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## Executive Committee Business

### Energy (Amendment) Order (NI) 2015 (11 May)

[Full Debate](#)

Members debated and agreed that the draft Energy (Amendment) Order (NI) 2015 be approved. The ETI Minister explained that the changes she was bringing forward in the draft order will amend the part of the Energy (NI) Order 2003 that deals with renewables. Renewable electricity generation in NI is incentivised through the NI renewables obligation, or the NIRO. Since its introduction in 2005, the NIRO has been instrumental in increasing renewable deployment here from 3% renewable electricity consumption in 2005 to approximately 20% now. However, as part of the UK-wide electricity market reform, the NIRO, along with the other two renewables obligations in Great Britain, is scheduled to close to new generation in March 2017. A consultation on the NIRO closure in 2017 was undertaken in 2012, and the majority of respondents agreed that it would not be viable to keep the NIRO open after 2017 if the other two renewables obligations in Great Britain were to close. The proposed Energy (Amendment) Order contains powers to allow DETI to make a renewables obligation closure order. The substance of how we close the NIRO will be set out in the actual closure order, which the Minister hopes to bring before the Assembly prior to the summer recess. The Minister issued a consultation on transition arrangements to contracts for difference and NIRO closure grace periods in March. That consultation ended on 15 April, and the Minister hopes to publish a response shortly. That will inform debate on the renewables obligation closure order, which is planned to close the NIRO to new generation and additional capacity from 1 April 2017. Provisions for eligible generators to avail themselves of a closure grace period will also be included.

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## Ministerial Statement

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

[Full Statement](#)

The Minister for Regional Development issued a statement on the transport aspects of the North/South Ministerial Council transport sectoral meeting held on 22 April 2015. Ministers welcomed the continued cooperation between the Department of Transport, Tourism and Sport and the Department for Regional Development on strategic transport priorities. They also noted the opportunities for cooperation in developing the strategic road network; enhancing east-west and North/South connections; driving a modal shift to public and more sustainable modes of transport; and the potential for shared cross-border public transport services in border areas. Ministers also noted the position with regard to the INTERREG programmes, including the update on the INTERREG IV funding of the Belfast-Dublin Enterprise service upgrade and Drogheda viaduct works. Department of Transport, Tourism and Sport officials are working with Department for Regional Development officials to scope out potential greenway projects that may be eligible for INTERREG V funding. Ministers noted the update on the work being undertaken by the Northern Ireland greenways working group on the development of cross-border greenways, and they recognised the benefits of collaboration in developing greenway networks. On major road projects, Ministers noted that public consultation on three reports on the A5 informing the appropriate assessment process concluded in June 2014. Consultation on the fourth and final report concluded in November 2014. They noted that work on new draft statutory orders and a new environmental statement was now complete. When published, they will be subject to public consultation, which may lead to a further public inquiry. Both Governments reaffirmed their commitment to the A5 scheme.

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## Answers to Written Questions

### Minister of Agriculture and Rural Development

#### Deadline for Nitrates Derogation Applications (1 May)

[AQW 45364/11-15](#)

The Minister outlined the rationale for extending the deadline for submission of nitrates derogation applications until 31 May 2015. She stated that this year due to changes in the rules on eligibility for the Basic Payment Scheme arising from CAP Reform, and particularly the “active farmer”

requirement, the nitrates derogation is likely to be important for a greater number of grassland farmers. Some farmers may be uncertain about whether land they previously rented will be available to them from 2015 onwards. If farmers have less land available, some farms may exceed the livestock manure Nitrogen loading limit of 170kgNitrogen/hectare/year set by the Nitrates Directive. If so, they may need to consider applying to operate under the derogation to ensure they comply with the Nitrates Action Programme Regulations. For some the situation may only become clear when they have submitted their Single Application form by the deadline of 15 May 2015. Given this uncertainty, both she and the Environment Minister agreed to extend the nitrates derogation application period until the 31 May 2015 for this year only.

