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## Executive Committee Business

### Cultural Property (Armed Conflicts) Bill: Legislative Consent Motion (10 October)

[Full Debate](#)

The Minister for Communities to moved: That this Assembly endorses the principle of the extension to Northern Ireland of the Cultural Property (Armed Conflicts) Bill. The Minister sought and gained approval for a legislative consent motion (LCM) to enable Northern Ireland to be included in the UK Cultural Property (Armed Conflicts) Bill. The Bill is being proposed by the Secretary of State for Culture, Media and Sport and was introduced in Westminster on 19 May and is expected to complete its passage in early 2017. The Bill is designed to enable the UK to ratify the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its related protocols. The convention provides for a system of general and special protection of cultural property in situations of international and non-international armed conflict. Under the convention, cultural property designated for protection bears a white and royal blue shield symbol, which carries the same protective status as the red cross and red crescent. Securing a legislative consent motion for the Cultural Property Bill will permit the Westminster Government to confer a power on the local Minister with responsibility for culture and the historic environment in Northern Ireland to grant permission for the use of the protective emblem here. It will also enable me the Minister to designate individuals who are entitled to use the emblem as a means of identification in Northern Ireland. Cultural property that may be protected is that deemed to be of great importance to cultural heritage generally. In Northern Ireland, it is likely to include historic monuments in state care, high-grade listed buildings, archives, art and other exhibits under the care of, amongst others, National Museums, the Public Record Office of Northern Ireland and the historic environment division. It can also include works of art, archaeological sites, scientific collections and other significant materials. There is, however, no requirement that the emblem be displayed on all structures associated with the convention. It will be mandatory only in regard to structures given enhanced protection, and those are expected to be very few across the UK.

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## Ministerial Statements

### North/South Ministerial Council: Environment (4 October)

[Full Statement](#)

The Minister of Agriculture, Environment and Rural Affairs issued a statement on the twenty-second meeting of the North/South Ministerial Council (NSMC) in environment sectoral format, held in Armagh on Wednesday 14 September 2016. Ministers had an initial discussion on the implications of the UK EU referendum result. They welcomed the continuing cooperation on the main sources of EU funding in the environment sector: Horizon 2020, INTERREG V and LIFE. The Council also noted:

- The work programme will be kept under review at future NSMC environment meetings, regarding matters arising from the outcome of the UK referendum on EU membership.
- Since the introduction in both jurisdictions of a new fuel marker in April 2015, there has been a decline in reported fly-tipping incidents involving waste from fuel laundering.
- The repatriation programme for 2015-16 has been completed and discussions are under way to agree a work programme to complete the remaining repatriation sites.
- Pay by weight for household waste collection has been introduced in the ROI.
- Introduction in NI of legislation to reduce the amount of food waste sent to landfill and the introduction of further legislation to discourage criminality in the waste industry.
- The establishment of a producer responsibility initiative (PRI) for tyres in the ROI.
- The report of the NSMC-commissioned all-island air-quality research study has been finalised and is available through the DAERA and DCCAE websites.
- A report on phase 1 of the all-island joint research programme into unconventional gas exploration and extraction — fracking — is expected in the latter part of 2016.
- The establishment across both jurisdictions of a collaborative evidence programme known as ShARE. So far, a programme of research has been developed, and 10 projects are ongoing. New project calls in priority areas are likely to commence later this year.
- Cross-border cooperation on the development of river trusts, including promotion, awareness and community engagement in the River Blackwater Catchment Trust.

