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Executive Committee Business

Local Government Bill: Second Stage (1 October)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/01-October-2013/#2>

The Assembly passed the Second Stage of the Local Government Bill. The Bill has 128 clauses, 16 Parts and 12 schedules and will provide the legislative basis for the reform of local government. That will include statutory governance arrangements to provide for proportionality in the allocation of positions of responsibility; an ethical standards regime, to include a mandatory local government code of conduct for councillors; council-led community planning and a general power of competence for councils; an updated performance improvement regime; the extension to all Northern Ireland Departments of the supervision powers currently available to the Department; the establishment of a partnership panel between Ministers and elected representatives from councils; and the transfer of staff, assets and liabilities as part of the reorganisation programme. As well as the Bill there will also be a raft of subordinate legislation and guidance to follow. DOE hopes to have the Bill's Final Stage completed by the end of March. That would allow for a formal handover of functions to shadow councils in May.

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Energy Bill: Legislative Consent Motion (22 October)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/22-October-2013/#5>

The Enterprise Minister sought and gained approval: *That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Energy Bill dealing with power sector decarbonisation, as contained in Part 1 of the Energy Bill, as amended at Committee Stage in the House of Lords.* The Minister explained that there was a need to extend primary legislative powers to Northern Ireland to set a power sector decarbonisation target in 2016 and these measures will ensure that we remain a leading destination for investment in low-carbon electricity. The target is in response to a recommendation by the Committee on Climate Change and aims to reduce the carbon intensity of the electricity-generation sector. The Minister stated that absence of a target in Northern Ireland would mean that renewable investors here will lack the same clarity that GB investors will have and could result in our renewable investment being negatively impacted. Diverging from a UK-wide position on a power sector decarbonisation target may also impact on our ability to meet the 2020 renewable electricity target. The Minister concluded by stating: *'I am confident that by supporting a power sector decarbonisation target, there will be positive opportunities for Northern Ireland to further reduce its dependence on imported fossil fuels, cut carbon emissions, promote investment and support job creation. The Executive are in agreement with that course of action. Passing the legislative consent motion is an important step in decarbonising our electricity supply in the longer term.'*

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Written Ministerial Statement

Publication of Revised Draft PPS 15-Planning and Flood Risk-For Public Consultation (14 October)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/14-October-2013/#12>

The Minister of the Environment informed members that the Executive, at its meeting on 3 October 2013, agreed to the publication of Revised Draft Planning Policy Statement (PPS) 15, titled 'Planning and Flood risk', and the document had been issued for 12 weeks public consultation. The revised draft contains 5 operational policies. Four of these policies, FLD 1 to FLD4 are carried forward from the existing PPS 15. While the overall thrust of the policies remains the same, some amendments have been made to provide greater clarity or to take account of current best practice. There is one new policy, FLD 5, which sets out planning policy for development in proximity to reservoirs. The consultation is available at the following [link](#).

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Ministerial Statement

Planning Bill (22 October)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/22-October-2013/#2>

The Environment Minister stated that during Consideration Stage of the Planning Bill which was completed on 25 June, two new amendments, namely, amendments 20 and 26 were tabled and despite in his view, the weight of argument being against the amendments, they were voted for and were now part of the Bill. The Minister stated that: *'I have carefully and fully studied the legal advice obtained by my predecessor, and I have made that advice publicly available. I have deliberated at considerable length on those amendments and still have serious concerns, which are held by many of the stakeholders. My concerns are threefold: legal; procedural; and evidential'*. The Minister stated therefore that, *'after very careful and lengthy consideration, I have decided not to move the Planning Bill to Further Consideration Stage either now or in the future.'* The Minister concluded that *'I intend to continue to make prompt and sound planning decisions through the development of a single strategic planning policy statement to create a planning system that is fast, fair and fit for purpose — one that delivers for business, but not at the expense of our planet or our people. As Environment Minister, I want to help to create a better environment and a stronger economy. Regrettably, the Bill, as it stands, does neither'*.