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### **Rural Development Programme funding (1 May)**

[AQW 45346/11-15](#)

The Minister stated that funding within the RDP 2014–2020 is allocated on the basis of need and in line with expected demand. In the draft Programme document, the budget has been allocated as follows: £31.8m for a range of actions supporting knowledge transfer and information exchange, £228.8m for capital investment, including on farms, £16.7m for forestry measures, £158.8m for environmental measures, £65m for an Areas of Natural Constraint scheme, £4.9m for co-operation actions, £80m for supporting the economic development of our rural areas and £37.3m for technical assistance. Final allocations will depend on EU approval of the programme and any approved modifications during the 2014–20 programming period and on DFP approval of the necessary business cases.

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### **Removal of Field Boundaries (6 May)**

[AQW 45483/11-15](#)

The Minister was asked whether the removal of field boundaries approved under cross compliance derogation is subject to any environmental assessment and compatible with cross compliance obligations for agricultural payments to landowners. She replied that Under the Good Agricultural and Environmental Condition (GAEC 7 – Retention of Landscape features) aspect of Cross-Compliance farmers / land owners must not remove landscape features (dry stone walls, ditches or sheughs, hedgerows, including trees in hedgerows and earthbanks) except by prior written permission from DARD. Farmers seeking to remove such landscape features must apply to DARD for a derogation through an assessment process. DARD assesses each application using landscape feature assessment criteria such as the environmental quality of the landscape feature, tree trunk diameter and field size. DARD requires farmers to carry out mitigating actions where they have received a derogation to remove a landscape feature, such as a hedgerow. Mitigating actions include planting/building a 'like for like' length of hedgerow or stone wall elsewhere on the farm, or planting a specific area of trees. The mitigating action is set out in the written permission sent by DARD and the mitigating action must be completed within a set deadline. She added that the removal of field boundaries approved under Cross-Compliance derogation is fully compatible with Cross-Compliance obligations for agricultural payments to landowners.

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### **Bird Nesting Season (14 May)**

[AQO 8257/11-15](#)

The Minister was asked what negotiations her Department has been having with stakeholders in relation to the bird nesting season. She replied that she had not had any negotiations with stakeholders specifically in relation to the bird nesting season. However in October 2014 the Ulster Farmers Union asked her to review the Cross-Compliance hedge cutting closed period with a view to allowing hedge cutting in certain circumstances during August. As part of this review DARD Officials met with representatives from the organisations that expressed an interest in this issue during the Cross-Compliance Good Agricultural and Environmental Condition consultation exercise carried out in March 2014. The stakeholders involved were the Ulster Farmers Union, Royal Society for the Protection of Birds and NI Environment Link. Having considered the outcome of the review she intends to introduce the possibility to apply for a derogation which would allow hedge cutting from 15 of August to facilitate farmers wishing to plant oilseed rape or reseed grasses or other herbaceous forage (clovers, Lucerne, sainfoin and forage vetches) on arable land. The derogation would only apply where no nesting birds are present in the hedge and therefore is designed to help enable flexibility for farmers whilst protecting priority species. *The derogation process will be tightly*

controlled and if applications are received from areas classed as high risk in terms of late nesting birds a rapid field visit may be undertaken to assess the risk associated with granting the derogation. The need for a derogation process will be reviewed in two years.

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## **Minister of Enterprise, Trade and Investment**

### **Cost of Upgrading Grid for Wind Power Generation (5 May)**

[AQW 45407/11-15](#)

The ETI Minister revealed that: Northern Ireland Electricity (NIE) estimates that, by 2017, it will have spent approximately £60 million upgrading the network to accommodate larger scale wind farms; To date, NIE has also made additional investments of £2.3 million to accommodate greater volumes of single wind turbines on the network; Future investment will be determined as part of the next regulatory price control; and, The cost of the investment will be passed onto all customers via the existing tariff arrangements.

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## **Minister of the Environment**

### **Removal of Woodland, Wetland or Semi Natural Habitat (8 May)**

[AQW 45554/11-15](#)

The Environment Minister was asked whether a landowner is permitted to remove an area of woodland, wetland or other semi natural habitat of less than 5 acres during normal agricultural operations without the need for permission from DoE. He replied that the removal of woodland, wetland or other semi-natural habitat above 2ha by a landowner during normal agricultural operations on land outside an Area of Special Scientific Interest requires the permission of DARD under The Environmental Impact Assessment (Agriculture) Regulations (NI) 2007. The removal of woodland, wetland or other semi-natural habitat or any other activity listed as a notifiable operation that any landowner wishes to carry out within an Area of Special Scientific Interest requires permission, termed 'consent', from Department under The Environment (NI) Order 2002.

