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Ministerial Statements

Coleraine to Londonderry Rail Track: Phase 2 (3 November)

[Full Statement](#)

The Minister for Regional Development made a statement on the Londonderry to Coleraine rail track, specifically phase 2 of the project. Phase 1 involved the relaying of the end sections of the rail line at Coleraine and Londonderry and completing essential bridge works. This was completed in March 2013 within budget and ahead of time. Phase 2 involves the completion of resignalling works and the construction of a new passing loop. The passing loop creates the infrastructure for a more frequent hourly service. Phase 3 involves a full relay of the middle sections of the track between Coleraine and Londonderry and the potential introduction of a half-hourly train service. The Minister explained however that Translink's projected cost of between £20 million and £22 million for Phase 2 was a gross underestimate. The detailed design work now suggests that overall costs could be £40 million. The conclusions of an external review commissioned by the Minister were that the original cost projection was a high-level estimate not backed up by any detailed planning or design work. The priority now is to move to procurement. Translink must begin the procurement process for the signalling part of the project soon if it is to get close to the revised timetable of the end of 2016. There are two pressing priorities to enable the signalling procurement to proceed. An updated economic appraisal must be produced to validate phase 2 remaining value for money and secondly, the Minister will engage with Translink and look again at capital plans within DRD over the next two years to establish how the project will be funded. However the Minister cautioned that there remained risks with the project.



British-Irish Council: Environment (17 November)

[Full Statement](#)

The Environment Minister updated members on the twelfth British-Irish Council (BIC) meeting held in environment sectoral format on 15 October 2014. The meeting focused on sustainable consumption and production, in particular the development of the circular economy and tackling barriers to green consumption. Ministers discussed the development of the circular economy that is taking place in each jurisdiction and the European Union. Jamie Butterworth from the Ellen MacArthur Foundation provided a presentation to Ministers summarising the foundation's research, which indicates that transitioning to a more circular economic model could bring significant economic benefits, help to buffer future materials price increases and volatility, reduce material costs and restore natural capital. Such an approach could also make economies less dependent on raw materials and thus less dependent on price volatility and supply-chain risks. Ministers agreed to further share information and data on consumer behaviour and to explore the possibility of adopting green guidance schemes already in place in some BIC jurisdictions. Ministers reaffirmed the threats posed to BIC jurisdiction ecosystems from invasive non-native species and noted that new EU regulations on alien and invasive non-native species were due to come into force on 1 January 2015 and agreed to continue collaboration and cooperation between all BIC member Administrations, including holding a second workshop in early 2015. Finally, Ministers noted that Sellafield had been raised at every ministerial meeting since the establishment of the work sector in 2000 and further noted the paper produced jointly by Ireland and the Isle of Man on their concerns about the site.



Answers to Written Questions

Minister of Enterprise, Trade and Investment

Energy Storage Facilities (21 November)

[AQW 38614/11-15](#)

The Minister stated the Executive's Strategic Energy Framework recognises the potential of energy storage to provide additional security of supply and to diversify Northern Ireland's reliance on fossil fuel-generated electricity. The strategy's actions include encouraging investment in a number of energy storage proposals such as the development of an underground gas storage facility at

Islandmagee by developers Infrastrata/ Mutual Energy, and a compressed air energy storage facility in East Antrim to be developed by Gaelectric. DETI has supported both projects, which have been accepted as Projects of Common Interest under the EU TEN-E Regulation, in recent bids for Connecting Europe Funding (CEF). The Minister is also supportive of ongoing discussions between AES Corporation and the Utility Regulator concerning the potential for a pilot battery storage proposal at the Kilroot power station site.



Moyle Interconnector – Repair Costs (21 November)

[AQW 37668/11-15](#)

The interim repair to the Moyle Interconnector is expected to cost up to £4million. The cost of the permanent repair involving the laying of new low voltage cables is subject to the completion of tendering arrangements by owners Mutual Energy. When contract details for the permanent repair of the Moyle interconnector are finalised, Mutual Energy and the Utility regulator plan to publish details. The Moyle repair costs will be funded from company reserves, and operational revenue, with the remainder being passed through to consumers. The Utility Regulator therefore expects some impact on electricity bills during the 2015/16 electricity tariff year to fund the capital investment required, however the scale of this is still to be confirmed.