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Committee Business

Local Government Bill: Extension of Committee Stage (14 October)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/14-October-2013/#5>

On Tuesday 1 October 2013, the Assembly referred the Local Government Bill to the Committee for the Environment for scrutiny. The Committee has agreed to call for written submissions from interested organisations and individuals and the Committee believes that it is essential that all stakeholders are given the opportunity to comment on the Bill. The Committee's public call for evidence does not close until 12 November 2013, and after considering these, the Committee plans to invite respondents to take part in a stakeholder event so that members have a wide opportunity to explore the views that are expressed. The Chair therefore sought and gained agreement from the House that the Committee Stage of the Local Government Bill is extended to 20 February 2014.

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Answers to Written Questions

Minister of Agriculture and Rural Development

Birds of Prey (4 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131004.pdf> Page: WA 14

In response to a question on the long delays in providing the results of the tests on birds of prey which have been found dead in suspicious circumstances, the Minister stated that AFBI's Veterinary Sciences Division (VSD) carries out post-mortem examinations on carcasses of wild animals submitted under the Wildlife Incident Investigation Scheme. The primary purpose of the scheme is to investigate potential poisoning of animals by chemicals used in agriculture. Until December 2012, AFBI carried out the chemical analysis for poisons, as well as the post-mortem examinations, when required. Since then, due to the specialised nature of the testing and the high cost / low volume of submissions, AFBI has sent samples to the Scottish Agricultural Science Agency (SASA) in Edinburgh. This approach is more cost effective and is aimed at reducing turnaround times. Test results from the SASA are normally available within three to four months. The Minister was aware however that recently there was a delay in receiving the results of toxicology testing of a Red Kite carcass submitted to VSD by the PSNI. This was due to an administrative error within VSD and internal systems have been reviewed within VSD to prevent recurrence of the delay in reporting. She has been advised that VSD's average turnaround time for a first report on the post-mortem of wild birds during the financial year 2012/13 was two days.

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Common Agricultural Policy (25 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131025.pdf> Page: WA 605

The Minister stated that she has not yet made any decision on whether funds will be transferred from the Pillar 1 direct payments budget to the Pillar 2 allocation for the 2014-2020 Rural

Development Programme. The key issue will be how much EU and national funds will be available for a future rural development programme and she is awaiting official confirmation from Defra of what our Pillar 2 allocation will be. The Minister added that she needs to look at the responses DARD have received to the public consultation that has just closed on our proposals for a future programme including stakeholder views on which of the proposed schemes should be prioritised in the event that that are insufficient funds available and whether funds should be transferred from Pillar 1 to Pillar 2 to ensure that a future rural development programme is adequately funded.

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Minister of Culture, Arts and Leisure

Hydroelectric Schemes: Fish Stocks (25 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131025.pdf> Page: **WA 611**

The Minister was asked what assessment has been made of the overall impact of hydroelectric schemes on fish stocks. She replied that DCAL are routinely consulted as part of the process for DOE planning applications involving hydroelectric schemes and NIEA abstraction licence applications. Each application is assessed by a Technical Assessment Group consisting of senior DCAL fisheries officers and AFBI fisheries scientists. Proposals are assessed on compliance with the relevant sections of the Fisheries Act (NI) 1966 (as amended) and the potential impact of abstraction operations on the fisheries ecology and fish migratory behaviour, both within and above the depleted stretch of the river. Fish passage arrangements are assessed in operation before approval under Section 54 of the above Fisheries Act is granted. DCAL Fisheries technical staff also undertakes physical inspections of abstraction operations to determine compliance with relevant fisheries protection sections of the Act.

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Minister of Enterprise, Trade and Investment

InvestNI: Sustainable Development Programmes (4 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131004.pdf> Page: **WA 42**

The Minister was asked how many businesses have signed up to InvestNI's Sustainable Development Programmes. She replied that the Programme provides a range of support for Northern Ireland businesses with a total annual resource spend of more than £30,000 on energy, water, waste and raw materials. This support is aimed at improving the competitiveness, productivity and sustainability of businesses through the identification and achievement of cost savings. The three year programme commenced on 1st April 2012 and aims to provide around £12million of resource efficiency support to Northern Ireland businesses over the period April 2012 to March 2015. The range of support includes: Company visits from Invest NI Technical Advisors; Resource Efficiency Capital grant; The Energy Efficiency Loan Fund; Resource Efficiency Audits; Technical Consultancy; and Industrial Symbiosis support. For the period from 1st April 2012 to 31st August 2013 over 1,300 businesses have received support under the Sustainable Productivity Programme.

