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Private Members Business

Assembly and Executive Reform (Assembly Opposition) Bill: Second Stage (12 October)

[\(Full Debate\)](#)

Mr McCallister MLA moved the Second Stage of the Assembly Opposition Bill. In his address, he stated that ‘A key motivation for me in pushing the Bill and moving it has been about delivering good governance that leads to political stability and tackling all the issues that we have to tackle and that many Members feel passionately about’. The principal objective of the Bill is to enable the formation of an Opposition in the Assembly and to confer rights on the Opposition once it has been formed. The Bill also seeks to enhance collective decision-making in the Executive, and to increase scrutiny of the Executive by the Legislature. Upon receiving the necessary support the Bill was referred to the Assembly and Executive Review Committee which has responsibility for the Committee Stage of the Bill. The Committee therefore wishes to hear views from all interested parties to assist with its scrutiny of the Bill. If you would like to respond or comment written evidence should be sent to the Committee by e-mail (using the template below) to: committee.assemblyandexecutivereview@niassembly.gov.uk. **The closing date for submissions is Tuesday 10th November 2015.** All written submissions on this Bill should be structured to address the specific clauses and schedules of the Bill and, if appropriate, should include the wording of any amendments you wish to propose to the text. Further information on the Committee’s scrutiny of the Bill can be found below:

1. You can view the Assembly and Executive Reform (Assembly Opposition) Bill [here](#)
2. You can view the Explanatory and Financial Memorandum [here](#)
3. A letter inviting submissions is [here](#)
4. The template for submitting written evidence is [here](#)

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Answers to Written Questions

Minister of Agriculture and Rural Development

State of Local Forests (2 October)

[AQW 49008/11-16](#)

The Minister provided her assessment of the general state of local forests. Forest Service’s draft Woodland Register identifies the type and extent of 112 thousand hectares of woodland in the north of Ireland comprising 62 thousand hectares of Forest Service managed woodland and 50 thousand hectares of non-Forest Service woodland. All the Forest Service woodland and approximately 3 thousand hectares of non-Forest Service woodland is independently certified under a Forest Stewardship Council scheme which provides reasonable assurance that these forests are managed in an environmentally appropriate, socially beneficial and economically viable manner. A further 4 thousand hectares of non-Forest Service woodland is managed according to an approved forestry plan, as a condition of support under the Rural Development Programme, which provides assurance that it is compliant with government’s approach to sustainable forest management.

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Tree Felling/ Planting in the last 5 years (2 October)

[AQW 48846/11-16](#)

The following approximate number of trees were felled as part of clearfelling and thinning operations in the last five years.

Year	Numbers of Trees Felled (Clearfell)	Numbers of Trees Felled (Thinning)	Number of Trees Planted
2010-11	1,100,000	20,000	2,485,000
2011-12	1,045,000	55,000	2,450,000
2012-13	960,000	35,000	2,500,000
2013-14	930,000	50,000	2,300,000
2014-15	830,000	115,000	2,200,000

The number of trees planted relates to the re-establishment of cleared areas in line with sustainable forest management standards. In addition to planted trees, substantial areas of forest have been regenerated in the last five years through the use of predominantly broadleaved natural seed sources.

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Agricultural Pesticides (9 October)

[AQW 49009/11-16](#)

The Minister outlined the current laws on the use of agricultural pesticides. The Plant Protection Products (Sustainable Use) Regulations 2012 implement the EU Directive on the Sustainable Use of Pesticides. Their purpose is to achieve sustainable use by reducing risks and impacts of pesticides on human health and the environment. These regulations stipulate the following requirements for the use of agricultural pesticides: A person can only use pesticides authorised for professional use if they hold a specified certificate or work under appropriate supervision. A person who uses, or causes or permits an individual to use a pesticide must ensure that: All reasonable precautions are taken to protect human health and the environment; The application of the pesticide is confined to the crop, land, produce, buildings, contents of buildings, materials or other areas intended to be treated; The amount used and the frequency of use should be as low as is reasonably practicable; So far as is reasonably practicable, where there is more than one product authorised for a particular situation, preference should be given to using products that do not represent a risk to the aquatic environment and/or drinking water supplies; A person who owns or leases pesticide application equipment must ensure that such equipment is not used unless it has passed inspection. Health and safety is of vital importance in relation to the use and management of pesticides. Therefore, an effective system of training and certification is necessary to protect operators applying pesticides, bystanders, wildlife, plants and the environment from adverse effects. The Plant Protection Products Regulations (NI) 2011 ensure that only pesticides approved for use can be sold. These regulations specify that only authorised pesticides can be used and that they must be used as instructed on the product label.

