

Northern Ireland Assembly News

February 2013

Executive Committee Business

Spring Supplementary Estimates 2012-13
Energy Bill: Legislative Consent Motion

Written Ministerial Statements

Public Right of Pedestrian Access to DARD Forestry Land and New Forestry Land By-laws
Proposals to Suspend Commercial Eel Fishing in Europe

Committee Business

Planning Bill: Extension of Committee Stage
Sustainable Energy

Answers to Written Questions

Minister of Agriculture and Rural Development

- Solar Energy Infrastructure
- Badger Setts
- Agri-Environment

Minister of the Environment

- Right of Way Legislation
- Plastic Bag Tax
- Hydraulic Fracturing in Fermanagh
- Biodiversity
- Noise Pollution
- Collected Recycling Material

Minister for Regional Development

- Cyclists
- Chemicals in the Water Supply

Oral Answers to Questions

Minister of the Environment

- Planning: Enforcement
- Local Government Reform

Executive Committee Business

Spring Supplementary Estimates 2012-13 (11 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/11-February-2013/#5>

During the debate on Estimates, Anna Lo (The Chair of the Committee for the Environment), outlined the Committee's views on this motion: The Committee welcomed the general direction of expenditure and priorities. Members accepted that constraints and prioritisation were unavoidable due to the required cuts, and they recognised that the on-going decline in receipts from planning application fees was adding to the pressures being faced by DOE; Staffing difficulties in DOE's planning division continue to concern the Committee; The Committee is also very supportive of DOE's scheme of emergency financial assistance to district councils. The one-off payment to

households that suffered exceptional inconvenience proved a lifeline for many during the several flooding events last year. However, on learning that significant flooding events have occurred every year, except one, since 2007, the Committee stressed the urgent need to address the underlying causes of flooding; The Committee is also concerned about the use of revenue raised by the single-use bag levy and the need to ensure that it delivers for the environment by changing people's behaviour. The Chair added *'If the introduction of the levy leads to less money for DOE, that will be a sign of its success. It must not mean that DOE's obligations to the environment, such as river basin management, can no longer be properly funded'*. She also mentioned the Committee's concerns about the ongoing need for proper enforcement and stated that legislation is only as good as the measures that are put in place and properly funded to enforce it, and DOE must have the necessary resources to make sure that this happens.

Energy Bill: Legislative Consent Motion

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/11-February-2013/#12>

The DETI Minister sought and gained Assembly approval: *That this Assembly endorses the principle of the extension to Northern Ireland of the provisions in Part 1 of the Energy Bill, as introduced in the House of Commons on 29 November 2012, dealing with electricity market reform.* The motion related to extending primary legislative powers for electricity market reform to Northern Ireland. These powers will help to ensure that, in the longer term, low-carbon generation can compete fairly on cost with fossil fuels without financial support and deliver the best deal for the consumer. Electricity market reform works with the market and encourages competition, minimising cost to consumers and delivering investment. The Minister stated her belief that these measures will ensure that Northern Ireland remains a leading destination for investment in low-carbon electricity, thereby boosting our economy by generating skills and expertise and creating jobs in the sector. Consent was sought for provisions relating to matters devolved to Northern Ireland including: the introduction of a feed-in tariff, with contracts for difference for large-scale renewable electricity generation; the closure of the Northern Ireland renewables obligation to new generation from 1 April 2017; the introduction of an emissions performance standard for a new coal fuel-fired plant; and a new UK-wide institutional framework to administer the contracts for difference. Importantly, the Energy Bill retains the Minister's right to set a different strike price for Northern Ireland generators where there is clear evidence that that is required. While the NIRO closes to new generation from April 2017, projects already supported under the NIRO will continue to receive support.

