

Northern Ireland Assembly News – November 2020

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Executive Committee Business

Greenhouse Gas Emissions Trading Scheme Order 2020 (3 November)

The Minister of Agriculture, Environment and Rural Affairs sought and gained [approval](#): *That the draft Greenhouse Gas Emissions Trading Scheme Order 2020 be approved.* The Order in Council was laid in draft in the Assembly on 15 July 2020 under the Climate Change Act 2008 and requires that the Order be laid in draft and debated in each of the four UK legislatures. The Order establishes a UK-wide greenhouse gas emissions trading scheme (ETS) to replace our participation in the EU emissions trading scheme. In the NI context, there is an important exclusion from the scope of the UK ETS. It arises as a result of article 9 and annex 4 of the NI protocol, which requires NI electricity generators to remain in the EU ETS. That is to preserve the functioning of the single electricity market on the island of Ireland. An emissions trading scheme works using the "cap and trade" principle by requiring participants to purchase a carbon allowance for each ton of carbon dioxide that they emit. The more carbon dioxide emitted, the more allowances required. There are penalties for failure to obtain the requisite number of allowances. A cap is set on the total number of allowances available under the scheme, and it is gradually reduced over time. The aim is to encourage reductions in emissions. The UK ETS has been agreed by the 4 Governments of the UK, and will be operational from 1 January 2021. It establishes the scope of the UK ETS, which includes energy-intensive industries, power generation and aviation and the current scope of the UK ETS is identical to the EU ETS and establishes a cap on allowances each year. The initial level of the cap will be 5% below that which would be the case had we stayed in the EU ETS. In NI, the regulator will be the NIEA. The Minister added that UK Government and devolved Administrations agreed that the desirable outcome is a UK ETS that is linked to the EU ETS.

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Ministerial Statement

North/South Ministerial Council: Transport Sectoral Meeting (2 November)

The Minister for Infrastructure provided a [statement](#) on the meeting of the North/South Ministerial Council (NSMC) in the transport sector, which was held on Wednesday 7 October. A number of issues were discussed, including the implications of Brexit, our response to COVID-19, the latest EU funding position, our shared New Decade, New Approach (NDNA) commitments and our future work programme for the transport sector. During the meeting, the Minister also raised the issue of the withdrawal of the Bus Éireann service between Belfast and Dublin and how we need to work together on all-island transport services. An updated transport work programme is to be considered at the next meeting, which is scheduled to take place in early 2021.

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North/South Ministerial Council: Environment (16 November)

The Minister of Agriculture, Environment and Rural Affairs provided a [statement](#) on the meeting of the North/South Ministerial Council in environment sectoral format on the 21 October 2020. Ministers noted the work that is being carried out to prepare for the end of the transition period and the need for continued cooperation on environmental matters, including those of a cross-border nature and also noted the potential to build on the success of the INTERREG projects through access to the new PEACE PLUS programme and its environment policy objective of achieving a greener, low-carbon Europe. Collaboration continued between officials in both jurisdictions and submission of joint position papers focusing on a range of holistic clean air, water catchment and nature based solutions to address future pressures from climate change, support sustainable economic recovery and protect the environment to inform emerging PEACE PLUS themes. The NSMC noted that the work programme will be kept under review at future NSMC environment sector meetings, having regard to particular matters arising from the outcome of the UK referendum. Ministers agreed that, within the work programme, consideration should continue to be given to opportunities for cooperation on wider environmental issues, such as sustainable development; encouraging cooperation and knowledge sharing in relation to the environmental impact of agricultural activities and related issues; cooperation and exchange of information on marine, bathing and shellfish

waters; cooperation and collaboration on water and urban waste water services areas, including implementation of EU measures; the promotion of a circular economy; a joint programme of enforcement and collaboration on tackling environmental crime; and cooperation with a view to maximising draw down of EU funding.

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North/South Ministerial Council: Aquaculture and Marine (16 November)

The Minister of Agriculture, Environment and Rural Affairs provided a [statement](#) regarding the thirteenth meeting of the North/South Ministerial Council (NSMC) in the aquaculture and marine sector held on 21 October. Ministers welcomed the report on the activities of the Loughs Agency and agreed that the Loughs Agency, the Department of Agriculture, Environment and Rural Affairs and the Department of the Environment, Climate and Communications will continue to work together to consider the impact of the UK's withdrawal from the EU. The Minister stated that the long-running jurisdictional issue about Lough Foyle, while a reserved matter, has created practical difficulties in creating a system for the licensing of aquaculture in Lough Foyle, and, consequently, there is significant unregulated aquaculture activity. Currently, the Loughs Agency has no authority to intervene in its expansion. The Minister also provided an update on salmon poaching and illegal fishing activity and the Loughs Agency response.