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Bee Population (9 October)

[AQW 48962/11-16](#)

The Minister stated that DARD support improvements in managed bee health locally through implementation with stakeholders of the Strategy for the Sustainability of the Honey Bee. Plant Health Inspection Branch also delivers the annual Bee Health inspection programme, during 2015, inspectors have completed inspections at 96 apiaries and following confirmation of notifiable disease at 34 apiaries undertook disease control measures including colony destruction, shook swarm and movement controls. Inspectors have established with the support of local beekeepers sentinel apiaries in support of the early detection of the quarantine pests Small Hive Beetle and Tropilaelaps mites. She added that DARD are committed to actions under the recent All Ireland Pollinator Strategy including measures to support populations of Pollinators which include managed and solitary bees in the next Environmental Farming Scheme.

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Ash Dieback Update (16 October)

[AQW 49128/11-16](#)

Since the first findings of Ash Dieback in November 2012, the disease has been confirmed and statutory plant health notices issued at 94 premises. Three of these findings involved plants in trade with the remainder in ash planted within the last seven years. As a result of these findings 95,000 affected young trees have been destroyed in an effort to control the spread of the pathogen. Forest Service supported the reinstatement of 23 hectares of Ash Dieback affected woodland under the previous Rural Development Programme. Under the new Rural Development Programme 2014 – 2020 a Forest Protection Scheme to support prevention and restoration of damage to forests from natural disasters and catastrophic events such as tree diseases is planned, with an anticipated launch in autumn 2015.

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Minister of the Environment

DOE Inescapable Budgetary Pressures 2015/16 (2 October)

[AQW 48517/11-16](#)

The Minister detailed the scale of each of the 2015/16 inescapable budgetary pressures faced by his Department. At the June monitoring round, DOE submitted resource funding bids totalling £11.3m and capital funding bids totalling £3.41m to meet identified pressures. The detail of these bids is included in the tables below.

Table 1: Resource bids

Bid	£million
De-Rating Grant - shortfall in baseline provision	1.3
Restoration of Rates Support Grant	2.8
Dereliction/Emergency Planning/Construction Products Grants	1.7
Natural Environment Programmes	2.0
Regional Ops / Local clean up costs / All Island Unconventional Gas Exploration and Extraction (UGEE) Research Programme	0.78
Listed Building Grants	1.4
Road Safety communications	1.0
Judicial Review / Consultancy Costs	0.27
Office of Legislative Counsel Costs	0.05
Resource Bids	11.3

Table 2: Capital Investment bids

Bid	£million
Taxi & Bus IT System	1.03
Heritage Led Development	1.00
Vehicles & scientific equipment	0.25
Enhancements and capital repairs to Country Parks	0.75
Roe Valley Hydro Electric Scheme	0.38
	3.41

As the June monitoring process has not yet concluded these remain the budgetary pressures within DOE.

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Marine Litter Survey Response (2 October)

[AQW 48920/11-16](#)

The Minister provided his assessment of the recent Marine Litter Survey and outlined the actions DOE will take in light of the findings. The Minister welcomed publication of the Marine Litter Survey stating that it helps DOE report on litter levels along our coastline and provides a focus on their continuing efforts to clean up our beaches. Although, there are unacceptable levels of litter across our beaches, the Survey highlights that significantly more litter was observed on beaches close to the fishing harbours of Ardglass and Kilkeel than on other parts of our coastline. To help address this specific issue, DOE is continuing to fund the Fishing for Litter scheme which encourages fishermen to land rubbish trawled up in their nets during normal fishing operations and promotes sustainable waste disposal practices and cultural change among the industry. Since the scheme started in February 2014 almost 24 tonnes of litter have been removed from the sea by fishermen. In addition, DOE have provided funding to the Kilkeel Development Association through the Challenge Fund to deliver a programme of education and beach cleaning events through the Big Beach Crusade. To address the problem of litter across all of our beaches DOE published the Northern Ireland Marine Litter Strategy in 2013 and established the Good Beach Summits which bring together all those with

a responsibility for beaches to help deliver the Strategy which will be reviewed later this year. A number of programmes will continue to be delivered under the Strategy including: the Wrigley's Litter Less Campaign, Blue Flag Awards for beaches and marinas, the Line Out campaign which focuses on reducing angling litter, the Bag it and Bin It campaign aimed at reducing levels of sewage related debris, upgrades to coastal sewage infrastructure, and the Great Northern Irish Beach Clean. While the Survey shows that there is still much to be done, the Minister stated that *'He was at least satisfied that we have the framework and the relevant participants to tackle this problem effectively'*.