Minister of the Environment

Farm Buildings and PPS21 (7 November)

[AQW 37836/11-15](#)

The Minister explained the number of farm buildings that are required to satisfy CTY10 (C) of Planning Policy Statement (PPS) 21. He advised that PPS 21: Sustainable Development in the Countryside – Policy CTY 10: Dwellings on Farms – Criterion (c) requires that a new dwelling on a farm is visually linked or sited to cluster with an established group of buildings on the farm. Policy CTY 10 does not specify how many buildings constitute an established group of buildings on a farm. This is a matter of planning judgement with each application being assessed on a case by case basis on its own planning merits, taking into account the relevant planning policy and all other material considerations.



Councils and Community Planning (7 November)

[AQW 37738/11-15](#)

The Minister was asked whether DOE is monitoring new councils to ensure they have their community plan in place for 2015. He replied that the new duty of Community Planning will become the responsibility of councils from 1 April 2015. The Local Government Act (Northern Ireland) 2014 sets out the process by which councils, working with their community planning partners, will identify long term objectives for improving the social, economic and environmental well-being of the district. The legislation does not require councils to have a community plan in place by 2015, rather it requires the community plan to be produced as soon as is reasonably practicable after the council is of the opinion that an appropriate degree of consensus has been reached amongst the community planning partners. To help ensure that councils are as well prepared as possible to implement their community planning duties from 2015, they have been taking forward (on a voluntary basis) the community planning foundation programme which is facilitated by Community Places on behalf of the Department. DOE have also been working with councils, potential community planning partners and other central government departments to provide appropriate help and guidance and will continue and intensify this work over the coming months.



Good Beach Summit (7 November)

[AQW 37727/11-15](#)

The Minister provided an update on the progress of the Good Beach Summits. Stakeholders who attended the last Summit on 19 September heard a list of achievements to date; these included improved water quality at a number of beaches throughout Northern Ireland, improved beach cleanliness through targeted campaigns in association with partner agencies and the development of

uniform signage across all the designated beaches in Northern Ireland. They discussed the actions required to ensure that these achievements could be maintained and improved on going forward. Consequently, DOE officials are now working on a draft Action Plan for 2015 – 2017 which will be presented, discussed and hopefully agreed at the next Summit in early 2015.



Independent Environmental Protection Agency (7 November)

[AQW 37712/11-15](#)

The Minister was asked what consideration he has given to the creation of an independent environmental protection agency. He replied that when he became Minister he announced a vision of “*A Better Environment - A Stronger Economy*” and believes that DOE, including NIEA, has a vital role to play in delivering this vision. After listening to customers and he concluded that NIEA needed to be much more outcome and customer-focused and instructed the Chief Executive to undertake a root and branch review of NIEA. This review has resulted in significant changes to NIEA’s structures, systems and programmes, including four new Operating Principles: To make it easy for people to do good business and difficult for people to do bad business; To help create a resource efficient Northern Ireland; To help people see our environment and heritage as an opportunity, not a barrier; and To be a customer-focused and people-centred organisation. Furthermore one of the key findings of the independent Mills Report emphasised the need for closer working between NIEA and other parts of DOE with responsibilities for resource efficiency and waste management. The Minister stated his belief that these changes which have been made are ensuring that these closer working relationships are starting to deliver concrete results as evidenced by the integrated Waste Operation Plan he published last week. The Minister undertook to continue to closely monitor the performance of DOE’s functions to ensure continued performance improvements are being delivered and if further adjustments of these arrangements are needed to drive stronger improvements, he will make them. He concluded therefore that while an independent environmental protection agency could have merits, it is not necessary to create a new statutory body outside of government to secure the improvements necessary.



