

Northern Ireland Assembly News - January 2014

Executive Committee Business

- [Reservoirs Bill: First Stage](#)
- [Carrier Bags Bill](#)

Ministerial Statement

- [Common Agricultural Policy 2014-2020: EU Budget Allocation](#)
- [North/South Ministerial Council: Roads and Transport](#)

Private Members' Business

- [Rural Dwellers: Planning Policy](#)

Answers to Written Questions

- **Minister of Agriculture and Rural Development**
 - [Tackling Bovine TB](#)
 - [Low Carbon Road Map](#)
 - [Fisheries Council](#)
- **Minister of Enterprise, Trade and Investment**
 - [Northern Ireland's EU Renewable Energy Target](#)
 - [Repair Costs for the Moyle Interconnector](#)
- **Minister of the Environment**
 - [Planning Policy Statement](#)
 - [Special Areas of Conservation](#)
 - [Planning Permission: Statutory Flood Risk Assessment Query](#)
 - [Sustainable Development: Detailed Flood Risk Maps](#)
 - [Designation of Quiet Areas](#)
 - [Coastal Communities Fund](#)
- **Minister of Finance and Personnel**
 - [Energy Performance Certificates](#)

Oral Answers to Questions

- **Minister of Agriculture and Rural Development**
 - [Common Agricultural Policy: Habitats and Birds Directives](#)
- **Minister of Enterprise, Trade and Investment**
 - [Renewable Heat Incentive](#)
- **Minister of the Environment**
 - [Areas of Special Scientific Interest](#)
 - [Conservation: DOE Failure](#)
- **Office of the First Minister and deputy First Minister**
 - [Flooding: Coastal](#)
 - [Energy Efficiency: Retrofitting](#)

Executive Committee Business

Reservoirs Bill: First Stage (20 January)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/20-January-2014/#7>

The Minister of Agriculture and Rural Development introduced the First Stage of the Reservoirs Bill - a Bill to make provision about the regulation of the management, construction and alteration of certain reservoirs, in particular in relation to their safety to collect and store water; and for connected purposes.

[Back to Top](#)

Carrier Bags Bill: Consideration Stage (28 January)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/28-January-2014/#2>

The Minister of the Environment moved the Consideration Stage of the Carrier Bags Bill. Amendments debated and adopted included delaying the extension of the plastic bag levy to low-cost renewable bags until January 2015 in order to allow traders more time to prepare for the change. In addition bags with a retail price of 20p or more and bags issued free-of-charge in exchange for "bags for life" would be exempt from the levy. The Bill therefore passed its consideration stage.

[Back to Top](#)

Ministerial Statement

Common Agricultural Policy 2014-2020: EU Budget Allocation (13 January)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/13-January-2014/#5>

The CAP agreement allows each European Member State to transfer up to 15% of its direct payment allocation to rural development or, alternatively, up to 25% of its rural development allocation to direct payments. Under EU rules, member states were required to notify the EC of their decision by 31 December 2013. The next opportunity for review of this decision will be by 1 August 2017 for the 2018 and 2019 years. On 20 December 2013, the Minister made a written ministerial statement advising of her decision to transfer 7% of the direct payment allocation to rural development. She intended that this transfer rate for the years 2014 to 2019 would provide an additional €137.5 million to the rural development programme. Following this decision, the Finance Minister instigated legal action on the basis that the issue should have been referred to the Executive. The court held that the issue met the criterion of being significant or controversial and outside the PfG. Following the court judgement, the Minister immediately proposed a transfer of 7% of the direct payments funds to the Executive by urgent procedure and explained that the decision was required no later than 30 December. As approval for the decision was not received by that deadline, DEFRA was advised that Executive agreement had not been reached. The result was the notification of a zero rate of transfer to the EU Commission. The Minister added that it was extremely disappointing that, as a result of the intervention by the Finance Minister, we will be the only part of the member state where additional investment may not now be available. That risks depriving our farmers, our rural communities and the protection of our environment of much-needed investment. She added that, in comparison, the benefit to farmers of the funds remaining in pillar 1 in the CAP 2014-2020 will depend on individual circumstances and will be affected by the changes brought about by the pillar 1 reforms. On the basis of the current distribution of support, about half of all claimants will each get less than €260 additional a year by not making the transfer. She concluded that with no transfer of funds being made from pillar 1 to pillar 2, funding in the RDP here will potentially be reduced for agrifood competitiveness, the environment and rural development. In response to a question on her statement she replied *'You have to remember that we are the worst in Europe in the allocation of rural development funds per head. That is a poor starting point, and we may now have a further reduction because we cannot apply the transfer'*.