[Back to Top](#)

Written Ministerial Statements

Agriculture and Rural Development (12 February)

Public Right of Pedestrian Access to DARD Forestry Land and New Forestry Land By-laws

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/12-February-2013/#10>

The Agriculture Minister advised members that from 17 March, the public will be granted a public right of pedestrian access to DARD forestry land. Section 31 of the Forestry Act (NI) 2010 provides, subject to byelaws, for public right of pedestrian access. The Forestry (2010 Act) (Commencement No.2) Order (NI) 2013 will bring this section into force, along with The Forestry Land Byelaws (NI) 2013. There are over 100 Forest Service properties that provide way-marked woodland walks with pedestrians having access to most of the 76,000ha of forestry land managed by the Forest Service. This land contains conifer and broadleaved plantations and natural woodlands and open space. Some of the lands are specially protected as nature reserves and historic landscapes, and the public right extends to most of these areas. Privately owned woodlands are not affected by the Order and the Byelaws. Similarly, where the Forest Service occupies land under conditions which restrict public access agreed with the original landowner then the new legislation has no effect.

Culture, Arts and Leisure

Proposals to Suspend Commercial Eel Fishing in Europe (18 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/18-Febrary-2013/#10>

The Minister updated Members on proposals to amend the EC Eel Regulations that could potentially result in the suspension of commercial eel fishing across Europe, including the eel fishery on Lough Neagh. The Minister outlined her concerns about the Commission's proposal as it would have a significant impact on the sustainability of the Lough Neagh eel fishery and the wider local economy within the catchment adding that she was not prepared to consider any future proposals for the recovery of EU eels stocks without independent scientific evidence, consultation with all stakeholder interests and appropriate compensation for fishermen affected during any proposed suspension. She added that it was her view that these proposals should be rejected and she has written to the Minister responsible for Fisheries in the Department of Environment Fisheries and Rural Affairs to express her concerns and to ensure that these views are conveyed to the European Parliament Fisheries Committee. The Minister undertook to keep Members updated on developments.

[Back to Top](#)

Committee Business

Planning Bill: Extension of Committee Stage (18 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/18-Febrary-2013/#5>

The Chair of the Committee for the Environment sought and gained approval that the Committee Stage of the Planning Bill to be extended to 7 June 2013. At its meeting on 24 January, the Committee agreed to call for written submissions from interested organisations and individuals and have allowed until 15 March 2013 for responses. The Committee believes that it is essential that all stakeholders are given the opportunity to comment on the Bill, particularly as it includes two new elements that have not been consulted on by the Department. The Committee will invite all respondents to take part in a stakeholder event at which they will have the opportunity to air their views and question DoE and members of the Committee.

Sustainable Energy (18 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/18-Febrary-2013/#9>

The Chair of the Enterprise, Trade and Investment Committee moved a motion: *That this Assembly calls on the Executive to encourage and support further growth in the sustainable energy sector to help maximise government's contribution to creating sustainable, high-value jobs in the renewable energy sector, developing the green economy, enhancing security of supply and encouraging consumers to use renewable energy.* The Chair reported that in February 2011, the previous ETI Committee reported on its inquiry into the barriers to developing renewable energy. While DETI has provided regular and timely updates to the current Committee on progress with the implementation of recommendations from that inquiry, a number of the inquiry's recommendations that were either accepted or partially accepted have not yet been implemented. They can be summarised as follows: consolidating responsibility for energy vires; developing a long-term vision for renewable energy; making certain renewable technologies mandatory for new buildings; incentivising domestic renewable energy and energy efficiencies to create high-value jobs and business opportunities; and leading by example by ensuring that, for public buildings, every opportunity is taken to avail of renewable technologies. He added that these are the very recommendations that can contribute most to creating sustainable, high-value jobs in the renewable sector, developing the green economy and encouraging consumers to use renewable energies with the environment at its core and that the Executive must lead by example. The Motion was carried.

[Back to Top](#)

Answers to Written Questions

Minister of Agriculture and Rural Development

Solar Energy Infrastructure (8 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130208.pdf> Page: WA 238

The Minister outlined how Axis 3 of the Rural Development Programme grant assistance may be provided for standalone renewable initiatives including the installation of Photovoltaic panels or for projects where renewable energy technology is planned as part of the larger project. None of the energy produced may be used to reduce farm business or farm home domestic running costs. Private promoters which include farmers and farm family members and rural micro businesses (less than 10 employees) may be offered financial assistance at a rate of up to 50% of eligible costs up to a maximum grant amount of £50,000. Social Economy Enterprises and Community Groups seeking to introduce renewable technologies can be funded at a rate of 75% of eligible costs up to a maximum grant amount of £170,000 depending on the measure applied to. A feasibility study is a Programme requirement and as an eligible cost may be supported through technical assistance at similar grant rates up to a maximum grant amount of £5,000.