Planning Permission – Lough Neagh (14 November)

[AQW 38304/11-15](#)

Further to his answer to a previous question (AQW 37576/11-15) the Minister was asked whether it was appropriate for his Department to grant onshore planning permissions to facilitate unauthorised Environmental Impact Assessment Development taking place within Lough Neagh Special Protection Area; and whether he has concerns regarding the implications of such a practice. The minister replied that while historically planning permissions have been granted for the land based operations associated with sand extraction on Lough Neagh, once the unauthorised development was brought to his attention he has sought to remedy this. He added that it is his policy that all unauthorised extractive and waste operations require the most rigorous and prompt enforcement action and that it is not acceptable that mineral extraction activities be allowed to continue without first having been through relevant assessments and obtained appropriate planning approval.



Fish Kill – DOE Response (14 November)

[AQW 38064/11-15](#)

The Minister gave an update on the Sixmile River following the major fish kill and the third major incident in the last six years. He stated that NIEA was first alerted to this fish kill at 11:15hrs on Wednesday 29 October 2014, when a report was received, via NIEA’s Water Pollution Hotline of a number of dead fish in the Six Mile Water at Ballyclare. During the subsequent NIEA investigation statutory samples were collected from two different premises. A number of other potential sources of pollution in the catchment were also visited and investigated by NIEA staff. DCAL Inland Fisheries Group were informed of the fish kill and their investigation confirmed that a total of 964 fish of all sizes had been killed. As part of the investigation NIEA have also collected a number of investigatory water samples from the river and its tributaries, and have carried out a detailed biological survey of insect life in the river and its tributaries. Analysis of the findings from these samples and surveys are continuing. The Minister gave an assurance that NIEA is committed to continuing to work to find the

cause of this latest fish kill. Details of an Adjournment Debate on 18 November on the recent fish kill on the Sixmilewater can be found [here](#).



Responsibility for EU Infraction Fines (14 November)

[AQW 37925/11-15](#)

The Minister outlined who is responsible for covering the costs of fines imposed by Europe as a result of successful infraction proceedings brought against the UK in relation to environmental failures affecting Northern Ireland. Infraction proceedings under Article 258 of the Treaty on the Functioning of the European Union are brought by the European Commission against a member state which the Commission considers has infringed EU law. Consequently, it is against the relevant member state that any EU fine will be levied. If any penalty were to be imposed against the UK by the European Court of Justice, it would be a matter for the UK Government to determine how the penalty would apply to a devolved administration. The outcome cannot be predicted since the UK has never been the subject of financial sanctions imposed by the European Court of Justice.

Northern Ireland district councils may, under discretionary powers introduced by the Localism Act 2011, be required to pay some or all of a fine where they have caused or contributed to the imposition of the sanction.



Strategic Planning Policy Statement for Northern Ireland (SPPS) (14 November)

[AQO 7001/11-15](#)

The Minister provided an update on the development of the SPPS. The SPPS sets out the DOE's regional planning policies for securing the orderly and consistent development of land under a reformed two-tier local planning system. The consultation closed on 29 April 2014. Over 700 responses were received from individuals and a wide range of stakeholders, such as Business and Industry interests (including CBI, NIIRTA, IOD, NIFHA); Environmental interests (including NIEL, RSPB); Community / Academic / NGO interests (including Royal Town Planning Institute, Belfast Civic Trust, Historic Monuments Council, various residents groups); and Local Government interests (including NILGA and a number of local councils). The scale of the response and the diverse composition of respondents is considered to be encouraging as it indicates a healthy public interest in planning matters generally but particularly the future of planning under the new two tier system that will be brought into effect in April 2015. Officials have finalised the detailed analysis of all responses received to the public consultation exercise. A full synopsis of consultation responses report was presented to the Environment Committee on 6 November 2014. The DOE is aiming to finalise the SPPS by the end of the year, subject to Executive Agreement.



Environmental Crime Unit (ECU) (21 November)

[AQW 38460/11-15](#)

The Minister responded to a series of questions on the ECU within NIEA. He stated that the ECU is designed to complement all the other work in DOE to achieve compliance outcomes. In one recent example, the ECU was responsible for securing the highest confiscation order secured to date in Northern Ireland for environmental offending to an amount of £500,000. A further £1.6 million of confiscations has been achieved since the Unit was established and confiscation powers enacted. At 1 November 2014, the staff complement of the ECU was 34.4 full time equivalent and its budget for the current financial year is £1.691 m. Since the start of 2013, ECU has undertaken 137 enforcement cases into a range of waste criminality, which includes the serious and persistent, commercial-scale environmental offending that the Unit was established to deter and disrupt. These cases include unauthorised land-filling, scrap metal and end-of-life vehicles, fuel laundering wastes and waste tyre disposal. In the same period, the team has secured 43 successful convictions.