[Back to Top](#)

North/South Ministerial Council: Roads and Transport (13 January)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/13-January-2014/#11>

The DRD Minister made a statement on the meeting of the North/South Ministerial Council (NSMC) in the transport sector, held on Thursday 28 November 2013. Regarding the A5, the Council noted that, following the court ruling on 8 April 2013, work is progressing on an appropriate assessment process, which, upon completion, might lead to publication of an updated environment statement

and will be the subject of a public consultation exercise that is expected to take place in spring 2014. The Northern Ireland Executive have agreed the reallocation of funds from the A5 to other projects in the 2013-14 and 2014-15 financial years. Both Governments reaffirmed their commitment to the A5 scheme, and the Irish Government reaffirmed their funding commitment of £25 million per annum in 2015 and 2016. The Council noted that, once the environmental reviews are completed and the position on the project programme has been clarified, updated programme and project milestones will need to be prepared for agreement by the Irish Government and the Northern Ireland Executive, taking account of the financial commitments in place.

[Back to Top](#)

Private Members' Business

Rural Dwellers: Planning Policy (21 January)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/21-January-2014/#5>

Barry McElduff moved: *That this Assembly calls on the Minister of the Environment to bring forward revised legislation, which would adequately meet the needs of this and future generations of rural dwellers, given that rural planning policy PPS 21 on sustainable development in the countryside restricts the majority of non-farming rural dwellers from applying for planning permission and obtaining planning approval to build in the countryside. His argument and that of Sinn Fein was that any assessment of needs criteria should not be limited to 'agricultural need' alone. Colum Eastwood (SDLP) tabled an amendment which was passed along with the motion namely: Leave out all after "revised" and insert: "planning policy as part of the single planning policy statement, inclusive of PPS 21, which would adequately meet the needs of current and future generations of farming and non-farming rural dwellers, applying for planning permission and obtaining planning approval to build in the countryside."* During the debate it was revealed that since the review of PPS21 undertaken in July 2013, statistics have demonstrated that more flexibility is being applied, and approvals under PPS 21 are up. In the second quarter of 2013-14, there was an approval rate of 89.6% for single dwellings in the countryside. That is up from 87.1% for the same period in the previous year. In the same quarter of 2013-14, the approval rate for replacement dwellings was 95.9%, up from 93.9% in the equivalent period last year.

[Back to Top](#)

Answers to Written Questions

Minister of Agriculture and Rural Development

Tackling Bovine TB (17 January)

<http://www.niassembly.gov.uk/Documents/Business-Committee/Minutes/17%20January%202014.pdf>

Page: WA 7

The Minister provided an update on the level of progress her Department has made in eradicating Bovine TB in cattle. She replied that TB herd incidence has fallen from its peak of 7.46% at 31 October 2012 to reach 6.48% at 30 November 2013. Whilst there has been slight fluctuation in the herd incidence level on 2 occasions during this period, there has been a 24.3% reduction in the number of animals removed as reactors in the 11 months ending 30 November 2013 when compared with the same period in the previous year, with a corresponding 13.5% reduction in the number of new herd breakdowns. In addition, since November 2012 there has been a downward trend in % animal incidence.

