

Northern Ireland Assembly News – September 2020

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Executive Committee Business

Fisheries Bill: Legislative Consent Motion (29 September)

Minister Poots sought and gained approval: *That this Assembly endorses the principle of the extension to Northern Ireland of the Fisheries Bill, as introduced in the House of Lords on 29 January 2020, and consents to the Fisheries Bill being taken forward by the Westminster Parliament.* The UK Government Bill contains UK-wide clauses, the majority of which relate to devolved matters. It also contains a small number of provisions that are specific to Northern Ireland. The Bill will ensure that a legal framework is in place so that the UK is able to operate as an independent coastal state under the United Nations Convention on the Law of the Sea 1982 after the UK has left the common fisheries policy at the end of the year. In addition, it will allow us to create common approaches to fisheries management within the rest of the UK. The Bill as amended at Committee Stage in the House of Commons contains provisions of interest to Northern Ireland on fisheries objectives, fisheries statements and fisheries management plans; access to UK waters; fishing boat licensing; fishing opportunities; grants and charges; financial assistance; and the powers to amend UK law related to fisheries and aquatic animal health. In response the Chair of the Assembly AERA Committee wished it to be clearly understood that due to the lack of information on the Fisheries Bill and the subsequent amendments, and the limited time that it has had to consider them, it has been unable to fully explore and understand the potential impacts and implications for this jurisdiction. Furthermore, the Committee's consideration of the amendments has been further compounded by the fact that it is being asked to do so in the context of the legal uncertainties around the Internal Market Bill and the withdrawal agreement. The Committee did not take a position the Motion due to time constraints for providing scrutiny. During the debate many Assembly members expressed their disappointment at the removal of the House of Lords amendment to make the sustainability objective the prime objective of the Bill and the removal of the amendment to roll out Remote Electronic Monitoring (REM) with cameras on fishing vessels.

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Answers to Written Questions

Minister of Agriculture, Environment and Rural Affairs

Protection of Birds of Prey (11 September)

The Minister [explained](#) that all birds of prey, are protected under the Wildlife (NI) Order 1985 (as amended). Protection is also afforded through Planning and other regulatory processes. DAERA provides environmental advice to Planning Authorities on development proposals where there is potential for impact on these species. Within designated sites, protection of these species is also achieved through a permitting system under the Environment Order (NI) 2002. This aims to ensure any activities or operations are carried out in line with the conservation objectives of the site. DAERA has classified three suitable areas as Special Protection Areas (SPAs) for the conservation and protection of birds of prey under the EU Birds Directive. With respect to Special Protection Areas which have been designated for birds of prey interest, Conservation Management Plans are being developed for Antrim Hills SPA and Slieve Beagh – Mullaghfad - Lisnaskea SPA. These will provide vital information on the habitat requirements for the bird species of interest and the pressures and threats impacting the species, to best inform conservation actions to ensure protection of Hen Harrier and other species, as well as conservation of habitat range. In addition, DAERA participates in the Partnership For Action Against Wildlife Crime (NI) group (PAW NI), together with PSNI and environmental non-government organisations. The PAW NI Raptor sub-group collates information on persecution of birds of prey, and is involved in a number of initiatives including nest surveillance and protection.

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EU Habitats Regulations Assessments (16 September)

The Minister was asked (i) who is responsible for ensuring that Habitats Regulations Assessments (HRA), as required under Article 6(3) of the EU Habitats Directive, are carried out; (ii) how many HRAs have been carried out since 2012; and (iii) how many planning applications have been refused on the basis of a failed HRA. The Minister replied that the Competent Authority (CA) or decision maker is the party responsible for undertaking a HRA, as required under Article 6(3) of the EU Habitats Directive, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site here (either alone or in combination with other plans or projects), (b) is not directly connected with or necessary to the management of the site. This includes government departments, district councils and statutory undertakers. DAERA do not have a record of the number of HRAs carried out here since 2012, due to the number of Competent Authorities involved. He added that decisions in relation to planning is principally a responsibility of district councils and the Department for Infrastructure. DAERA is not routinely informed about final decisions on planning applications.