## **North/South Ministerial Council: Aquaculture and Marine (4 October)**

### [Full Statement](#)

The Minister of Agriculture, Environment and Rural Affairs issued a statement on the twenty-ninth meeting of the North/South Ministerial Council (NSMC) in aquaculture and marine sectoral format held on Wednesday 14 September 2016. Ministers noted that the Loughs Agency had undertaken an initial scoping exercise to consider the impact of the result of the UK referendum to leave the EU. The Council received a presentation from the Loughs Agency that outlined its work programme and key objectives as well as a report on the agency's activities, including its ongoing conservation and protection. Ministers the progress made on the draft corporate plan 2017-19 and the draft business plan for 2017; the outcome of the internal audit; the update on the survival of the native Lough Foyle flat oyster; and the loss of the agency's survey vessel, the MMV Ostrea. Ministers considered a paper on the various external funding opportunities that the Loughs Agency is exploring and noted the Loughs Agency's success to date in securing external funding as well as its plans to avail itself of future funding initiatives. In response to questions on her statement the Minister stated that the Loughs Agency has seen an increase in poaching and other illegal activity in 2016. Seizures by agency staff have risen compared with 2015. In 2015, there were 125 seizures of items such as boats, nets, rods and fish, compared with 197 in 2016 to date. Regarding prosecutions, to date in 2016, the Agency has taken 47 court cases: 30 relating to angling offences, eight to netting offences, seven to pollution offences and two to other types of offence. Three of those cases have successfully gone through the court system. The figure of 47 represents a rise compared with 2015, when a total of 35 prosecution cases were taken. At the meeting, the Loughs Agency indicated that pollution incidents, in their area of jurisdiction, is on the rise: a total of 100 incidents were dealt with in 2015, compared with a total of 150 to date in 2016.

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## **Answers to Written Questions**

### **Minister of Agriculture, Environment and Rural Affairs**

#### **Protection of Honey Bee Population (3 October)**

##### [AQW 3284/16-21](#)

Bee Health Inspectors in DAERA support NI's beekeepers by delivering an annual programme of surveillance, inspection and enforcement for the control of notifiable pests and diseases in support of protecting bee health. This work is undertaken in conjunction with AFBI who provide science and diagnostic support. This will be further informed by a recently commissioned research project titled "Reducing the incidence of honeybee foulbrood diseases". During 2016 to date, inspectors have completed inspections at 115 apiaries. This has so far resulted in the confirmation of notifiable disease at 16 apiaries, comprising 13 American Foulbrood (AFB) and 3 European Foulbrood (EFB). Disease control measures were undertaken including colony destruction and movement controls. Inspectors, with the support of local beekeepers, have established sentinel apiaries in support of the early detection of the quarantine pests Small hive beetle and Tropilaelaps mites, harmful pests not known to occur here. This has been supported with the inclusion of a regularly updated disease map on our web pages detailing the approximate locations of outbreaks, in order to make beekeepers aware of any increased risk of disease to their colonies. Three additional inspectors are currently being trained which will increase DAERA's inspection capability for notifiable diseases. Beekeepers also have an important role in maintaining healthy colonies, and working in partnership with UBKA and INIB, DAERA officials have provided specialist training on disease identification.

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#### **Public Inquiry into Environmental Crime (4 October)**

##### [AQW 3434/16-21](#)

When asked whether she would expedite the public inquiry into environmental crime, first agreed by the Assembly in March 2014, the Minister replied the previous Executive had considered suggestions for a public inquiry into waste management and disposal arrangements in NI, prompted by the discovery of illegal dumping at Mobouy. However, in light of the focus on dealing with the issues through implementation of the Mills Report, concern about the undefined costs of an inquiry and ensuring that any criminal proceedings were able to take their course, no agreement was reached before the end of the last mandate.

DAERA will therefore continue to focus on ensuring that the improvements emanating from the Mills review are built upon, and to develop remediation plans for the Mobuoy site.

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### **Addressing Illegal Waste (5 October)**

[AQW 3653/16-21](#)

The AERA Minister outlined the action her Department is taking in conjunction with key agencies and bodies to address the illegal dumping of waste. She stated that NIEA is working closer than ever with colleagues across a broad range of government departments and agencies. Key to this is NIEA's Strategic Partnership with the PSNI, which has enabled both parties to share resources and intelligence, co-operate on investigations and site surveys, and conduct training on a range of relevant topics of concern. Regular liaison, information and intelligence sharing, and training/workshops on new or relevant areas of mutual concern are vital to NIEA's relationship with a number of bodies, most notably HMRC with whom they work closely to deprive those convicted of illegally depositing waste of their criminally obtained assets and to disrupt and deter waste crime in all its forms. Similar working arrangements have been developed with the National Crime Agency, the DVTA and Loughs Agency. Agreements are also currently being established with the Food Standards Agency and the Health and Safety Executive. Within the new DAERA, NIEA have been actively cooperating with agriculturally-focused colleagues to maximise resources, share intelligence, benefit from the latter's invaluable rural knowledge and optimise opportunities for efficiency and effectiveness. Useful discussion and shared intelligence is also stemming from the relatively new "Four Nations" meeting, a quarterly gathering of senior representatives from each of the four UK Environment Agencies, the most recent meeting of which was hosted by NIEA in mid-September. Additionally, NIEA officials enjoy an excellent relationship with the agencies in the Republic of Ireland. Finally, NIEA is a participant in the Organised Crime Task Force. Officials are members of its Criminal Finance and Fuel Fraud sub-groups.