[Back to Top](#)

Low Carbon Road Map (17 January)

<http://www.niassembly.gov.uk/Documents/Business-Committee/Minutes/17%20January%202014.pdf>

Page: WA 10

The Minister was asked whether she intends to participate in the consultation process, recently launched by her counterpart in the Republic of Ireland, on the preparation of a Marine Research and Seafood Sector Low Carbon Roadmap. She replied that DARD has not participated directly in the preliminary stakeholder consultation adding that DoE is the lead Department for cross cutting climate change issues and, given the consultation was not exclusively fishing focused, but included

coastal infrastructure and wider environmental issues, it would have been the appropriate department to consider input into the consultation. DARD has however provided input to the Climate Change Risk Assessments that have informed the DOE's soon to be published Climate Change Adaptation Programme which encompasses all sectors of the local economy including the marine environment.

[Back to Top](#)

Fisheries Council (17 January)

<http://www.niassembly.gov.uk/Documents/Business-Committee/Minutes/17%20January%202014.pdf>

Page: WA 12

The Minister gave her assessment of the December Fisheries Council. She referred to it as a 'tough Council' where they faced an initial proposal for a large 24% cut in the quota for Area VII prawns. However the Minister stated she was successful in getting the cut down to 9% which is broadly in line with the scientific advice. The Council result, across the range of our most important stocks in the Irish Sea and western waters, saw increases in Herring, Anglerfish, and Hake quotas, but with cuts in haddock, plaice and cod. Overall the Minister thought that this was a reasonable result given the Commission's initial proposals. The cut in the prawn quota can be mitigated over the year through banking of unused quota from 2013 and the use of the quota swap system. The Minister was also pleased that the Commission agreed to the argument for no changes to the number of days at sea that can be fished by the local fleet.

[Back to Top](#)

Minister of Enterprise, Trade and Investment

Northern Ireland's EU Renewable Energy Target (17 January)

<http://www.niassembly.gov.uk/Documents/Business-Committee/Minutes/17%20January%202014.pdf>

Page: WA 32

The Minister provided an update on Northern Ireland's EU renewable energy target and how much of this target is being met through the use of wind turbines. She stated that in 2009, the EU set renewable energy targets for Member States. The UK target is for 15% of energy (i.e. electricity, heat and transport) consumption to come from renewable sources by 2020. Devolved Administrations each took action to contribute to the overall UK target. The Strategic Energy Framework, agreed by the Executive in 2010, set targets of 40% of electricity consumption to come from renewable sources by 2020. In the rolling twelve month period to the end of November 2013, approximately 16% of electricity consumption was from renewable energy sources of which 93% came from onshore wind.

[Back to Top](#)

Repair Costs for the Moyle Interconnector (3 January)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/140103.pdf>

Page: WA 591

The Minister was asked for a breakdown of the cost to repair the Moyle Interconnector; and from where will this cost be met. She replied that Mutual Energy advise that interim repairs to restore the Moyle interconnector to full transfer capacity are expected to cost between £2 million and £4 million and, subject to obtaining the necessary approvals, should be completed during 2014. Permanent repair of the Moyle is to be completed in 2017, at a current estimated cost of £60 million. The cost to repair the Moyle will be funded from a variety of sources with a view to minimising costs to consumers. This will include charges levied on consumers via their energy suppliers for use of the system, revenue from Moyle capacity auctions, and proceeds from insurance claims in relation to the cable faults.

[Back to Top](#)

Minister of the Environment

Planning Policy Statement

<http://www.niassembly.gov.uk/Documents/Business-Committee/Minutes/17%20January%202014.pdf>

Page: WA 35

Work on the development of a single Strategic Planning Policy Statement (SPPS) is now 'well underway'. The SPPS is required to be in place prior to the transfer of planning powers to Councils in

2015. DOE intend to consult on a draft version of the SPPS in early 2014, with a view to publishing it in final form in time for the transfer of planning powers. The Minister stated that the SPPPS will:

- Ensure that DoE's planning policies are more proportionate and appropriate for the introduction of the new two-tier planning system.
- Be pitched at a higher, more strategic level than in the past so that the councils can take it into account in providing the more detailed operational planning policy in their new local development plans.
- Be shorter, clearer and more focused and will be much more accessible and intelligible.
- Underscore the wider context of the Executive's aims and objectives, and clarify the Government's expectations of the new planning system.
- Set out the Core Principles of the new planning system which will include explaining what concepts such as furthering sustainable development and promoting / improving well-being mean for planning.
- Detail how economic development factors are dealt with in planning, including clarifying and reaffirming that economic considerations are material in the determination of planning applications.
- Plays its part in contributing to growing a dynamic, innovative and sustainable economy.