Anaerobic Digestors (21 September)

The Minister revealed that (i) There are approximately 70 anaerobic digesters here operating and generating biogas. The biogas produced is usually fed to engines for microgeneration on-site to produce electricity which is either used onsite or fed to the grid. The rural locations of most of these anaerobic digesters are remote from the gas network. Therefore, the number currently producing bio-methane as a resource for the natural gas market is likely to be low. A Committee for Climate Change (CCC) report in 2019 stated the less-developed gas network in Northern Ireland means that bio-methane injection to the grid may be more difficult, and anaerobic digestion may be limited to space and process heating or Combined Heat and Power (CHP) microgeneration on-site in locations without easy access to grid injection points. (ii) Bio-methane from anaerobic digesters is already reducing our carbon emissions by offsetting the use of fossil fuels to produce electricity and heat, although this is likely a modest offset compared to other types of renewable energy generation. Biogas from anaerobic digesters is generally of a lower quality than imported natural gas and needs to be processed/purified to upgrade it to bio-methane. There is potential to utilise bio-methane to displace natural gas for heat production and to potentially expand the anaerobic digester industry here to increase supply. This would have a positive impact on reducing carbon emissions but is likely to require an incentivised scheme for electricity or heat production to make it economically viable due to the high capital expenditure associated with plant construction. Environmental impacts of expanding the anaerobic digester sector on water quality, air quality and potentially on sensitive habitats would also have to be considered.

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NI Water Framework Directive Lake Quality Update 2020 (23 September)

The Minister was asked how he will address the findings of the NI Water Framework Directive Lake Quality Update 2020, which revealed that only 1 of the 21 lake water bodies here is classified as good or better status. The Minister [replied](#) that the findings of the 2020 Lake Quality Update are a significant cause for concern and this latest evidence reflects issues already raised in DAERA's recent consultation on the Significant Water Management Issues. He added that DAERA will be using all of this information, along with the consultation responses, to inform the development of the next cycle of draft River Basin Management Plans. These will include a Programme of Measures to tackle the key sources of pollution, and to help to develop future plans and strategies to protect all of the water environment, including our lakes. It is expected that the draft River Basin Management Plan will be published for consultation within this reporting period.

Right to Roam (24 September)

The Minister was asked whether he has any plans to (i) introduce right to roam legislation here; and (ii) improve policy to effectively assert a right-of-way. The Minister [stated](#) that his Department is currently reviewing legislation related to access to the countryside, with a focus on optimising the benefits and opportunities for outdoor recreation. In relation to right to roam legislation, I have no

plans to introduce specific regulations in Northern Ireland. The current review will consider the suitability of the current Access to the Countryside (NI) Order 1983 which includes the policies associated with the assertion of Public Rights of Way.

NI Environment Strategy (25 September)

The Minister provided an [update](#) on the proposed NI Environment Strategy. An Environment Strategy will establish an over-arching framework for the environment for many years to come. The 2,500 responses received to the public discussion exercise on a proposed Environment Strategy for NI (ESNI), 'reflect the views of a wide range of citizens and stakeholders from across NI and demonstrate the public's interest in our environment and desire to protect it' with over 90% of responses received indicating support for ESNI to be an Executive endorsed strategy (as opposed to DAERA only). Analysis of the responses to the questions outlined in the public discussion document is nearing completion. NISRA is currently assisting with the finalisation of this work and DAERA officials are in the process of completing a draft summary report for the Minister's consideration. The findings in the summary report will provide key inputs to the draft Strategy which DAERA hopes to publish for consultation early in 2021.