Money from NIEA fines (21 November)

[AQW 38446/11-15](#)

The Minister provided details of the money realised by the NIEA through fines in each of the last three financial years:

Year	Total fines
2011-12	£137,450
2012-13	£142,250
2013-14	£114,593
Total	£394,293

However NIEA does not gain financially from any of the fines imposed in the prosecution cases it oversees as they are passed directly to the Exchequer.



Minister of Finance and Personnel

Dormant Bank Accounts (21 November)

[AQW 37852/11-15](#)

The Minister was asked whether there are plans to utilise funds in dormant bank accounts. He replied that under Dormant Bank and Building Society Accounts Act (2008), the devolved administration in NI receives a proportion of the dormant account funding, apportioned according to the Barnett formula. The legislation allows the funds to be used for social or environmental purposes and provisions are included which enables the devolved administrations to set their own spending priorities. In NI this responsibility rests with DFP and officials are currently developing plans on how to best utilise this funding.



Aggregates Levy Credit Scheme (28 November)

[AQO 6995/11-15](#)

The Minister of Finance and Personnel outlined the outcome of his recent discussions on the reinstatement of the Northern Ireland Aggregates Levy Credit Scheme (ALCS). The Minister wrote to the Exchequer Secretary, Priti Patel MP, on 11th September 2014 following the European Commission's announcement of its final decision on the ALCS. As the Commission found that the ALCS was compatible with the Environmental Aid Guidelines that applied at the time, the Minister asked the Exchequer Secretary to agree that her officials work with their Northern Ireland counterparts to explore if and how a new scheme could be introduced. The Exchequer Secretary has agreed to this work being taken forward.



Minister for Regional Development

Bicycles on Buses (7 November)

[AQW 37744/11-15](#)

The Minister outlined what consideration is being given to cyclists that wish to transport their bicycles on Translink buses. He stated that in launching the draft Bicycle Strategy he set out his commitment to address barriers to modal interchange, including the opportunities to enable cyclists to transport their bicycles on public transport. Consultation on the Strategy is ongoing, however, responses to date make it clear that this is an issue for many cyclists. DRD officials will, therefore, engage with Translink to ensure that the Delivery Plan for the Bicycle Strategy addresses the issue. In the interim folding bicycles are allowed on all Translink Bus Services and Translink are currently exploring opportunities to facilitate the carrying of conventional bicycles on specific routes such as the Mourne Rambler Service. It is hoped to commence this service next summer.



A5 Funding Reallocation (7 November)

[AQW 37637/11-15](#)

Given the pressures on departmental budgets, the significant cost of the A5 project and the lack of progress on the project, the Minister was asked for his assessment of the necessity and value of the

continuation of this project; and what consideration he has given to abandoning the project and reallocating this funding into sustainable transport infrastructure, and other departmental priorities, such as flood alleviation. He replied that A5WTC project remains an Executive project and work to address the one area of concern identified in the Court ruling is advanced. This relates to undertaking Appropriate Assessments under the Habitats Directive of the impact of the A5 proposals on the Special Areas of Conservation. With regard to capital money allocated to Strategic Roads projects, such as the A5, DRD's budget settlement from DFP is ring-fenced. Any monies that are not required to meet the spend profile of a project within a particular year must be returned to the Department of Finance and Personnel.