[Back to Top](#)

Special Areas of Conservation (17 January)

<http://www.niassembly.gov.uk/Documents/Business-Committee/Minutes/17%20January%202014.pdf>

Page: WA 37

In response to a question on Special Areas of Conservation (SAC) it was revealed that: NI has designated fifty four SACs; two candidate SACs have been submitted to the European Commission for adoption as Sites of Community Importance (SCI); and one SCI will be designated as a SAC in due course; Sixteen SACs are currently in favourable condition; Five sites are currently classed as being in unfavourable but recovering condition; which means that favourable management is in place, but the sites are not yet fully achieving their conservation objectives. There is an expectation that these sites will recover to favourable status within a reasonable period of time; Thirty three SACs are currently in unfavourable condition; DoE has not undertaken a full review of all extant permissions, but it is undertaking the required review on a case by case basis where there are amendments or modifications to applications approved before designation of a SAC, or if it is deemed necessary due to the DoE becoming aware of particular issue with the project.

[Back to Top](#)

Planning Permission: Statutory Flood Risk Assessment Query (24 January)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/Friday%2024%20January%202014.pdf>

Page: WA 98

The Minister was asked whether he will include a statutory flood risk assessment query on all future planning application forms. He relied that planning plays an important role in managing future development that may be at risk from flooding or that may increase the risk of flooding elsewhere. There is no statutory requirement for a flood risk assessment to be carried out in respect of any planning application however the susceptibility of all land to flooding is a material consideration in determining planning applications.

[Back to Top](#)

Sustainable Development: Detailed Flood Risk Maps (24 January)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/Friday%2024%20January%202014.pdf>

Page: WA 99

The Minister stated that DoE seeks to promote safe and sustainable development that takes full and proper account of flood risk. This is carried out by applying the policies contained in Planning Policy Statement (PPS) 15 'Planning and Flood Risk' through the DoE's development plan and development management functions. The overall aim of PPS 15 is "to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere." Last October the Minister launched Revised Draft PPS 15 for public consultation. This fulfils a commitment in the original PPS to review the policy after 5 years, in order to take account of emerging information relating to flood risk and climate change and also experience in the implementation of flood risk policy. PPS 15 and the emerging revised draft document are intended to promote sustainable development. This

includes avoiding development in flood plains in all but the most exceptional circumstances and encouraging the use of sustainable drainage for new development. In applying the policy, Planning officials take full account of the most up to date flood risk information provided by DARD Rivers Agency, which as the competent authority for the implementation of the EU Floods Directive, is responsible for the Strategic Flood Map and its ongoing development and refinement. The DoE works closely with Rivers Agency and further changes to the Strategic Flood Map will be accompanied with training and guidance for planning officials where appropriate.

[Back to Top](#)

Designation of Quiet Areas (24 January)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/Friday%2024%20January%202014.pdf>

Page: WA 101

The Minister was asked whether DoE has considered designating more quiet areas. The Environmental Noise Directive (END) requires Member States to create noise maps and draft action plans, which amongst other things, “aim to protect quiet areas against an increase in noise”. Such quiet areas are to be designated within the Belfast Agglomeration. Following the production of the round one noise maps and action plans in 2008/9, DoE designated all areas within the Belfast Agglomeration with a consolidated noise level (noise from all sources combined) of less than 55Lden as Candidate Quiet Areas. The purpose of this was to highlight these areas for further investigation once more precise policy on the designation of Quiet Areas had been developed. The END does not define Quiet Areas. Nor does it prescribe noise limits or the features of such an area. It is for each Member State to develop this policy. DoE is in the process of developing a Quiet Area policy taking into account issues around the form, content and legal status of the final document and will issue the draft policy for public consultation later this year.