Badger Setts (15 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130215.pdf> Page: WA 338

The Minister was to outline the timescale for the preliminary badger sett survey in the Banbridge/Rathfriland area. She replied that AFBI have been commissioned to commence a badger sett survey in a 100km² area between Banbridge and Rathfriland in County Down as soon as permissions from local farmers are obtained. This “test and vaccinate or remove (TVR)” wildlife intervention research would involve testing live badgers; vaccinating and releasing the test negative badgers; and removing the test positive ones. Badger sett surveying must be taken forward before foliage cover makes identifying the location of badger setts difficult. That is why it is being taken forward as a priority at this time. On 31 January 2013, my Department’s Chief Veterinary Officer wrote to some 600 farmers between Banbridge and Rathfriland to ask them to give permission for AFBI staff to conduct a badger sett survey on their farm. Permission slips are already being returned. As a high level of farmer participation is absolutely vital to the badger sett survey, the Minister encouraged everyone who has received a letter from the Chief Veterinary Officer to return their permission slip in the pre-paid envelope provided as soon as possible.

Agri-Environment (22 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130222.pdf> Page: WA 168

Given that the EU Agriculture Committee has signalled a ring fencing of 25% for agri-environment spend, the Minister was asked what plans DARD has to match or increase funding for agri-environment. The Minister replied that agri-environment in the current NI Rural Development Programme accounts for 36% of the overall programme budget and she had no plans at present to increase this percentage for the remainder of the current programming period. DARD in conjunction with our stakeholders is currently considering the overall needs of agriculture, the environment and rural areas for the future rural development programme. However the shape and size of the 2014-2020 programme and the balance of funding across priorities will be very dependent on the rural development budget available. The EU Commission rural development proposals require climate change and the environment to be cross cutting objectives for the 2014-2020 programme. The MEP agriculture committee amendment proposes a ring fencing of 25% funding for the agri-environment and organic farming measures. She added that there are however other measures within the proposed regulation which will also contribute to achieving our environmental objectives. The final rural development regulation has not yet been agreed and the list of measures which may contribute to this objective is still subject to change.

[Back to Top](#)

Minister of the Environment

Right of Way Legislation (1 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130201.pdf> Page: WA 158

The Minister was asked what legislation exists to prevent an established right of way from being blocked by the erection of a gate by one of the owners. He responded that the power for erection or removal of gates along a right of way is contained within the Access to the Countryside (Northern Ireland) Order 1983 (the Access Order). Under Article 3 of the Access Order a district council has the duty to assert, protect and keep open and free from obstruction or encroachment any public right of way. Any dedicated public right of way is subject to the limitations imposed by existing gates, stiles or similar structures that are in place at the time of dedication. There is no legislation that empowers the Department to be involved in this process.

Plastic Bag Tax (1 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130201.pdf> Page: WA 160

The Minister was asked (i) for an estimate of the cost of administering the plastic bag tax; (ii) how many staff have been engaged, or will be engaged in the public sector in administering the tax; and (iii) for an estimate of the number of jobs in the private sector that will be lost as a consequence of the tax. He replied that the annual cost of administering the levy is estimated at £630k. This includes the staff, administration and ICT costs associated with enforcing the levy and collecting the anticipated revenue. Revenue from the levy is expected to cover these costs and provide funds for DoE environmental programmes and activities. Administration of the levy will not commence until 8 April 2013. However, the Carrier Bag Levy Team, which will administer the levy, was established in October 2012 to engage with retailers and their representative bodies in advance of the introduction of the levy. In addition to its compliance role, the team provides retailers with information and guidance on the levy. The team consists of 10 staff and the structure and composition of the team will be reviewed in 2015. Some 16 businesses here are potentially engaged in the manufacture, import or distribution of plastic and paper bags and employ around 90 people locally. Estimates are that the introduction of the levy could result in the loss of up to 10 jobs in the private sector.