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North/South Ministerial Council: Special EU Programmes (17 November)

The Minister of Finance provided a [statement](#) on the North/South Ministerial Council (NSMC) in special EU programmes sectoral format held on 30 October 2020. There was a broad discussion on the implications of the EU exit and the impact of, and response to, the COVID-19 pandemic. The Council noted the commitments and guarantees agreed and put in place as part of the withdrawal agreement and political declaration to allow for the current Peace IV and INTERREG Va programmes to continue until completion, and for a successor PEACE PLUS programme to be funded. The PEACE PLUS programme will incorporate COVID-19 recovery actions and progress was outlined on the development of the future PEACE PLUS programme. A public consultation will be undertaken to provide for further stakeholder engagement. Further discussion with Departments and Ministers will be required to reach an agreed programme. The final PEACE PLUS programme document will be submitted to both Administrations, the NSMC and the European Commission for approval. The funding for PEACE PLUS currently sits at €650 million.

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British-Irish Council: Environment (17 November)

The Minister of Agriculture, Environment and Rural Affairs provided a report on the British-Irish Council (BIC) ministerial meeting in environment sector format held in virtual on 4 November 2020. The British-Irish Council is a forum for its members to discuss, consult and use best endeavours to reach agreement on cooperation on matters of mutual interest within the competence of its member Administrations. The BIC environment work sector is led by the UK Government and facilitates evidence exchange and practical collaboration. The meeting held on 4 November focused on how the Administrations can work together on climate adaptation, tackling invasive non-native species and issues connected with the marine environment. The meeting report can be found [here](#).

Basic Payment Scheme Simplifications and Direction of Travel for Future Agricultural Policy in NI, including Support Payments (17 November)

The Minister [set out](#) his long-term vision for agricultural support in Northern Ireland and announced a number of simplifications and improvements that he was making to the rules that govern the direct payment scheme for the 2021 scheme year. The Minister stated there was a unique opportunity to develop a new dynamic for key stakeholders across the food, agriculture and environmental spectrum to work with the NI Government to chart a new way forward. For that to be successful, it is vital that the long-term outcomes of productivity, resilience, environmental sustainability and supply chain functionality be kept to the fore, which will demand difficult choices, compromises and strong leadership. The Minister stated that the UK Agriculture Act which gained Royal Assent on 11 November provides sufficient scope to introduce the changes that will set us on a

new pathway and that the current working assumption is that the budget for future agricultural support payments for the remainder of the Parliament will be similar to the current direct agricultural support budget. A major part of the new agriculture framework will be the agri-environment programme. The Minister stated that we need to create a regime that properly incentivises and rewards the protection of existing environmental assets and the creation of new ones. DAERA will work with our farmers, land managers and environmental stakeholders to co-design a new approach to agrienvironment measures that is focused on delivering outcomes and a lasting legacy. Through this approach there will be the opportunity whereby management of the environment becomes a 'profit centre within a farm business rather than a cost centre'. From 1 January 2021, the Minister has decided to implement a number of changes including removal of the greening requirements for the 2021 scheme year and incorporate the greening payment into the basic payment scheme (BPS) entitlement unit values. Whilst work on the development of bespoke environmental measures takes place, 'Northern Ireland's robust set of environmental laws will continue to provide protection against biodiversity loss' and landscape features such as hedges and sheughs will continue to be protected under cross-compliance. The Minister has asked officials to review the approach to the application of cross-compliance penalties as soon as possible with the aim 'to ensure that penalties are proportionate and reflect the seriousness of the non-compliance identified'. The Minister concluded, 'My ultimate aim is to ensure that we take full advantage of the opportunity to develop a sustainable agriculture industry in which farmers are supported on an equitable basis. That will be underpinned by a set of bespoke measures that will ensure the delivery of productive, environmentally sustainable, resilient and supply chain-focused outcomes tailored for Northern Ireland'. Regarding introduction of a NI Agriculture Act, added that as this mandate runs out in 2022 he is not sure that DAERA have capacity to do it in the time frame available.