[Back to Top](#)

Coastal Communities Fund (24 January)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2014/Friday%2024%20January%202014.pdf>

Page: WA 102

The Minister gave an update on the Coastal Communities Fund (CCF). The CCF is a UK-wide programme and the single outcome is that “coastal communities will experience regeneration and economic growth through projects that directly or indirectly create sustainable jobs, and safeguard existing jobs”. However there are also some country specific requirements and priorities. Here the CCF is aimed at projects that help contribute to the Executive’s Economic Strategy. The Strategy’s key priorities include growing a sustainable economy, investing in the future, creating jobs and tackling disadvantage. The CCF was launched by Treasury in 2012-13, and its annual budget is equal to 50% of the annual revenue from the Crown Estate’s marine activities in that area. In 2012-13, the NI budget was £450,000 and £500,000 in 2013-14. Any funds not awarded in one year are added to the available funds for the following year. Up to 5.87% of the Fund over the lifetime of the programme is used to cover administration fees incurred by the Big Fund in delivering the CCF. The third round of the CCF will open in early February 2014. Here funding decisions are made by a publicly appointed panel endorsed by the Minister. More detail on the Fund can be found on the Big Lottery Fund website:

<http://www.biglotteryfund.org.uk/global-content/programmes/uk-wide/coastal-communities>

[Back to Top](#)

Minister of Finance and Personnel

Energy Performance Certificates (3 January)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/140103.pdf>

Page: WA 593

The Minister was asked whether he will consider offering a reduction for high performing domestic and non/domestic properties in Energy Performance Certificate assessments to encourage property holders to invest in energy efficiency schemes. He replied that in 2009 DFP introduced a scheme to provide a rates holiday to the first occupiers of newly built zero and low carbon houses. It was decided to close the scheme in 2012 due to the high cost of administration and the relatively low take up, and to transfer the funding to the Green New Deal, in order to make better use of available

money in pursuit of similar aims. He added that he had no plans to introduce another rates scheme of this nature using energy performance certificates.

[Back to Top](#)

Oral Answers to Questions

Minister of Agriculture and Rural Development

Common Agricultural Policy: Habitats and Birds Directives (13 January)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/13-January-2014/#7>

Question 4

The Minister was asked if the decision not to transfer any money from pillar 1 to pillar 2 of the new CAP had implications for meeting our obligations under the habitats and birds directives to manage designated sites under targeted agri-environment schemes. The Minister replied that her officials have been working closely with officials in the DoE on the design of the agri-environment scheme for the next RDP. It is proposed that land designated under the EU habitats and birds directive will be a priority for entry into the new scheme. This will support specific management plans for designated sites to help meet obligations under the habitats and birds directive. The existing agri-environment scheme under the current rural development programme has been prioritised towards designated sites. At 30 November 2013, over 25,000 hectares of designated land was being managed under agri-environment scheme agreements. The budget available for the new agri-environment scheme has yet to be finalised. However, the protection of designated land will be a priority in the next scheme, and funding will be targeted to achieve the 'best effect'.

[Back to Top](#)

Minister of Enterprise, Trade and Investment

Renewable Heat Incentive (20 January)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/20-January-2014/#10>

Question 3

The Minister gave her assessment of the level of uptake of the RHI. The RHI was launched on 1 November 2012 for the non-domestic sector. As a result, 11.5 megawatts of new renewable heat capacity has been installed. Performance over the first 12 months of the scheme compares favourably with Great Britain. While accounting for less than 3% of the UK heat demand, the number of Northern Ireland applications equates to 6.8% of GB applications and 3.2% of accredited heat capacity. The performance of the renewable heat premium payment scheme, which provides support for the domestic market, has been very positive. Over 11 megawatts of new renewable heat capacity has been supported through that scheme. The Minister considered the deployment of over 22 megawatts of new renewable heat capacity in the past 18 months is a good start towards achieving the Executive's target of 10% renewable heat by 2020. The Minister confirmed that a business installation that has been done with a Carbon Trust loan is eligible to be considered for accreditation under the Northern Ireland renewable heat incentive scheme. The Minister also stated her hope that the domestic RHI will be rolled out at the same time as in Great Britain.