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Gas Storage Facility at Islandmagee (18 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131018r.pdf> Page: **WA 404**

The Minister was asked whether the decision of the UK Government to end subsidies for gas storage facilities has an impact on the proposed facility in Islandmagee. She replied that the Islandmagee gas storage project has been developed as a commercial venture without any expectation of government subsidy and that the developers of the project are continuing to work towards obtaining the necessary consents and regulatory arrangements for the project. The Minister stated her belief that a gas storage facility could also help consumers to avoid price spikes at times of high gas demand.

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Renewables (18 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131018r.pdf> Page: **WA 406**

The Minister provided an update on progress towards achieving DETI's PfG target to encourage 20% of electricity consumption from renewable sources and 4% renewable heat by 2015. As of end August 2013, the annual average percentage of electricity generated from renewable sources was 14.9% and we are on track to meet the PfG of 20% by 2015. The collection of up to date data on renewable heat demand is less straightforward as there is no centralised heat network that can be

monitored. Initial uptake of the NI Renewable Heat Incentive and Renewable Heat Premium Payment suggests that we are in line to meet the 4% milestone in 2015.

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Minister of the Environment

Marine Life Rescue Service (4 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131004.pdf> Page: WA 49

The Minister was asked whether he had given any consideration to a Marine Life Rescue Service or coordination of volunteers similar to the British Divers Marine Life Rescue (BDMLR). He replied that DOE had competently performed a Marine Life Rescue Role for many years and was content that DOE provides a professional marine life rescue service, as demonstrated in the recent stranding events and therefore there is no need to establish a voluntary service similar to that of (BDMLR).

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Allotment Provision (4 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131004.pdf> Page: WA 52

The Minister was asked what discussions he has had with NILGA and the Society of Local Authority Chief Executives (SOLACE) to encourage local councils to improve allotment provision. The Minister replied that while neither he, nor his predecessor, have had any discussions with the NILGA or SOLACE on allotment provision, NIEA through the Challenge Fund, which is administered by the Northern Ireland Environment Link, last year provided support for two allotment projects. He added that Councils already have powers to provide allotments and many do, and so DOE has not considered imposing a Statutory Obligation on Councils to provide them.

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Recycling Tyres (4 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131004.pdf> Page: WA 56

The Minister outlined the methods used to recycle tyres. Recycled tyres are those that are reprocessed into products, materials or substances whether for the original or other purposes. Used tyres can be reused or recycled in a number of ways including: Agricultural use as silage clamps; Other temporary uses such as boat fenders and sports safety barriers; Landfill engineering, replacing other construction materials, for a lightweight backfill in gas venting systems, leachate collection systems, and operational liners; Shredding and crumbing of tyres, to make granulate for the equestrian, garden, sports and child care sectors, and matting products and carpet underlay; Tyre bales, for road sub bases, retaining walls, gabions, waterway control, flood control, mud slide and erosion control, soakaways, impact barrier for motorways and racetracks, shock absorption for foundation walls, firing ranges and bunkers and sound barriers along motorways and railways; Pyrolysis (although not strictly recycling), heating whole or shredded tires in a reactor vessel containing an oxygen free atmosphere and a heat source. An oily type liquid can be produced and steel is removed from the resultant residual solid material. These methods and uses may require a waste authorisation issued by the NIEA.