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Closure of the NIRO for onshore wind development (2 October)

[AQW 48753/11-16](#)

The Minister was asked whether he has spoken to the Secretary of State for Energy and Climate Change, in relation to the early closure of the NIRO for onshore wind development. He replied that he was aware of concerns surrounding the closure of the Northern Ireland Renewables Obligation (NIRO) for onshore wind development and the implications this may have for renewable energy deployment here. The Minister has therefore written to The Secretary of State for Energy and Climate Change, Amber Rudd MP, to raise his serious concerns regarding the very real economic and environmental implications this may have for renewable energy generation here. Such a closure would have a significant impact on the achievement of the NI PfG target of a 35% reduction in Green House Gas emissions by 2025, from 1990 baselines. This target was set by including the achievement of 40% of energy from renewable resources by 2020. NI is currently producing 20% of energy from renewable energy resources, the vast majority of which is from onshore wind developments. The Minister considered the closure of the NIRO to onshore wind development will render the 40% target unachievable. He was also concerned that potentially acceptable renewable energy proposals will not have sufficient time to secure planning permission either through councils or through DOE in order to avail of the NIRO. This would render proposals unviable and would render the 40% target unachievable. The Minister is keen therefore to ensure that as many acceptable onshore wind farm proposals come to fruition as possible for the benefit of the wider environment.

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Assessment - NI Environment Week 2015 (9 October)

[AQO 8699/11-16](#)

The Minister congratulated the Environment Committee for sponsoring the reception to launch Environment Week adding that he was very happy to be involved in this worthwhile event and to use the opportunity to share some of his ideas on what is required to safeguard our natural environment. He also commended the various workshops organised as part of the Week and stated that he was particularly interested in the session on developing a land strategy and had asked officials to brief him on the outcome of discussions. He concluded that Environment Week reinforces the advantages of having a specific focus on environmental matters and added that *'Hopefully this will encourage other organisations and individuals to consider ways of preserving and protecting our environment'*.

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NI Greenhouse Gas Emissions (16 October)

[AQW 49379/11-16](#)

The Minister of the Environment was asked to detail the reduction of greenhouse gas emissions in each of the last 10 years; and whether Northern Ireland is still on course to meet the target reduction in greenhouse gas emissions by 2025 of at least 35 per cent on 1990 levels. The PfG target, of continuing to work towards a greenhouse gas emissions reduction of 35%, is measured from a base year of 1990, not on a year by year basis. This is the same methodology as applied by the UK Climate Change Act 2008 which legislates for 1990 as the base year for measuring progress against the UK interim 5 yearly carbon budgets and long term target of an 80% reduction in greenhouse gas emissions by 2050. Greenhouse gas emissions are reported annually in the UK GHG Inventory, which each year is extended and updated. The whole historical data series is revised to incorporate methodological improvements and new data. This takes into account revisions to the datasets which have been used in its compilation. Therefore, once the latest year's Inventory is published, the previous version becomes redundant and cannot be used for comparison purposes. However, the latest Inventory contains a single consistent data series going back to 1990 which can be used to examine trends. Using the latest inventory figures available from 2013, NI greenhouse gas emissions per million tons carbon dioxide equivalent (MtCO_{2e}) for the last ten years and the percentage

reduction per year against the 1990 baseline are noted in the table included with the reply. In 2013, NI's greenhouse gas emissions were estimated to be 22.4 million tonnes carbon dioxide equivalent (MtCO₂e), 16.1% lower than the base year of 1990. The latest projection, based on the 2012 greenhouse gas inventory, estimates a reduction in greenhouse gas emissions of 33.3% by 2025 against the 1990 baseline. The next projection, based on the 2013 greenhouse gas inventory, will be available in December of this year. It will include refined methodologies, data improvements and the effects of various economic and policy impacts. For example, the early cessation of the NI Renewable Obligation (NIRO) in April 2016, removing subsidy for onshore wind generation is likely to reduce future deployment and hence the amount of renewable energy generated. This in turn will impact on the expected reduction in emissions and future projections of progress towards the 2025 PfG target. The Minister stated that this policy change highlight's the need for all departments to continue to work together to deliver on current greenhouse gas emissions reductions and to identify new policies and actions that can contribute to the achievement of the PfG target.