A5 Costings (7 November)

[AQW 37636/11-15](#)

The Minister outlined the current and projected spend on completion of the A5 project. In 2011 the estimated total cost to complete the A5 Western Transport Corridor project was £800 million. In February 2012 the Irish Government reduced its short term contribution to the A5 West Transport Corridor project from £400 million to £50 million. The Executive then agreed to commit funding of £330 million to the project. A breakdown of the spend to date on the project is outlined below:

Year	(£)
2007/08	875,000
2008/09	8,350,000
2009/10	14,600,000
2010/11	11,395,000
2011/12	10,753,310
2012/13	13,121,911
2013/14	9,432, 421
2014/15 spend to end of August	2,180,000
OVERALL TOTAL	£70,707,642

Note: the above figures exclude capitalisation

The 2011 estimate of £800 million therefore remains relevant as a baseline figure. A more significant factor will be the timing of delivery of the various phases and the associated inflationary implications. This will be subject to successful completion of statutory procedures, other public consultations and the availability of funding. The reduced requirements, returned to DFP in relation to the A5 Western Transport Corridor totalled some £277.5million broken down as follows: £50 million in 2012/13; £108 million in 2013/14; and £119.5 million in 2014/15. Reallocation of the A5WTC budget was a matter for the DFP. The level of funding required to complete the A5 project will be significantly influenced by the evolving delivery strategy and the inflationary impacts of a phased implementation.



Waste Water Treatment Directive & Water Framework Directive Infraction Risk (7 November)

[AQW 37193/11-15](#)

The Minister explained that the UWWTD protects the environment from the adverse effects of sewage discharges. It sets treatment levels on the basis of sizes of sewage discharges and the sensitivity of waters receiving the discharges. There are 79 wastewater treatment works (WWTW) in Northern Ireland assessed for compliance with the UWWTD. All sites, except Ballycastle WWTW and Benone WWTW complied with UWWTD requirements resulting in a compliance rate in 2013 of 98%. The EC has commenced infraction proceedings against the UK Government in respect of Ballycastle WWTW as the works does not have secondary treatment in place. NI Water has begun a capital works project to deliver an upgrade at Ballycastle to meet the UWWTD requirements. Progress on this upgrade is being monitored by the European Commission. The Benone WWTW failed to meet

the required standards in 2013 and has been decommissioned. A new works at Magilligan, which serves the Benone area as well, was opened in 2014.

The WFD requires member states to implement measures to prevent deterioration of the status of all bodies of surface water and groundwater and to protect, enhance and restore all water bodies with the aim of achieving “good” status by 2015. As the first formal classification of water bodies under WFD will not take place until 2015 and thus no assessments have been performed yet in terms of the extent of compliance. With regard to compliance with the WFD, an infraction risk is likely to arise in respect of Belfast Harbour water quality, where monitoring to date suggests that the required standard will not be met. In response to this risk, a Strategic Drainage Infrastructure plan is being developed and the first phase will focus on South and East Belfast. One of the key aims of this phase is to deliver improvements in the water quality in Belfast Harbour. It is likely that this initiative would be taken into account by the EC when it determines whether or not to commence infraction proceedings, and subsequently if it were to consider the imposition of fines by way of enforcement.

Article 9 of the WFD requires Member States to take account of the principle of recovery of the costs of water services and requires Member States by 2010 to have water-pricing policies that provide adequate incentives for users to use water resources efficiently. Although NI has charges for non-domestic water users the absence of charges for domestic users could represent an infraction risk.



Water Leakage (7 November)

[AQW 37132/11-15](#)

The Minister revealed the volume of leakage from mains water pipes over the last 3 years:

Year	Losses (mega litres per day)
2011/12	168.32
2012/13	161.75
2013/14	167.21*

*New leakage management software to estimate leakage levels was introduced in 2013/2014. The Regulator in its Annual Information Return has recognised this change by acknowledging that the 2012/13 figure should be adjusted to 170.73 MI/d under the revised method of calculation. It therefore set NI Water a target of 169 MI/d for 2013/14 which the company has exceeded.



Resourcing Cycling Unit (21 November)

[AQW 38019/11-15](#)

To Minister outlined his plans for increasing the resources available to DRD’s cycling unit. The Unit was established in November 2013 and received its full complement of eight members of staff by February 2014. Given the current budgetary constraints affecting DRD there are no immediate plans to increase Cycling Unit resources at present. However, work is ongoing to secure European funding through the Interreg V programme. In addition DRD will continue to consider cycling where appropriate as part of its overall objective of creating a cycling culture in Northern Ireland. This will include design and implementation of schemes by Transport NI, either as specific cycling schemes or as part of overall transport measures.