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### **Effectiveness - River Basin Management Plans (5 October)**

[AQO 379/16-21](#)

The Second Cycle River Basin Management Plans were published in December 2015 as required by the EC Water Framework Directive. The plans set out the current state of our water environment and the measures required to achieve further improvements to the water environment in the next six years (2015 – 2021). Currently 37% of rivers, lakes, estuaries, coastal and groundwaters meet good status. The Second Cycle plans set out 120 new measures that are needed to improve the situation. These aim to bring up to 70% of our water bodies to good status by 2021. Although the targets are *ambitious, they are well founded on comprehensive monitoring and the progress already achieved in 2009-2015*'. While implementation of the plans is now underway, the Minister stated but it is too early in the six year period to determine how effective they will be, however she was confident that significant progress can be made by 2021.

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### **Review - Carrier Bag Levy (5 October)**

[AQO 377/16-21](#)

By April 2017 DAERA is committed to delivery of a Statutory Review on the charging provisions of the Carrier Bag Levy with a report to be laid before the Assembly by this date. The Review, which has recently commenced, will be conducted independently, on behalf of the Department by Business Consultancy Service a division of the Department of Finance. The review will examine the effectiveness of the charging regime to date also if any amendments to the charging provision are either desirable or necessary. A Ministerial to a Topical Question on the 3 October revealed that the terms of reference of that review will be to look at three options: maintain the existing arrangements; discontinue the existing levy and remove the 5p charge; and, finally, increase the levy to 10 pence for all bags with a threshold extended to 40 pence. The cost of the review is £29,948.

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### **Update - Coastal Management Forum (6 October)**

[AQW 4304/16-21](#)

The Minister stated that she had established the Coastal Forum when she was formerly the Minister for Regional Development in recognition of the need to deal strategically with the issues around coastal change, specifically that of coastal erosion. Although now DAERA Minister she 'still retain a strong interest' in the issue. She is satisfied that the Coastal Forum has identified the key issues that

need to be addressed, such as the completion of a scientific evidence base on coastal processes in NI and allocation of the coastal erosion risk management function. The AERA Minister has also met with the Minister for Infrastructure, with whom she will co-Chair meetings of the Coastal Forum. Both Ministers have agreed that now is an opportune time to consider the Coastal Forum's future role and terms of reference. This will, in turn, inform its membership. The Ministers hope to be in a position to announce the outcome of those discussions shortly, at which time they will arrange a date for the Coastal Forum's next meeting.

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### **Extension of Slurry Spreading Period (10 October)**

[AQW 4343/16-21](#)

The Minister was asked whether she would consider extending the slurry spreading period in recognition of the inclement weather conditions. Currently organic manures, excluding dirty water, from being spread from midnight 15 October to midnight 31 January. Farmyard manure must not be applied from midnight 31 October to midnight 31 January. These periods represent the time when the risk of nutrient-leaching is at its highest and there is little or no plant growth. The Minister replied that whilst she recognises that some farmers have encountered difficult circumstances this summer which has hampered normal agricultural activities such as cutting silage and spreading slurry, the rainfall data from the Meteorological Office would indicate that whilst rainfall for Northern Ireland for June and July 2016 was above average it was considered to be in the normal range of the long-term expected average. Indeed May and August 2016 were close to or below average. To enable the requirements of the closed spreading periods to be met, all farmers are required to have a minimum of 22 weeks slurry/manure storage for their livestock enterprises. Pigs and poultry enterprises require a minimum of 26 weeks storage. However, farmers are also further required to have regard to the storage capacity likely to be needed on their farm during periods of adverse weather conditions when the land application of organic manure is not permitted. Many farmers requiring additional storage capacity to meet the requirements availed of financial assistance from the Farm Nutrient Management Scheme. There is no legal provision in the Nitrate Action Programme Regulations to grant farmers a waiver and let them spread organic manure during the closed spreading period. However, under exceptional circumstances, beyond the control of and not foreseeable by an individual farmer, a defence may be made for non-compliance with some of the requirements of the NAP Regulations including spreading organic manures during the closed period. Such cases would be considered by NIEA on a case-by-case basis and must be evidence-based showing that the farmer had taken all reasonable steps to manage the situation and was left with no alternative.