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### **Update - Climate Change Legislation (14 May)**

[AQW 45784/11-15](#)

The UK Climate Change Act 2008 is the legislative driver for the UK to take action on climate change. It covers Northern Ireland and it provides the framework for NI to develop an economically credible emissions reduction path and for the development of a NI Adaptation Programme that will address our climate change risks and opportunities. We contribute to the UK target, set in the UK Climate Change Act 2008, of an 80% reduction in GHG emissions by 2050. The Minister stated his belief that NI climate change legislation would provide additional long term commitments to reduce emissions in Northern Ireland. It would support low carbon objectives, and it would provide certainty to business and policymakers. *However I do not currently have the support of my Executive colleagues that will allow me to pursue and introduce Northern Ireland climate change legislation before the end of the current Assembly term.* He stated his fully commitment to minimising greenhouse gas emissions in NI and ensuring that we play our part in a global effort to reduce emissions adding, *I believe that work my department has undertaken to develop the Northern Ireland climate change evidence base and proposed joint climate change work with our counterparts in the Republic of Ireland will be helpful in convincing my Executive colleagues of the benefits of bringing forward Northern Ireland climate change legislation in the next Assembly term.*

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## **Minister for Regional Development**

### **Bicycle Carriage on Buses (6 May)**

[AQW 45472/11-15](#)

A legally required safety inspection for a pilot scheme to carry bikes on the front of buses in Bath is underway, and the Driver and Vehicle Licensing Agency report is due by the end of May 2015. Provided a certificate to operate is received by the bus company, a pilot exercise to carry bicycles on the front of buses will commence and is expected to run for six months. Should the results from Bath show acceptability of the arrangement, Translink would be in a position to consider a trial in Belfast in 2016.

## Oral Answers to Questions

### Minister of the Environment

#### Voluntary Exit Scheme: DOE Applicants (12 May)

[\(AQO 8149/11-15\)](#)

The Minister stated that 459 staff from DoE, across all grades and disciplines, had expressed an interest in the NICS Voluntary Exit Scheme. The scheme will operate in the 2015-16 financial year only. Staff selected will be released in tranches commencing on 30 September 2015, with further exits on 30 November 2015, 29 January 2016 and 31 March 2016. The numbers released under the scheme will be constrained by the budget available to fund compensation payments and the need to manage the exercise in a way that will maintain essential business continuity across Departments. Owing to the voluntary nature of the scheme, DoE will not know the exact numbers leaving until staff are selected and have accepted the exit terms. Applicants will be advised on 26 May whether they have been selected or not, and those leaving in the first exit tranche on 30 September 2015 will be confirmed. Compensation quotes will be made available on 16 June to staff leaving in the first tranche, and staff will have until 30 June to confirm their acceptance. Staff leaving in the later exit tranches during 2015-16 will receive the same three months' notice.

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#### Carrier Bag Levy – Environmental Projects (12 May)

[\(AQO 8152/11-15\)](#)

The Minister was asked, given the recent cuts to his departmental budget, for an update on the support he is providing to environmental projects from the carrier bag levy. He replied that he had already agreed allocations totalling £2.15 million for environmental grants and schemes, to include £0.52 million for the natural heritage grant programme, £0.6 million for a community waste fund and £0.3 million for local clean-up and air-quality grants. On 23 April, a workshop was also held with environmental NGOs to discuss how best to allocate the remaining carrier bag funding through a new natural environment fund with a budget of £1.25 million. The Minister also agreed that, of the remaining £0.8 million of unallocated carrier bag income, £0.3 million should be channelled through a new challenge fund targeted at schools and community schemes, and £0.5 million to the listed building grant scheme, specifically targeted at projects that provide facilities for community access and use, including churches.