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Minister for the Economy

Petroleum Licence Research Process (15 September)

The Minister for the Economy was asked, in relation to the research process for Petroleum Licence Application PLA2/16, for her assessment of whether the research will be able to prove that there are no adverse impacts on public health in Fermanagh. The Minister [replied](#) the planned research project is intended to provide the Department with a detailed assessment of the economic, environmental and social impacts of onshore oil and gas exploration and development here. This will be a detailed piece of work, covering a wide range of complex issues. As part of the project, the independent contractor will analyse research on the impacts of unconventional oil and gas exploration, previously completed in Scotland, Wales and the Republic of Ireland and report on its applicability here. The research being undertaken by her Department, will be broader in scope; covering both conventional and unconventional oil and gas exploration. The Minister anticipates, that public health will be one of a number of important issues covered in the final Report which will be used to inform her recommendation to the Executive on Petroleum Licence application PLA2/16.

Minister for Finance

Funding for the Office for Environmental Protection (28 September)

The Minister [stated](#) that the Department for Environment, Food and Rural Affairs (DEFRA) is developing a business case to determine the overall costs of the Office for Environmental Protection. The Minister understands that a ring-fenced budget will be provided by Treasury for the OEP.

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Minister for Infrastructure

Decarbonisation of the Transport Sector (17 September)

The Minister [stated](#) that she is committed to decarbonising transport as part of her Department's climate change action. Her officials are working closely with the Office for Low Emission Vehicles on the development of UK wide transport decarbonisation plans and with the Department for the Economy on the transport elements of the proposed new Energy Strategy to inform how best this can be achieved for the North. This will include input from experts and stakeholders in relation to alternative fuels and supporting infrastructure. The Minister will consider the outcomes from this work and to understanding the role that compressed natural gas, liquid natural gas and other alternative fuels can play in decarbonising the freight sector and addressing the challenges faced by this sector in meeting zero emission targets.

Update on the Blue/Green Infrastructure Capital Funds (21 September)

£20 million capital funding has been allocated for blue/green infrastructure in 2020/21. The purpose of the funding is to support communities through transformation, promoting active travel and shaping our places to live in the new normal in support of the COVID 19 recovery. A proportion of this funding will be available to all Councils in order to develop active travel schemes and support the reimagining and reshaping of town and city centres and the Minister also [stated](#) that she will be making an announcement shortly on the level of funds to be provided.

Low Emission Zones in NI (24 September)

The Minister [stated](#) that her Department is working closely with the DAERA which is leading on the development of a long term clean air strategy for Northern Ireland, creating opportunities to identify and implement further measures to improve quality whilst simultaneously cutting carbon emissions. A draft Clean Air Strategy discussion document is being developed for public consultation. During the consultation period, stakeholder views will be sought on a range of issues and it is likely that the issue of Low Emission Zones will be considered through this process.

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Oral Answers to Questions

Minister of Agriculture, Environment and Rural Affairs

Climate Change Bill (8 September)

The Minister was asked whether he will commit to introducing a climate change Bill to address the climate crisis, as agreed by the Assembly on 21 July 2020. He [replied](#) that it is imperative that we build the evidence base and ensure government policymaking has climate and the environment at its core and that future policies and strategies can demonstrably deliver the outcomes that people expect. The Minister has written to the independent expert UK Committee on Climate Change (CCC) for advice on what would be our equitable contribution to the UK's net zero emissions target, to ensure that our emissions reduction targets are credible and evidence-based. Unfortunately, the CCC is not in a position to respond to my request until after it has provided advice on the UK's sixth carbon budget, which will be published in December 2020. In the interim, his officials have commenced work on scoping the options for the introduction of a Northern Ireland climate change Bill. The Minister will consider those options along with the advice provided from the CCC and will present my findings to the Northern Ireland Executive to agree a way forward.