Hydraulic Fracturing in Fermanagh (1 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130201.pdf> Page: WA 163

The Minister reiterated that decisions on fracking in Northern Ireland are strictly for the Northern Ireland Executive and Assembly. To date, Tamboran have not made any planning applications nor given any indication of timescale or the likely locations where they might apply to establish well pads. In the meantime DoE Officials are continuing to supplement knowledge of this process through reviewing and engaging with emerging research, studying case studies from other parts of the world and liaising with counterparts in other Environment Agencies in Britain and Ireland, and other countries where fracking is currently proposed or taking place. The DOE is also planning to part finance the Southern Government's Environmental Protection Agency's research programme into fracking. There is also ongoing research being carried out by the US Environmental Protection Agency into fracking. All relevant information will be in the public domain in the future when the various research projects are complete. Finally, all relevant Northern Ireland Government Departments including DOE, participate in a local Shale Gas Regulators Forum and NIEA officials participate with similar groups at an EU and National level. The Minister also confirmed that DoE will robustly assess any proposals against stringent requirements and take full account of the findings of the relevant research which is currently being undertaken.

Biodiversity (8 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130208.pdf> Page: WA 311

Mr Agnew asked the Minister, given the fact that his Department missed the 2010 target to halt biodiversity loss, what steps he is taking to ensure that the 2020 target is met. The Minister replied that in responding to this renewed challenge to take action to halt biodiversity loss, he has initiated a review of the Northern Ireland Biodiversity Strategy (NIBS) and have included this as a commitment in the PfG. The review will take account of international and European commitments

and new thinking. Currently, DoE are liaising with the Northern Ireland Biodiversity Group on the development of objectives and actions on which we can consult in the next few months. From this a new NIBS will be developed to include a range of actions that will help contribute to a reduction in biodiversity loss for the period up to 2020. This strategy will be cross cutting and it is intended to include actions from central and local government, as well as other sectors. From a governance perspective, it is intended that my DoE will monitor progress annually with a view to identifying any potential difficulties and provide appropriate resolutions where required.

Noise Pollution (15 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130215.pdf> Page: WA 424

The Minister advised that while DoE has responsibility for legislation and policy on noise control; however, noise complaints and the enforcement of noise control legislation is a matter for the environmental health department within each district council. The recently published 'Noise Complaint Statistics for Northern Ireland 2011/2012' shows that there were over 12,000 complaints made to district councils across Northern Ireland. As with previous years, domestic noise is the major culprit and this is something that can, in the main, be avoided, especially those complaints relating to loud music/televisions and parties. The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 gives district councils greater powers to deal with noise from domestic premises at night. In addition DoE is also progressing work to tackle noise through the requirements of the EU Environmental Noise Directive. The aim of the Directive is to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise. It focuses on the impact of such noise on individuals, complementing existing EU legislation, which sets standards for noise emissions from specific transport and industrial sources. During 2012, and in line with the requirements of the Directive, DoE completed work on determining the noise exposure of the population through the second round noise mapping exercise. The next stage of this work, to be undertaken during 2013, is to establish Action Plans based on the mapping results. Once the Minister approves or adopts these Action Plans they will be submitted to the EU Commission. The noise maps are currently available for the public to view on the Department's noise web site at: www.noiseni.co.uk, while the noise Action Plans will be added once adopted.