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Appalachian Trail of Ulster (25 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131025.pdf> Page: WA 644

The Minister was asked what areas are included in the Appalachian Trail of Ulster and to outline the benefits the Trail will bring to these areas. He replied that the International Appalachian Trail (IAT), which he jointly launched on 31 August 2013, has created a continuous cross border, long distance walking route that starts at Slieve League in Donegal and ends at Larne. The Northern Ireland section follows the route of the Ulster Way with new sections in Strabane and Larne to link to Donegal and the Ferry Port respectively. Its route will pass through seven council areas; Coleraine, Larne, Limavady, Magherafelt, Moyle, Omagh and Strabane. The IAT will continue to be developed by a Steering Group which is led by Magne Haugseng and includes representatives from DoE, the relevant councils and the Tourism Boards. Although at the early stages, it is anticipated that this largely rural route will boost trade and prosperity in the local area it covers. He added that being linked to the international IAT brand will put us firmly on the map for local and international tourists such as long distance walkers, who are interested in this type of culture and who will very much welcome the opportunity to experience Northern Ireland's stunning and diverse landscape.

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Breaches of European Directives (25 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131025.pdf> Page: WA 663

The Minister was asked whether there is an obligation on the UK member state, or his Department, to inform the European Commission when his Department breaches a European Directive. The Minister replied that there is an obligation on each Member State, and each emanation of the State, to take appropriate action to ensure compliance with EU legislation. EU legislation is transposed into national legislation which should set out the actions required and the sanctions and penalties which may be imposed should an actual or potential breach be identified. Some potential non-compliance issues are subject to interpretation of the legislation and can only really be confirmed by a European Court of Justice ruling. Some EU Directives and Regulations may require formal returns to the Commission in respect of progress against certain targets and objectives (for example Air Quality Directive or Waste Framework Directive targets) which may highlight potential breaches, however there is no specific obligation requiring the UK Member State or the Department to notify the European Commission of all potential or actual breaches by a Department, should they occur.

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Otter Population (25 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131025.pdf> Page: WA 668

The Minister provided an update on the status of the otter population in Northern Ireland. The otter is now widely distributed in Northern Ireland. The most recent survey took place in 2010, with otters successfully detected at 334 of the 377 sites examined. This is a percentage occurrence of 88.6%, representing a significant overall increase of 26.9% since the last survey in 2001/02.

Office of the First Minister and Deputy First Minister

Programme for Government (11 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131011.pdf> Page WA: 205

The First Minister and deputy First Minister stated that consideration is being given to extending the current Programme for Government, or bringing forward a new one, if the Assembly mandate goes past 2015. OFMFM responded that the current PfG sets out a challenging agenda for delivery by the Executive in the period to 2015. The potential extension of the term of the current Assembly through the provisions of the legislation presently being considered at Westminster may, in due course, provide the opportunity to achieve further progress. Should this opportunity arise, the Ministers added that they *are making preparations for a PfG review, should it be required, which will include measures to tackle the economic and social issues that we still face, during the period of any extension of the mandate. This work, presently underway, will position us to move swiftly to ensure continuity in Programme for Government delivery if and when a decision on the extension of the mandate is taken.*

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Minister for Regional Development

Get Britain Cycling Report (4 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131004.pdf> Page: WA 153

The Minister was asked for his assessment of the Get Britain Cycling Report which recommends that a minimum of £10 per head is spent annually by the Government on cycling. He replied that he was committed to promoting and supporting safer cycling for cyclists of all ages. There have been significant developments in the provision of cycling facilities across Northern Ireland and this report and any reports from the NI Assembly will be important context. At the beginning of August the Minister published an Action Plan for Active Travel that will take forward the proposals of the Active Travel Strategy which he launched in January of this year. It brings together walking and cycling initiatives to be delivered by Government Departments, local authorities and interested stakeholders during the period 2012-2015. The Minister also outlined a number of other initiatives including; establishment of a cycling unit in DRD; the intention to bid for additional in-year funding for cycling infrastructure, when opportunities arise; as part of the New Approach to Regional Transportation DRD is currently developing transport spending proposals which will feed into the next PfG budget process; DRD is providing £4.3m to fund active travel Demonstration projects in Belfast, Londonderry, Craigavon and Strabane; committed £50k for a Feasibility Study into a cycle / pedestrian footbridge over the River Lagan close to the gasworks site. Furthermore, Roads Service plans to implement around 4.5km of new cycle lanes.