Invasive Species (22 September)

The Minister gave an update on action to address invasive species of flora and fauna. The Invasive Alien Species (Enforcement and Permitting) Order (NI) 2019 came into force in December 2019, giving DAERA more effective enforcement powers to take action against 66 species of European Union concern, including 11 widely spread species. The underlying EU regulation not only makes it an offence to permit the spread or release of any of those species but makes it illegal to sell, keep, import, breed or cultivate any of the 66 — 30 animal and 36 plant species — with a special emphasis on the 11 widely spread species. There is now an expectation, as part of a national obligation, on landowners to manage and remove those 11 species from their land. DAERA has also produced multi-agency plans for high-risk species that have not yet arrived here, such as the Asian hornet, along with pathway action plans with a biosecurity focus to endeavour to close down potential routes for IAS to arrive. The Invasive Species Ireland website, managed by departmental officials, provides full guidance on confirming ID, management techniques and legislation, and the associated social media streams provide up-to-date news and information. DAERA continues to encourage and fund, via the environment fund and environmental farming schemes, many community groups, non-governmental organisations, farmers and landowners to carry out management and removal of invasive species from their land, prioritising designated and high-value biodiversity sites.

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Reduction of Plastics: Food Packaging (22 September)

DAERA has joined the other UK Administrations in becoming a member of the UK Plastics Pact (UKPP). In contributing to the pact, the Department is directly funding the work of its organisers, the Waste and Resources Action Programme (WRAP), to develop and disseminate approaches to reduce the environmental impact of plastic packaging. Membership of the pact also enables the Department to use its contact networks to share innovations, data, analyses and reports with businesses. Packaging technologists at CAFRE have assisted the local food and drink sector with 50 knowledge and technology transfer projects this year, and actively support businesses wishing to explore sustainable alternatives to plastic packaging. CAFRE is working with food and drink processors from the Northern Ireland Food and Drink Association (NIFDA) to facilitate better engagement between the manufacturing sector and policymakers to help create an improved, shared understanding of the use and potential reduction of plastic in food packaging. DAERA is also working on the reform of the UK-wide packaging system, leading to an extended producer responsibility (EPR) scheme that places responsibility on producers for the full net cost of managing their products once those products reach their end of life.

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Minister for Infrastructure

Arc21: Planning Application Update (7 September)

The Minister [stated](#) that her officials are continuing to progress the application at pace, in line with planning policy, to a point at which a decision is ready to be made. At this time, her officials are liaising with colleagues DAERA in relation to the updating of the statement of need for the facility in the context of the proposed development, the strategic and long-term needs for waste management and the circular economy in Northern Ireland. When that response is received, officials will complete their assessment of the planning application. She added that, At this time, she cannot confirm when a recommendation will be made. However, the Minister agreed that, whether it is this planning decision or any other, pursuant to the Executive (Functions) Act, she can now make that decision without recourse to the Executive, and without awaiting any amendment to the ministerial code.

Coastal Erosion (21 September)

The Minister was asked to outline her Department's work in addressing coastal erosion since the publication of the 'Baseline Study and Gap Analysis of Coastal Erosion Risk Management NI'. She [replied](#) that a project is under way to provide a comprehensive coastal survey and vulnerability assessment. The survey, (led by DAERA), will provide a comprehensive data baseline for our coast, and subsequent surveys and will develop a picture of how and when the coastline is changing. Other work includes a position statement to assist councils with their consideration of coastal change when preparing local development plans. The Minister added that we need to be building resilience and look at our natural environment as an aid and protection against flooding and the climate emergency. The Minister has set aside £20 million for the blue/green fund, is keen to pilot sustainable drainage systems with housing associations so we are embedding resilience and climate action in the development and design of housing schemes, and at the centre of our communities.

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Questions for Urgent Oral Answer

Minister for Infrastructure - North/South Electricity Interconnector (15 September)

In [responding](#) to a question on her announcement to approve planning for the North/South electricity interconnector, the Minister stated that she recognised the strength of feeling in the community and the concerns around the proposal. However, that has to be balanced against the imperative need for the development. The Minister maintained her position that the need for the development outweighs any potential impacts and that, on balance, planning permission should be granted, subject to appropriate conditions to protect the surrounding environment. When asked why is the interconnector not being laid underground, the Minister replied that she 'can deal only with the planning application that is before me, and this application was for overhead lines'.