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#### Californian Drought – Climate Change Legislation (12 May)

[Topical Question 1](#) (AQT 2471/11-15)

The Minister was asked whether he was aware that the drought in California is entering its fourth year, is likely to become more severe and that NASA has predicted that droughts in south-west America will last for 40 years, and whether he thinks that has any relevance to Northern Ireland. He replied he believed that the impact of climate change is global and that therefore it is of relevance to people everywhere. It is for that reason he hopes to pursue and bring forward legislation on climate change before the end of this Assembly term. The Minister added that *it is fair enough to say that good work has already been done to mitigate and adapt for climate change. We need change in legislation to give legislative support to those efforts, not just by my Department— but by all Ministers and Departments. Everyone in this Chamber has a responsibility. We should start off by practising what we preach.*

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#### Natural Environment Fund (12 May)

[Topical Questions 3 & 5](#) (AQT 2473/11-15)

The Minister was asked a series of Topical Question in relation to the Natural Environment Fund (NEF) and support for eNGOs. To date, there have been 22 applications to the NEF. As for the funding criteria, the Minister stated he was determined to ensure that the carrier bag levy, where the money for the NEF will come from, *is used to best effect, particularly in these austere times*. DoE are looking at the management of our areas of outstanding natural beauty, protection of species and access to the countryside, among many other things performed by the eNGO sector. In response to whether he would work towards multi-annual funding for eNGOs, in order to avoid a similar crisis at the end of March next year, The Minister said *'It is something that all Departments should look at, to*

*be able to give the certainty to groups to allow them to get on with the valuable work that they are doing. You see this in many sectors, not least, I suppose, in neighbourhood renewal areas and projects, where so many worthy projects and organisations are constantly chasing funding. They are spending as much time applying for funding and keeping the wolf from the door, if you like, as they are actually performing the function that they are getting funded for in the first place. To me, that is completely unsatisfactory, not to mention how unsettling it is for the staff of those organisations.*

### **Smoke-free Zones (12 May)**

[Topical Question 6 \(AQT 2476/11-15\)](#)

The Minister was asked to explain how smoke-free zones in NI are determined by controlled orders. He replied that the designation of smoke-free zones is done in collaboration with local councils. The subject formed part of a recent debate in the Chamber, around a cross-border study into the impact of burning fuels and he expects the report, done in collaboration with the Government in the Republic of Ireland, to be brought before the Assembly shortly.

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## **Minister for Regional Development**

### **Reservoirs: Sale/Disposal (19 May)**

[\(Question 5: AQO 8210/11-15\)](#)

The Minister provided an update on the sale or disposal of redundant reservoirs owned by NIW. In accordance with the terms of NIW's operating licence, it has an obligation to dispose of assets that are no longer of use. Twenty-five reservoirs have been identified for potential disposal during the current financial year. NIW appreciates the potential for local community use through continued public ownership and agreed, in the first instance, to offer these reservoirs to the public sector to determine any expressions of interest, prior to advertising them for sale on the open market. Expressions of interest were invited from the public sector during 2014, in accordance with DFP guidance document. Expressions of interest were received from local councils for three reservoirs. These councils are considering the feasibility of procuring those assets. NIW agreed the sale of Knockbracken reservoir in Belfast and Craigahulliar reservoir in Portrush to private purchasers, and contracts are progressing with solicitors. Neither of these assets attracted any public-sector interest. The remaining impounding reservoir sites will be assessed for development and recreational potential and advertised on the public market accordingly. From 18 December 2014, the responsibility for fishing rights at the 28 reservoirs at which angling is permitted has been transferred to DCAL to manage under the terms of a service level agreement with NI Water, which will be incorporated into the conditions of any sale. *That will allow for existing recreational activities to continue.*

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### **Waste Water Treatment: Infractions (19 May)**

[Topical Question 5 \(AQT 2525/11-15\)](#)

Given his responsibility for waste water treatment, the Minister for Regional Development was asked what infractions or pending infractions Northern Ireland is facing. He replied that there *is an ongoing issue as to how we have to maintain waste water and other treatment works under our responsibility. This remains an important feature, as is the quality of drinking water, to the population, which is why I have attempted in the current financial year and with a very challenging budget to protect the allocations to NI Water as far as I can. We have not been able to do that fully. There is something in the region of £5 million potentially, but we will work with the company to ensure that adequate service is maintained and that that service is in line with European regulation.*

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