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### **Marine Species and proposed Compressed Air Energy Storage (11 October)**

[AQW 4222/16-21](#)

An Environment Impact Assessment and Habitats Regulations Assessment has been undertaken for the Compressed Air Energy Storage project at Islandmagee. DAERA has considered these assessments as part of the application process for the Marine Construction Licence, Water Abstraction Licence and Water Discharge Consent for this proposed development. Further information has been requested to provide clarification on bird monitoring results, and for more detail on potential impacts to marine food web and Common skate.

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### **ASSI Designation (18 October)**

[AQW 4467/16-21](#)

To date, 387 Areas of Special Scientific Interest (ASSIs) have been designated. On the basis of an earlier review (2006), there remains around 50 sites which were identified as potential ASSIs. However, designations are only made when detailed surveys confirm that ASSI designation criteria have been met, making it difficult to provide a final completion date for the network. As outlined in the Biodiversity Strategy for Northern Ireland (2015) the ASSI programme has now reached the phase where a greater emphasis is being placed on managing existing sites while maintaining progress towards completion of the site network. One of the primary delivery mechanisms will be through the new Environmental Farming Scheme.

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## Minister for Communities

### Engagement in Community Planning (10 October)

[AQW 4319/16-21](#)

The Minister was asked to outline the support available for capacity building for community groups wishing to engage in community planning. The Minister replied that empowerment and appropriate support for the voluntary and community sector is a key priority for his Department, to ensure that the sector is enabled to shape and better inform government policy and improve the delivery of public services. The shared vision of government and the sector is to work together as social partners to build a participative, peaceful, equitable and inclusive community in NI. His Department has recently consulted on its provision of future strategic support to the Voluntary and Community Sector in Northern Ireland. Within the proposals is support for policy advocacy and co-design of public services which, in part, is intended to help increase the capacity for the Voluntary and Community Sector to engage in Community Planning.

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## Minister for Infrastructure

### Update - Plans to Mine Gold in West Tyrone (4 October)

[AQW 3514/16-21](#)

Dalradian Gold Limited (DGL) is proposing a gold mine project at Curraghinalt, located north-west of Greencastle. To date DfI has not received a planning application for the project. DGL in accordance with legislative requirements submitted a Proposal of Application Notice (PAN) to DfI on 30 August. This sets out the formal consultation arrangements that DGL intend to undertake prior to submission of the gold mine planning application. A period of at least 12 weeks must elapse between giving the PAN to the Department and submitting any planning application. This means that the earliest an application could be submitted for the gold mine project is 23 November 2016.

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### Preparation for leaving the EU (10 October)

[AQW 3696/16-21](#)

The Minister was asked if he had planned to create a departmental taskforce to prepare for leaving the EU. He replied that following the vote to leave the EU on 23 June 2016, the Executive established an Interdepartmental Co-ordinating Group (ICG) to strategically assess the implications of Brexit. His Department is a member of the ICG. In August, he also approved the establishment of a small Brexit Planning Team to manage and represent departmental (and stakeholder) interests throughout the withdrawal process. The team has commenced work to identify some of the key issues and potential opportunities facing the department and has already met with several key sectoral stakeholders to better understand specific concerns and possible impacts. The team has also recently met with counterparts in the Department for Transport's EU Exit unit and it will continue to engage with Whitehall, other Devolved Administrations and the South as required.

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### Active Travel Bill (19 October)

[AQW 4642/16-21](#)

The Minister for Infrastructure stated that he was very keen to promote active travel and that is one of the purposes of the strategic plan for greenways. This ambitious 25-year plan to develop a greenway network right across the north aims to give people ready access to a safe, traffic-free environment for health, active travel and leisure. Alongside this his officials have begun work to consider other ways in which active travel could be provided for and promoted and that work will consider whether an Active Travel Bill should be taken forward. With that in mind he has asked officials to commence working on proposals for an active travel policy document.