Northern Ireland Greenhouse Gas Emissions 2004 to 2013

Year	Emissions per million tons carbon dioxide equivalent (MtCO ₂ e)	Percentage reduction per year against the 1990 baseline of 26.7 MtCO ₂ e
2004	24.6	7.9
2005	25.3	5.2
2006	25.6	4.1
2007	24.3	9.0
2008	24.1	9.7
2009	22.4	16.1
2010	23.4	12.4
2011	22.1	17.2
2012	22.4	16.1
2013	22.4	16.1

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Register of Trees of National Special Interest (16 October)

[AQW 48597/11-16](#)

The Minister stated that whilst he welcomed the initiative for the creation of a Register of Trees of National Special Interest for NI, DOE cannot, however, take the issue forward as a Departmental responsibility at this time due to staff resource and budgetary constraints.

Many of the legislative functions in relation to the protection of trees, management of existing trees and the consideration of further protection of trees transferred to our new Councils on 1 April this year. Councils now have powers to draw up local development plans which can provide policy and guidance on the management and protection of trees as part of development proposals. The Minister added that during the RPA process he ensured that specialist trained staff transferred to Councils in April to deliver on their priorities in relation to trees and that he has asked his officials to convene a meeting between the interested parties – the Woodland Trust and Tree/Biodiversity Officers from the new local Councils to consider this proposal.

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Review of Policies: Development in the Countryside & Renewable Energy (23 October)

[AQO 8862/11-16](#)

The Minister was asked for the timeframe for the reviews of strategic policy on development in the countryside and strategic policy on renewable energy, recently announced as part of the Strategic Planning Policy Statement. DOE will undertake a full review of the SPPS within 5 years. However, they are now taking forward a full review of strategic planning policy for development in the countryside and of strategic policy for renewable energy. This work will require significant additional research and consideration, an updated evidential context and extensive engagement with key stakeholders. It will examine the existing planning policy context elsewhere in the UK and Ireland and will offer stakeholders and other interested parties an opportunity to have their voice heard, and to influence the future strategic planning policy direction on these two important policy areas.

Officials have already commenced preparatory work on the scope and content of these reviews, including the timeframe for their completion. Once the scope and content have been agreed, the Minister will advise Members of the review process timetable.

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Pollution Incidences in Rivers & Waterways (23 October)

[AQW 49434/11-16](#)

Tables A, B, C and D detail the numbers of confirmed pollution, pollution cause, pollution source and damage classified as severity respectively.

Table A

Year	2012	2013	2014
Pollution Confirmed	1175	1310	1238

Table B

Cause	2012	2013	2014
Unknown	257	317	289
Equipment Failure	192	228	237
Poor Working Practice	172	151	184
Deliberate dumping	75	136	121
Negligence	114	120	116
Inadequate Equipment	129	137	97
Accident / Emergency	103	99	85
Other	74	67	58
Weather	44	44	46
Malicious 3rd Party Damage	15	11	5

Table C

Source	2012	2013	2014
Farm	380	353	444
Other	177	242	269
Industry	199	243	177
Domestic	214	240	174
Northern Ireland Water	181	214	161
Transport	24	18	13

Table D

Severity*	2012	2013	2014
Low	970	1095	1013
Medium	198	193	202
High	7	22	23

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Oral Answers to Questions

Minister of Agriculture and Rural Development

Flood Alleviation Schemes (12 October)

[\(AQO 8838/11-16\)](#)

The Minister provided an update on the Departmental flood alleviation schemes. Rivers Agency undertakes a prioritised programme of flood alleviation schemes to protect people and property from flooding. During the last financial year 290 homes and businesses benefited from enhanced flood protection as a result of flood alleviation schemes and a further 156 properties are expected to benefit in the current financial year. The Minister added she had brought forward the household protection scheme for occasions when it is not possible to provide a community scheme that benefits everybody. This scheme is designed to help individuals to protect their own property, with the majority of the funding (90%) coming from Rivers Agency when the scheme is launched in November.