[Back to Top](#)

Minister of the Environment

Areas of Special Scientific Interest (21 January)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/21-January-2014/#6>

Question 3

The Minister was asked why the designation programme for areas of special scientific interest (ASSIs) has not been completed 28 years after the enabling legislation was passed. He replied that the ASSI programme remains one of DoE's key priorities as reflected in previous and current PfG targets. He added that declaring an ASSI is a complex and resource-intensive activity that requires the efforts of many individuals. Once they have been declared, ASSIs require management and monitoring. As the number of ASSIs increases, so do the resources that are required to undertake those essential activities. In addition, NIEA has European obligations to fulfil, such as the habitats and birds directives, and other competing priorities to deal with. As a result, the declaration programme has not yet been completed, but 'strong and targeted progress continues to be made'.

As part of a supplementary question, Mr Wells stated that since equivalent legislation was introduced in GB 4,100 SSSIs (as they are called in England) have been designated, 1,465 in Scotland and 1,019 in Wales. A total of 6,584 SSSIs have been designated and all were completed 20 years ago. Yet 28 years later, we in NI have designated 360 areas of special scientific interest.

[Back to Top](#)

Conservation: DOE Failure (21 January)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/21-January-2014/#6>

Question 5

The Minister was asked whether the 'systematic failure in DoE' has been identified and, if so, what is being done to address it, given that, in response to a recent question for written answer, the Minister outlined that 33 of 54 special areas of conservation were in unfavourable condition and not showing signs of recovery. The Minister replied that it was not a systematic failure by DoE; it was a failure of resources adding that *'I suppose that that could be seen as systematic, as resources may not have been allocated in the manner that they should. I aim to address the issue shortly. I have announced a restructuring of the NIEA, which I think will come as welcome news to everyone in the Chamber and outside it. It is important that the NIEA does its business better and quicker and ensures environmental protections. It is possible to have a balance between a good environment and a good economy. That is what I strive for'*

[Back to Top](#)

Office of the First Minister and deputy First Minister

Flooding: Coastal (13 January)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/13-January-2014/#6>

Question 1

The First Minister responded to a series of questions on coastal flooding. He stated that it was a great relief that the flooding was not as severe as initial assessments indicated in some areas, however 'we' will not be complacent but will continue to improve our emergency preparedness through the work of the Civil Contingencies Group (NI), led by OFMDFM and that of other groups of key responders. The First minister added that *'We were told that we were dealing with the sort of event that happens once every 200 years; but over the past number of years I seem to have come to the Dispatch Box all too often about events that were supposed to happen only once in every 100 or 200 years. It is very clear, although there might be some people who deny climate change, that there are factors at play that indicate that these will be much more regular events. That being the case, I think we need to look at some more permanent answers to those questions.'*

[Back to Top](#)

Energy Efficiency: Retrofitting (13 January)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/13-January-2014/#6>

Question 7

The First Minister reiterated that the Executive's economy and jobs initiative had identified a commitment that OFMDFM should bring forward proposals to boost economic activity through the retrofitting of energy efficient measures in homes. A project team is working with stakeholders and recognised industry experts to identify options that will enable householders to improve the energy efficiency of their homes and help to address the prevalence of fuel poverty. A market survey is due to begin at the end of January. That will help to determine demand for a range of energy retrofit options and to refine programme design ahead of any proposed programme delivery. Following the market survey, proposals will be prepared for consideration. It is important that any proposals complement and supplement existing fuel poverty and energy-efficiency initiatives. This initiative is also intended to provide much-needed work and therefore expand the number of jobs in the construction industry.

[Back to Top](#)