Oral Answers to Questions

Minister of Agriculture and Rural Development

Agricultural Land-use Strategy (3 November)

<http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2014/11/03&docID=211611#565419>

Topical Question 8 (AQT 1668/11-15)

The Minister was asked whether she has had any discussions with ministerial colleagues, particularly the Minister of the Environment, about an overall strategic land-use strategy. She replied that she has not had any recent discussions, however, standing items of discussion at official level are land

use, the Nitrates Action Programme, the water framework directive and all the other environmental issues in which the two Departments have a common interest. The Minister identified other Departments she thought should be involved in overall strategic land-use discussions including DARD and DRD, but suggested perhaps we would benefit from a lot more discussion. She concluded that land use and protecting our future are in everybody's interest, so she was very keen that, if the discussions were to be widened, she and her officials could play a role in taking that forward.



Minister of Culture, Arts and Leisure

Fish Kills: DCAL Involvement (3 November)

<http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2014/11/03&docID=211611#565593>

Topical Question 8 (AQT 1678/11-15)

The Minister outlined the extent of her Department's involvement in the aftermath of all-too-frequent fish kills listing potential causes as pollution, the effect of global warming on the environment and biosecurity of lakes and waterways. She stated that DCAL is working with the DOE and AFBI to ascertain the causes of the fish kills, to learn the lessons and identify, if possible, the sources of the fish kills and try to eradicate them. She added that no one Department should be blamed for the pollution of waterways but if the cause is pollution, we should identify the source and prosecute, applying the maximum fine to ensure that there is a deterrent. She concluded by giving a commitment that she will try to find the source of the latest pollution incidents and go for prosecution with the maximum penalties.



Minister of the Environment

Planning: Conservation Areas (11 November)

[\(AQO 7000/11-15\)](#)

The Environment Minister outlined the status of a conservation officer's report in relation to a planning application within a conservation area. DOE has a statutory duty to pay special attention to the "desirability of preserving or enhancing" the character or appearance of conservation areas under article 50(5) of the Planning (NI) Order 1991. The Department has planning officers with particular expertise in conservation matters, and their advice is sought on development proposals that may impact on a conservation area. DOE must give full regard to all material considerations, including the policy guidance set down in chapter 7 of Planning Policy Statement 6, 'Planning, Archaeology and the Built Heritage'; the advice and guidance in the relevant conservation area document to which the proposal relates; the relevant development plan; consultee responses; council views; objections; and any other representations made. In response to a question around whether there was a need to strengthen conservation officers' power, the Minister replied that as part of the review of the responses to the strategic planning policy statement (SPPS) consultation, conservation issues will be in the 'mix' and he will look to see how and whether this particular element can be improved.



Office of The First Minister and deputy First Minister

EU Commission: Liaison (10 November)

[\(AQO 6971/11-15\)](#)

OFMDFM outlined the Executive's strategy for liaising with the new EU Commission. The First Minister and deputy First Minister have written to new Commission President Juncker and the new commissioners to congratulate them on their new appointments in agriculture, financial stability and regional policy, respectively. They have invited them to visit, so that they can be shown what has been achieved with EU help and what we can offer to others by way of our experience. After last week's publication of the report of the European Commission's task force on the North, OFMDFM welcomed the comments of outgoing President Barroso on the positive impact of this initiative. Given the significant importance of the task force, the First Minister and deputy First Minister have pressed for the continuation of our structured relationship with the Commission and welcome the

recent comments of Commissioner Cretu when she committed to maintaining the work of the task force. In relation to the drawdown of EU funds and efforts to increase them by 20%, the Junior Minister stated that in 2011-12 - year 1 - Departments drew down £23 million, and in 2012-13 - year 2 - they drew down £18.3 million. At the halfway point in the Budget period, £41.3 million has been drawn down, which represents 64% of the target. Departments are well on track to exceed the total drawdown of £64.4 million by the end of March 2015. Figures for 2013-14 will be published as soon as they have been completed. There have been some difficulties at EU level with confirming drawdown in some programmes, which has led to a delay in the validation of the year 3 figures.