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Committee Business

Committee for the Economy: Energy Strategy Report (23 Nov)

The Assembly [debated](#) and supported a motion: *That this Assembly welcomes the special report of the Committee for the Economy on considerations for the forthcoming energy strategy; supports the development of an ambitious, target-driven energy strategy that will decarbonise the energy sector by 2050 while minimising the cost to the consumer; and recognises the strategy's potential to boost our economic, health and social well-being into the future.* The Committee recently undertook a micro-inquiry to seek views from stakeholders on what they wanted to see in the energy strategy being developed by the Department for the Economy. Through the micro-inquiry, the Committee identified issues that will need to be addressed in the energy strategy. Namely: The energy strategy must have a statutory footing and binding targets that are clear, measurable, ambitious and in line with both the Programme of Government outcomes and the UN sustainable development goals; The strategy should implement policies towards those targets while moving towards a target of net zero carbon before 2050. To that end, consideration should be given to establishing an NI climate Act; To tackle fuel poverty, we must enhance the existing energy efficiency schemes to ensure that homes and businesses are energy-efficient; Investment is urgently needed in areas including transport infrastructure along with a modal shift to encouraging walking, cycling and using public transport, Investment in the electricity grid with deployment of large-scale renewables projects; Careful adjustment for the planning system to allow forms of energy production such as wind turbines and energy storage; Action to encourage large-scale storage, localised storage and biogas; Opportunities for reducing emissions from agriculture; The need for the local workforce to develop a suitable skill set to take forward new technologies. The report concluded that an effective strategy should identify key areas of work for government, local government, educators, businesses and communities and, preferably, should be co-produced to maximise the available expertise and ownership of the changes to take place.

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Private Members' Business

Ammonia Levels in Northern Ireland (16 November)

Members [debated](#) a motion: *That this Assembly notes with concern the scale and complexity of the ammonia problem in Northern Ireland; further notes that critical loads of nitrogen deposition at which ecological damage occurs have been exceeded at 98% of Northern Ireland's special areas of conservation, in some cases by 300% or more; recognises the need to halt further overloading of critical thresholds; notes Northern Ireland's legal obligations under article 6 of the EU habitats directive; and calls on the Minister for Infrastructure to conduct an urgent review of approved planning applications for ammonia-emitting projects that are within 7.5 kilometres of a Natura 2000 site; and further calls on the Minister to implement a moratorium on planning approvals for any project that proposes to increase discharges of ammonia into the environment until such time as a report is produced by the Department for Infrastructure that determines whether article 6 of the EU habitats directive is being complied with in Northern Ireland.* While ultimately the motion was not supported, (mostly due to the absence of reference to the Minister of Agriculture, Environment And Rural Affairs within the wording), support was forthcoming for an amendment to the motion namely: *Leave out all after '300 per cent or more;' and insert: 'recognises the need to reduce further overloading of critical thresholds; acknowledges that emissions do not recognise borders; and calls on the Minister for Infrastructure to conduct a review of the planning application process to ensure planners have all the appropriate guidance on ammonia and are led by science and data to mitigate ammonia emissions; and further calls on the Minister for Infrastructure to consult fully with the farming and agri-food industry and the Minister of Agriculture, Environment and Rural Affairs on this review to ensure that the impact on the farming and agri-food industry is fully understood.'*

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Answers to Written Questions

Minister of Agriculture, Environment and Rural Affairs

Update - Office for Environmental Protection (2 November)

The Minister [stated](#) that subject to the approval of the Assembly, the OEP will commence operations in Northern Ireland as close to 1st January 2021 as is practicable although delays to the Environment Bill's progress as a result of the Covid-19 crisis have made that task much more challenging. In preparation for the OEP becoming operational DAERA are preparing to launch a Discussion Document on Environmental Plans, Principles and Governance for Northern Ireland, part of which seeks the views of the public and stakeholder groups on the proposed operational arrangements and functions of the OEP.

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Marine Protected Areas within Belfast Lough (4 November)

To Minister [listed](#) the 10 marine protected areas (MPAs) within Belfast Lough which have been designated to protect rare, threatened and vulnerable marine habitats and species and contribute to the wider NI MPA network. Further information on the designated features can be found at <https://www.daera-ni.gov.uk/protected-areas>. An MPA network assessment undertaken in 2018 concluded that the current suite of MPAs in the NI inshore region is very close to delivering an ecologically coherent network and DAERA currently has no plans to designate additional MPAs within the Lough. DAERA will keep the position under review and continue to gather evidence that could inform future designations or the addition of designated features to existing MPAs.