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Minister of the Environment

Sand Dredging: Lough Neagh (13 October)

[\(AQO 8856/11-16\)](#)

The Minister provided an update on the contentious issue of sand dredging on Lough Neagh. He stated that when the situation was brought to his attention, he instructed officials to seek a voluntary cessation of operations and to investigate and monitor any ongoing activity on the lough. Warning letters were sent to operators on 25 September 2014, advising that the unauthorised dredging activity constituted a breach of planning control and should: "cease until this situation has been addressed". On 27 May 2015, enforcement notices were issued to all relevant parties and were to take effect on 30 June 2015 unless appealed to the Planning Appeals Commission (PAC). The Shaftesbury estate appealed the enforcement notices on 24 June, and the five sand operators lodged appeals with the PAC on 26 June. No parties have appealed the environmental impact assessment (EIA) determination. The enforcement notices have ceased to have effect, pending the PAC's determination of the appeal. The grounds specified in the appeal have also had the effect of passing statutory responsibility from the Department to the PAC for determining whether planning permission should be granted for the sand extraction activities concerned. The PAC, in considering its decision in the matter, will consider, inter alia, an environmental statement to be prepared by the appellants. Thus, responsibility for determining the status of enforcement action and whether planning approval should be granted for the sand-dredging activities concerned has passed to the jurisdiction of the PAC. He concluded he was 'acutely aware that this is a complex issue involving important environmental and socio-economic considerations'.

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Hydroelectric Schemes: Run-of-River (13 October)

[\(AQO 8857/11-16\)](#)

The Minister was asked when he plans to introduce guidelines and a design brief for run-of-river hydroelectric schemes. He replied that an interdepartmental group has been established to take forward an agreed guidance and policy document for run-of-river hydroelectric schemes. The interdepartmental group comprises DCAL, the Loughs Agency, the Rivers Agency, DOE planning officials and the NIEA. The guidance and policy document will set out clearly the requirements for each of the various Departments. It is however not the intention to provide a design brief for these installations. It is anticipated that the group will produce an interdepartmental guidance and policy document by summer 2016.

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Climate Change – All Island Approach (13 October)

[\(AQO 8859/11-16\)](#)

The Minister was asked whether he has liaised with the Minister for Environment, Community and Local Government ahead of the 2015 United Nations Climate Change Conference in Paris regarding climate change priorities for the island of Ireland. The Minister re-stated his intention to attend the Conference of Parties 21 (COP21) as part of the UK delegation, along with Ministers from Scotland

and Wales and his plan to engage with colleagues from the devolved Administrations, Ireland and other countries to encourage and provide support for a comprehensive global agreement on action on climate change. With the Paris summit on climate change taking place at end of November, he has agreed that a discussion on climate change will be held at the next North/South Ministerial Council (NSMC) environment sector meeting scheduled for 18 November as he is 'keen' to frame his input to the Paris discussions from an island-of-Ireland perspective.

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Independent Environmental Protection Agency

[Topical Question 5 \(AQT 2985/11-16\)](#)

The Minister stated that it was 'telling' that every other region on these islands has gone progressed to a model of an independent, or at least arm's-length, environmental protection agency, and most European nations have similar arrangements. He added that *'It will become even more important as we move to the new departmental structures, when most of the classic environmental functions of DOE will be amalgamated with those of DARD. That has caused a lot of concern for environmental NGOs, but not just them. We have to work with others on achieving or securing Executive agreement. Naturally enough, we have to make people aware — not just politicians but those in industry and agriculture — that they have nothing to fear from an independent environmental protection agency'*.

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The First Minister & deputy First Minister

Sustainable Development Strategy: Local Government Involvement (5 October)

[Topical Question 3 AQT 2923/11-16](#)

The deputy First Minister was asked what steps are being taken to ensure that local government is fully involved in and implementing the Executive's sustainable development strategy, 'Everyone's Involved'. He replied that with the changes in local government, including the reduction in the number of local government areas from 26 to 11, there is now a huge responsibility on councils to work in concert with central government to ensure that we are getting best advantage for local communities. Our officials are working with local government officials to ensure that that process is being taken forward in a way that delivers for society

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