Collected Recycling Material (22 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130222.pdf> Page: WA 243

The Minister was asked whether any study comparable to the Quality Action Plan which was conducted by the Department of the Environment, Food and Rural Affairs, in respect of the amount of collected recycling material which is unusable, has been conducted in Northern Ireland; and with what result. He replied that the Defra Quality Action Plan sets out measures aimed to support a market environment which is capable of promoting high quality recycling and delivering recyclates of sufficient quality to meet the standards of the relevant recycling sectors. DoE intend to consult on a range of actions to improve and maintain the quality of recyclable materials collected, sorted and presented to the market through a Materials Recycling Facilities (MRF) Code of Practice. There will be proposals to address contamination at the point of collection, introduce mandatory and transparent material quality sampling, carry out a benchmarking exercise on the quality of source segregated materials and introduce a recyclate quality grading system. The DoE acknowledges that the introduction of these new measures would, in particular, have implications for the operators of MRFs, and accordingly a partial Business and Regulatory Impact Assessment will be completed. Stakeholder comments will also be invited.

[Back to Top](#)

Minister for Regional Development

Cyclists (1 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130201.pdf> Page: WA 214

The Minister was asked how often the Roads Service audits the number of cyclists on major routes. He replied that at present, Roads Service does not carry out audits of the number of cyclists on

major routes. Every two years a Belfast City Centre Cordon Survey is undertaken by officials in Roads Service, to assist in monitoring performance against targets established in the Belfast Metropolitan Transport Plan (BMTP) 2015. The purpose of this survey is to determine the modes of travel used by people, crossing a predefined city centre cordon, to travel into Belfast City Centre during the morning peak hour (08:00 to 09:00). The most recent cordon survey was completed in 2011. The Travel Survey for Northern Ireland (TSNI) 2009-2011 provides information on how, over the region as a whole, people use different forms of transport, including bicycles, to meet their travel needs, as individuals or family groups. The TSNI also provides information to inform government policy, assist with setting objectives and monitor performance in relation to transport and travel in Northern Ireland, for example, in the Regional Transportation Strategy.

Chemicals in the Water Supply (15 February)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130215.pdf> Page: WA 470

Minister Kennedy revealed that in order to meet the requirements of current Drinking Water Regulations and to provide wholesome drinking water to customers, a number of chemicals are used in the water treatment process to remove impurities present in raw water. The following chemicals have been approved by the Drinking Water Inspector for use in the water treatment process: Aluminium and Iron products for coagulation and removal of organics from raw Water and thickening of the sludge by-product before disposal; Polyelectrolyte as a coagulant aid in the clarification process; Lime / Sodium Carbonate / Sulphuric Acid which adjusts the pH of the water to optimise treatment processes; Carbon Enhances removal of organics and pesticides; Orthophosphoric Acid Used to reduce plumbosolvency from existing lead pipes; and Chlorine Disinfection of the final water. The cost of chemicals used in the drinking water treatment process is approximately £6.65 million per annum.

[Back to Top](#)

Oral Answers to Questions

Minister of the Environment

Planning: Enforcement (4 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/04-February-2013/#5> Q3

In response as to whether he plans to bring forward legislation to expedite planning enforcement, the Minister stated that DoE are bringing forward into the life of this mandate planning enforcement proposals that were not anticipated to be in force until 2015. This includes increases in the fines that a court can lay down for failure to comply with stop and enforcement notices. Also, in the regulations arising from the Planning Bill, multiple fees will be charged when somebody goes ahead and builds and then applies for retrospective planning permission. There will also be an accelerated passage of enforcement through fixed penalty notices. The Minister added that in terms of enforcement action, in heritage enforcement, DoE have served more urgent works notices for listed buildings in the past 18 months than in the previous 38 years and there are 40 live enforcement cases on-going to ensure that those who are responsible for the maintenance of listed and heritage buildings fulfil their responsibilities.

Local Government Reform: Finance (25 February)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/25-February-2013/#8> Q1

The Minister confirmed that he had submitted a successful bid for £39.5 million to DFP to help finance the reform of local government. The Minister added that over the past 18 months, work has been taken forward by the various council clusters. DoE had asked Councils to reply to a matrix of performance indicators. According to the information provided by the councils that replied, 64% of what was required had been achieved and was on track, which means that one third of the tasks that we consider to be crucial have not yet been achieved or are on track. The Minister stated that now that the financial situation has been confirmed, that should be a catalyst for councils to apply

themselves to ensuring that all the key performance tasks are on track and will be done in time for the reorganisation in 2015.

[Back to Top](#)