Clean Air Strategy (12 November)

The Minister was asked as part of the Clean Air Strategy, whether DAERA plans to introduce a requirement for each local council to develop a walking and cycling strategy, with targets aimed at reducing the number of journeys by private car. He [replied](#) that in December 2016, the previous DAERA Minister, gave a commitment to develop an air quality strategy. Since then, DAERA have been working on developing a draft Clean Air Strategy discussion document in collaboration with other Departments. The Discussion Document has now been finalised and will be launched shortly

for a 12 week public consultation in the coming weeks and will invite views on a wide range of matters relating to air quality.

Update on Forests for Our Future Programme (23 November)

The Minister [stated](#) that since March 2020 he has taken a personal lead in promoting 'Forests for Our Future' which will become a foundation programme within the Green Growth Strategy. He has attended a planting event with school pupils; opened a revised forestry grant scheme, announced the development of a new small woodland grant scheme and established an afforestation forum to make plans for planting suitable public and council land. To date Forest Service has validated that 574 thousand trees have been planted in new woodland by land owners with support from Forestry Grant Schemes and on Departmental land.

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Benefits of Rewetting Boglands - Reducing and Capturing Carbon (25 November)

The Minister [stated](#) that Peatlands are among the most carbon-rich ecosystems on the planet and as such will play a key role in mitigating climate change. Healthy peatlands in good condition not only store carbon but can actively sequester atmospheric carbon in perpetuity, as well as support biodiversity and reduce flood risk. Peatland covers a significant part of NI, most notably peatland with semi-natural vegetation which covers approximately 12% of the land area. These habitats are also highly sensitive to air and water pollution which can damage or kill the peat-forming species and interfere with the peat's carbon storage capacity. He added that the restoration of peatland is a key nature-based solution which would both mitigate climate change and restore biodiversity, to ensure that they are sufficiently wet to support those moss species vital for peat accumulation and address other pressures and threats. The Office for National Statistics recently reported that restoring peatland would be a cost effective measure to help tackle Climate Change – the estimated cost of fully restoring all of the UK's peatlands (£8-22 billion) is below the estimated savings of £109 billion in terms of reduced carbon emissions.

Minister for Infrastructure

Water Services (2 November)

The Infrastructure Minister gave her [assessment](#) of the water services and the risks to homes being flooded and raw sewage spilling into an estuary. She stated that over 120 households are already affected by, or are at risk of, internal flooding whereby sewage escapes from the sewer network and enters homes. Sewer networks contain Combined Sewer Overflows (CSOs) which act as safety valves for sewage to escape to water courses and water bodies (including estuaries) in extreme or high wet weather, and are designed to help prevent homes from being affected by sewage, should a sewer network reach capacity in high wet weather. However, where sewer networks are at, or very close to, their capacity, the CSOs may operate more frequently than they should, including during dry weather, and exceed the discharge consent set by NIEA. If not adequately funded, risks will increase in relation to raw sewerage escaping from NI Water's infrastructure. This, in turn, is likely to result in negative impacts on levels of service to existing customers and to lead to inadequate environmental protection as a result of increases in out of sewer flooding and pollution. NI Water has extensive plans to upgrade its wastewater systems during PC21 (2021-2027) but these plans are dependent on adequate funding being made available.

Permitted Development Rights for Fossil Fuels (11 November)

The Minister was asked whether she intends to bring forward proposals to end permitted development rights for all fossil fuels including lignite. She [replied](#) that while she is bringing forward legislation to remove permitted development rights for oil and gas exploration, she has also asked officials to brief her on the operation of the minerals exploration permitted development regime for the remaining fossil fuels, including lignite. This will allow the Minister to consider whether to bring forward any further changes to permitted development rights for mineral exploration.

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Oral Answers to Questions

Minister of Agriculture, Environment and Rural Affairs

Climate Change Act and NDNA (3 November)

The Minister gave an [update](#) on the delivery of a Climate Change Act to give environmental targets a strong legal underpinning, as outlined in New Decade, New Approach. He stated that he was currently finalising a discussion document consultation on a future NI climate change Bill that he will publish in the next number of weeks. The Minister has written to the independent expert UK Climate Change Committee (CCC) for advice on what would be our equitable contribution to the UK's net zero emissions target, he will then consider the responses from the consultation along with the advice provided by the CCC and then present his findings to the NI Executive to agree a way forward. The Minister added that the timescale for the enactment of a climate change Act would it be within the lifetime of this Assembly but he would not support the passage of the cross-party climate change private Member's Bill as 'rushed legislation is not normally good legislation' and public consultation would be required first.

