planning Policy Statement (PPS) 18, which relates to renewable energy, does not distinguish between areas designated for their beautiful significant landscape value, such as areas of outstanding natural beauty (AONBs) and other undesignated landscapes. Nonetheless, the policy requires that all renewable energy development, regardless of whether it is proposed in a designated area or not, should not result in an unacceptable adverse impact on visual amenity or landscape character of that area. To assist with the applications, PPS 18 is accompanied by best practice guidance (BPG) and supplementary planning guidance (SPG) on wind energy development in Northern Ireland's landscapes. The supplementary planning guidance provides broad strategic guidance on the visual and landscape impacts of wind energy development for 130 landscape character areas (LCAs). Within each LCA, the key landscape and visual characteristics are identified. As for the scenic quality of an area, the LCA will identify whether any part is subject to designation as an AONB. An assessment is also made as to the overall sensitivity of the landscape to wind energy development. SPG advice is taken into account by the DoE as strategic guidance in processing planning applications for wind energy development across the whole of Northern Ireland.

[Back to Top](#)

### Dereliction Fund (12 May)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/12-May-2014/#9>

Topical Question 3

The Minister was asked through an update on the transfer of powers to local government, whether he has given any consideration to city centre gateway projects financed by the dereliction fund. He replied that the dereliction fund has been a hugely successful initiative. To date, 24 of the 26 councils have successfully availed themselves of the scheme. The scheme has had a huge, beneficial impact on town and city centres for relatively small amounts of money. Unfortunately, his bid to get more money for the dereliction fund, at the most recent monitoring round, was unsuccessful. However, he intends to make a new attempt in the June monitoring round and is hopeful that my colleagues in the Executive will give me more to give to them.

[Back to Top](#)