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### Proceeds of Crime Act and Planning Crimes (21 October)

[AQW 3978/16-21](#)

Given the use of the Proceeds of Crime Act by planning authorities in other parts of the United Kingdom against planning crimes, the Minister for Infrastructure was asked whether this legislation could be used in Northern Ireland for similar planning offences. He replied that he was aware that following successful prosecutions a number of authorities in England have used confiscation orders under the Proceeds of Crime Act 2002 to recover monies following convictions for planning offences.

Similar powers are available in the north. Where a person has been convicted of a planning offence in the north and the Court decides that the offender has benefited from his particular criminal conduct, a confiscation order under Part 4 of that Act could, if appropriate, be made requiring the offender to pay a monetary amount equal to the offender's benefit from the conduct concerned. To date this power has not been used in the north in relation to planning offences but that does not preclude its use in future.

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## Oral Answers to Questions

### Minister of Agriculture, Environment and Rural Affairs

#### Snares Order (NI) 2015 (3 October)

[AQO 370/16-21](#)

During the previous mandate there was a commitment to place further restrictions on the use of snares. That commitment was to be achieved through the snares order, which was subject to affirmative resolution. The order was laid in October 2015, however the Assembly's approval was not sought during the previous mandate to bring the legislation into force. The Minister therefore intends to complete the legislative process, which will require a revised order due to the timescale involved since the previous order was laid and the subsequent new Assembly structure. While 'conscious' that many organisations and individuals see the use of snares as inhumane and would like them banned altogether, she believes there is a need to protect farm animals, game birds and other species from predators, such as foxes, at certain times of the year. The Minister believes that the additional safeguards in the snares order should help to negate the concerns of those opposed to the use of snares, as the additional restrictions are intended to reduce suffering.

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#### Brexit Consultative Committee (October 3)

[Topical Question 3 \(AQT 268/16-21\)](#)

The Minister outlined the members of the Brexit consultative committee that has been set up between her Department and the Department for the Economy. These included: the Agri-Food Strategy Board, the Northern Ireland Grain Trade Association, Dairy UK Northern Ireland, the Northern Ireland Meat Exporters Association, Environment Link, the Ulster Farmers' Union, the Northern Ireland Fish Producers' Organisation, the Northern Ireland Agricultural Producers Association and the Northern Ireland Food and Drink Association. The Minister acknowledged that rural groups were not included, but she did not feel that this group was appropriate for them and stated that there is probably a more appropriate forum for them to have a conversation with me and her officials.

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#### Paris Agreement: NI Role (October 3)

[Topical Question 4 \(AQT 269/16-21\)](#)

The Minister was asked what discussions she has had with Whitehall about Northern Ireland's role in meeting the objectives of the Paris agreement that will come into force in 2020, whereby all regional and subregional authorities are required, under the agreement, to scale up efforts to build resilience to the effects of climate change. She replied that at this stage she has not had any discussions directly, but was more than content to do so. She added Northern Ireland is making good progress with regard to reducing its emissions. The latest greenhouse gas inventory, which was published in June 2016, shows a reduction of 17.4% from 1990 levels. We are also on target to meet the targets set by the previous Programme for Government, including a reduction of 35% on 1990 levels by 2025.

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#### River Pollution – Level of Fines (25 October)

[AQO 540/16-21](#)

While responding to questions on the recent pollution of the Annsborough River, the Minister stated that the whole issue around pollution 'is something that I do take seriously, and it does cause me concern' and that she understood the impact that it has on the habitat and on those who use the rivers. She added 'Very often it does not seem that the fine is commensurate with the crime that has been committed' and offered to have further conversations about this issue with interested parties.