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Review - Clean Neighbourhoods and Environment Act (NI) 2011 (3 November)

The Minister [stated](#) that while he has no plans to review the Clean Neighbourhoods and Environment Act (NI) 2011, the issues of litter and dog fouling will be considered in DAERA's forthcoming draft environmental strategy for Northern Ireland. The strategy will consider options for tackling these ongoing problems in the future and include the outcome of the current review of fixed penalty notices for litter and dog-fouling.

Environmental Protection, Governance & Cross-border Cooperation (3 November)

The Minister [stated](#) that at the North/South Ministerial Council (NSMC) environment sectoral meeting on 21 October, he gave a commitment to work with his counterpart, Minister Ryan, within the NSMC structures to address environmental issues to our mutual benefit. The Ministers agreed that their Departments would continue to cooperate to deliver tangible environmental improvements in Northern Ireland and Ireland, both now and after the end of the transition period. Cross border cooperation will continue on a wide range of environmental issues, including water quality, international river basin management, bathing water status, blue flag beaches, marine strategy, waste crime, air quality and EU funding. Subject to the approval of the Assembly, the environment Bill will establish the Office for Environmental Protection (OEP) in Northern Ireland to perform the environmental oversight role currently undertaken by the European Commission. The OEP will be permitted to share information, where appropriate or necessary, with certain bodies outside the UK that have functions in connection with the protection of the natural environment. This will enable it to share information with, for example, the European Commission on transboundary issues. Any arrangements will take account of current North/South governance.

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NI Forestry as a Carbon Sink rather than Carbon Source (17 November)

The Minister was asked to [outline](#) his plans to restore the status of the forestry sector to a net carbon sink, rather than a carbon source. The Minister replied that forestry in Northern Ireland is a net carbon sink as recently confirmed in a detailed report published by the UK's National Atmospheric Emissions Inventory on 30 October 2020. DAERA has received advice from the UK Committee on Climate Change on reducing greenhouse gas emissions in Northern Ireland which recommends increasing the rate of woodland creation to 900 hectares per year as a simple low-cost option to help capture carbon. In March 2020, the Minister announced the Forests for our Future afforestation programme aimed at increasing woodland by planting 18 million trees to create 9,000 hectares of new woodland over the next decade. This programme will become a foundation programme of the Executive's green growth strategy which aims to transform our society towards net-zero carbon by 2050, protect and enhance our environment and sustainably grow the economy.

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Minister for Infrastructure

Diesel Emissions: Private and Light Goods Vehicles (16 November)

The Minister [stated](#) that she had recently approved the award of a £16.5 million contract to build a new test centre and enforcement depot at Hydebank in Belfast, which are scheduled to open in autumn 2022. The new test centre will include facilities to deliver safely fully compliant emissions testing, and its design will be used as a template for further proposed test centres, subject to further consideration and funding. The DVA currently conducts fully compliant diesel emissions tests on all heavy goods vehicles, buses and vans over 3,500 kg and a partial diesel emissions test for cars and light goods vehicles. Reintroducing full emissions testing will require the modernisation of the test centre network to create safe, sustainable environments for DVA staff and customers. That is a longer-term programme of work that will require substantial capital investment. The Minister stated after the opening of the new depot at Hydebank she would be keen to see this rolled out across further depots in the coming years.

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Bicycle Strategy (16 November)

The Minister was asked whether her departmental budget for 2021-22 will facilitate meeting the bicycle strategy target of £10 per capita spend on cycling. She [replied](#) that her Department does not identify spend on walking and cycling separately but includes funding for both in active travel. She added that she was not in a position to provide guarantees for active travel in 2021-22. The Executive have not agreed the Budget for next year; therefore, she did not know what budget her Department will have. However, the Minister has appointed a walking and cycling champion in her Department and invested in a £20 million fund for the development of blue/green infrastructure, which will support the connection of communities and active travel. Further investments in active travel are expected next year. The Minister added that she was considering an active travel Bill and has asked officials to prepare a submission that sets out a range of options for how she could move forward with policy changes, resources and what we might be able to do on the legislative front.

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