Belfast Rapid Transit Project (11 October)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/131011.pdf> Page: WA 345

The Minister provided the timeframe for the commencement of work for the Belfast Rapid Transit (BRT) project. DRD is currently developing the detailed designs for the new BRT system. As the detailed designs for individual sections of the routes are completed it is their intention to undertake local information events at a number of locations along the routes. This will provide an opportunity for local residents and traders to view the proposals and speak to officials. Work is due to commence on the routes and the provision of Park & Ride facilities in 2014. The specification of the BRT vehicles and the design of the BRT halts are due to be completed in 2014. Between 2015 and 2017 DRD will complete the infrastructure works, procure the vehicles, finalise the operations plan and formally award the operating contract. BRT is scheduled to become operational in 2017, subject to the completion of the required statutory processes and the availability of finance.

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Oral Answers to Questions

Minister of Agriculture and Rural Development

Fuel Poverty: Rural Areas Fracking (1 October)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/01-October-2013/#4>

Question 3

In response to a series of questions on fuel poverty, the Minister made the following statement on the potential of fracking to offset fuel poverty: *It is fair to say that the process of fracking has not been proved to be safe.... In my opinion, fracking causes a real risk to farming and rural communities. I will make sure that that is the ethos that is carried through during my term at the Department. I think that, if fracking were to go ahead in any part of this island, it would cause international damage to the reputation of Ireland as a whole, to our environmental practices and to the clean and green image that we have. That is the position that I have adopted.*

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Ash Dieback (1 October)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/01-October-2013/#4>

Question 4

The Minister provided an update on the Ash Dieback disease. By 25 September this year, inspectors had visited 887 sites and found only nine new cases of Chalara infection. Together with the 77 cases found during 2012, 86 sites have been declared infected. In all cases, the source of infection was young trees planted since 2006. Scientists advise that there is a significant risk that the disease may spread from young ash trees to older trees and hedgerows through the release of spores from infected leaves that have fallen to the ground. Although inspectors found that only a small proportion of trees showed symptoms, they ordered the destruction of over 70,000 associated young planted trees and leaf debris because the disease may be present without obvious symptoms. Scientists also advise that, once the disease begins to circulate in the wider environment through the release of spores, control will become very difficult. Affected ash trees were also destroyed at three trade premises. In July the Minister jointly launched the all-Ireland Chalara control strategy with Minister Tom Hayes in Dublin. The strategy provides a framework for the implementation of our policy of identification, control and eradication of the causal agents of ash dieback in Ireland.

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Minister of Enterprise, Trade and Investment

Hydraulic Fracturing (15 October)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/15-October-2013/#4>

Question 5

The Minister responded to a number of questions on fracking. She stated that the holders of petroleum licences need to obtain the permission of the landowners beneath whose land they wish to drill. The landowner's permission is asked for, and, if it is granted, that can take place. That permission is required for drilling for deep geothermal energy, energy storage, carbon storage

projects and hydraulic fracturing. The DETI Minister commented on the Environment Minister's statement where he said that the application would not happen on his watch. She stated her belief that fracking is a novel and controversial issue, and therefore, *'it will be taken to the Executive and will be a matter for the Executive as a whole to decide on'*. The Minister also referred the House to a very important piece of scientific evidence that came forward from the Royal Society and the Royal Academy of Engineering in the UK adding that the document was very 'balanced' review of hydraulic fracturing.

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Minister of the Environment

Hydraulic Fracturing (14 October)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/14-October-2013/#8>

Question 2

The Minister stated that in relation to whether he would allow Fracking, any decision will require full scientific evidence. He added that *'In my opinion, that scientific evidence is not there now, and I cannot see it being there in the foreseeable future. Therefore, I cannot see fracking happening on my watch'*. When he was subsequently asked for a categorical assurance that, in the absence of full scientific evidence proving that hydraulic fracturing is safe for animals, people and the wider environment, he will not allow it to take place anywhere in the North of Ireland?, he replied that *in the absence of such evidence, I can categorically give the Member that assurance now.*

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