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### **Reduction of Litter in Urban and Rural Areas (25 October)**

[\(AQO 541/16-21\)](#)

The Minister outlined the Departmental measures in place to help deal with littering: The Department introduced the Clean Neighbourhoods and Environment Act (NI) 2011 to allow councils to issue fixed penalty notices of up to £80. The number of fixed penalties issued by councils for litter offences increased to 4,443 in 2014-15, up from 3,268 in 2011-12. Where the case is dealt with by the courts, a fine of up to £2,500 can be imposed. The Department also introduced the carrier bag levy in April 2013, which has reduced the number of bags dispensed in Northern Ireland by tens of millions every year, and thereby reduced the number of bags littering our public spaces. The levy is the most extensive of any of the carrier bag charging arrangements on these islands and has generated millions of pounds for local environmental projects, including anti-litter projects. A review of the charge, as Members are aware, is currently under way. Education is a vital component in the fight against litter and DAERA works with councils and NGOs to develop and support educational and promotional campaigns aimed at achieving behavioural change. For example, DAERA provides significant financial support, nearly £945,000 in the period 2014-15 and 2016-17, to Keep Northern Ireland Beautiful, which runs a number of programmes, including Eco-Schools and Live Here Love Here. As of January 2015, Northern Ireland was the first country to have every school signed up to the Eco-Schools programme. Additionally, NIEA runs a fly-tipping partnership programme with councils to clean up fly-tipped wastes. The Department is using a combined approach of legislation, education, awareness and enforcement to tackle litter in Northern Ireland. However a reply to a follow-up question revealed that two councils seem to account for 67% of all fixed penalties for littering while the bill for street cleaning has now topped £40 million.

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### **Independent Environmental Protection Agency (25 October)**

[Topical Question 4 \(AQT 399/16-21\)](#)

While repeating that it was not her intention to bring forward an independent environment agency, the Minister stated that she did want to see the appointment - or the reappointment, now - of independent members to the NIEA board. They were previously taken off that board by a former Environment Minister, and she wanted to see that decision reversed, as she valued the 'expertise and insight that independent external panel members would bring to the board'. She added '*I am responsible for protecting our environment, and I take that responsibility very seriously. It is part of my remit, and I have no intention of abdicating that responsibility*'.

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### **Minister for Infrastructure**

#### **Infrastructure Projects: Priorities (4 October)**

[AQO 382/16-21](#)

The Minister for Infrastructure stated that the Executive have already committed to the delivery of four flagship infrastructure projects: the A5 and A6 major road schemes, the Belfast transport hub and the Belfast rapid transit programme. He added that he was very keen to promote active travel and will shortly publish a strategic plan for greenways. It will set out a 25-year plan to develop a greenway network right across the North. His plan will aim to give people ready access to a safe, traffic-free environment for health, active travel and leisure and believes that developing the greenway network will contribute to several PFG outcomes through delivering active travel infrastructure, reducing congestion, improving air quality and providing a safe and accessible recreational resource for healthier, active lifestyles. Finally, progressing North/South projects such as the Narrow Water bridge and the Ulster canal will be a key priority in the years ahead, as set out by the Fresh Start Agreement.

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#### **Belfast Rapid Transit System – Update (18 October)**

[AQO 504/16-21](#)

The DFI has completed the new Dundonald park-and-ride facility and sections of the routes on the Falls and Upper Newtownards roads, including the introduction of new peak hour bus lanes. The detailed specification for the BRT vehicles has been finalised. This process included engagement with the disability and elderly sectors through the Inclusive Mobility and Transport Advisory Committee. The diesel-electric hybrid BRT vehicles will provide a 'high-quality, accessible environment for



passengers in terms of comfort, space, security and on-board information'. In short, the BRT system remains within budget and on target to become operational in September 2018. The BRT vehicles will be 18-metre, diesel-electric hybrid, articulated buses with a capacity for around 100 people.

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### **Belfast Bicycle Network Plan – Update (18 October)**

[AQO 507/16-21](#)

The Minister for Infrastructure stated that he will shortly hold a public consultation on a draft Belfast bicycle network plan, the first of a series of plans to help to bring *coherent, continuous and comfortable bicycle infrastructure* within the reach of most people within our towns and cities. One of the three pillars of the bicycle strategy is to build a comprehensive bicycle network. The Belfast bicycle network plan will provide a framework for the development of safe, attractive cycling provision throughout Belfast over the next ten years. The Minister plans to do this by bringing good quality cycling routes within 400 metres of around two thirds of residents of the Belfast City Council area. The Minister believes that the network plan approach will contribute to several outcomes of the draft Programme for Government, such as connecting people and opportunities through our infrastructure and supporting and encouraging long, healthy and active lives.

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