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Executive Committee Business

Water and Sewerage Services (Amendment) Bill: Final Stage (5 March)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/5-March-2013/#1>

The DRD Minister sought and gained approval: *That the Water and Sewerage Services (Amendment) Bill do now pass*. The Minister explained that the Bill makes good the commitment not to introduce additional household water charges during the current mandate. The current legislation that enables a subsidy to be paid to NI Water on behalf of customers will expire on 31 March this year. If the Executive's decision not to introduce additional water charges is to be implemented, it was essential that the legislation progresses. The decision will cost the Assembly £282 million in subsidies to NI Water.

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Written Ministerial Statements

Minister for Regional Development

Transport Northern Ireland (4 March)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/04-March-2013/#11>

Following DRD's consideration of the best model for the future delivery of both roads and public transport authority functions, the Minister revealed that he has agreed that there should be a single organisation within DRD responsible for the delivery of roads functions and securing public transport services. This new organisation will be called Transport NI and will come into effect from 1st April 2013. Transport NI will be a combination of two existing business units: Roads Service and Public Transport Finance and Governance and as a result there will be no impact on staff numbers or other resources within DRD. Transport NI will be responsible for all functions currently delivered by Roads Service and securing the delivery of public transport services, including in the future the development of local public transport plans.

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Answers to Written Questions

Minister of Agriculture and Rural Development

Badger Sett Surveys (8 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130308.pdf> Page: WA 473

The Minister stated that letters were issued to 619 farmers in the 100km² area between Banbridge and Rathfriland seeking their permission for AFBI to conduct a badger sett survey on their land. To date, 295 (47.7%) 'Yes' responses and 49 (7.9%) 'No' responses have been received with a further 16 letters returned as undeliverable. Permissions continue to be received daily and, in order to encourage timely responses and to maximise the number of permissions received, DARD Direct are phoning landowners who have still to respond and a reminder letter also issued on 1 March 2013.

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Hedgerows (15 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130315.pdf> Page: WA 14

Given the Executive's goal in the PfG to halt the loss of biodiversity, the Minister was asked what action DARD has taken to preserve hedgerows. The Minister outlined the main actions DARD takes to preserve hedgerows on an ongoing basis, namely: (i) Restoring and maintaining hedges. This is funded under DARD's agri- environment schemes which aim to enhance biodiversity. Over 12,000 farmers who take part in schemes restore and maintain hedgerows on their land as part of their management plan. These schemes include the NI Countryside Management Scheme and the Environmentally Sensitive Areas Scheme. Participants receive funding to restore and regenerate hedgerows by undertaking actions such as planting, laying and coppicing. (ii) Retention of hedges. This is a requirement under Cross-Compliance. Hedges are considered a landscape feature and therefore are eligible for payment under direct agricultural support payments (including Single Farm

Payment). All farmers receiving these payments must meet Cross-Compliance requirements. One of these requirements is to retain field boundaries. Removing a hedge without prior permission from DARD is considered to be a breach of Cross-Compliance and could potentially result in the loss or reduction of the Single Farm Payment and other direct payments. (iii) Providing information. DARD provides advice on managing and preserving hedgerows for biodiversity in contact with Countryside Management Advisers, scheme booklets, training events, press articles and on the DARD website.

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Minister of the Environment

Sellafield Nuclear Processing Plant (1 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/1/130301.pdf> Page: WA 359

The Minister was asked to outline the extent of his DOE's lobbying of and contact with DEFRA regarding accidents which have occurred at the Sellafield Nuclear Processing Plant. In a detailed reply the Minister stated that at present nuclear energy and nuclear installations are excepted matters and are not within my DOE's remit. DOE has responsibility for monitoring the environment in NI to assess the impact of radioactivity produced elsewhere. A continuing programme of monitoring the effect of radioactive discharges from nuclear installations in Britain on the NI coastline has shown that levels of contamination are negligible in terms of impact on the NI population or our marine environment. The Minister had however written to the Infrastructure Planning Commission in February, expressing concern about the potential environmental impact of proposed nuclear power plants in the west of England and Wales and, in particular, the possible effect on the population of Ireland, north and south, given the proximity of the proposed facilities. He also provided assurance that, in conjunction with colleagues NIEA, the Scottish Environmental Protection Agency and the Radiological Protection Institute of Ireland (RPII), discharges into the Irish Sea and their impact on the coastline of NI will continue to be comprehensively monitored. DOE Officials also play a part in ensuring that the UK's obligations under the 1992 Oslo and Paris Convention for the Protection of the Marine Environment of the North East Atlantic are monitored.

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Local Government Reform: Total Costs and Savings (1 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/1/130301.pdf> Page: WA 363

The Minister provided an update on the total costs and savings arising from local government reform. The PricewaterhouseCoopers' economic appraisal of local government service delivery, carried out on behalf of and published by the Department in October 2009, indicated that under the preferred option (i.e. Transformation with Regional Collaboration), implementation of the local government reform programme could involve expenditure of up to £118 million over five years and achieve savings of £438 million over twenty-five years. The Regional Transition Committee has commissioned the senior local and central government officers and officials in the Finance Working Group to re-examine the costs and benefits of the local government reform programme taking account a range of financial factors. These include the 2015 timescale for reform set out in the PfG 2011-15, the sector's Improvement, Collaboration and Efficiency proposals and the changed economic climate in which reform is now being taken forward. Work is ongoing with the existing councils and the Voluntary Transition Committees in developing the detailed costs and benefits of the key reform work-streams, identified by the Finance Working Group. The group's findings and recommendations will be presented to the Regional Transition Committee in March 2013.

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Travel by Bicycle (1 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/1/130301.pdf> Page: WA 367

The Minister was asked for his assessment of the effectiveness of current planning policy in encouraging travel by bicycle. He replied that cycling is promoted through various planning policies and guidance - PPS 3 'Access, Movement and Parking', PPS 7 'Quality Residential Environments' and PPS 13 'Transportation and land use'. These policies require developers to consider the needs of cyclists in bringing forward proposals for residential development and for development that provides jobs, shopping, leisure and services. Relevant guidance is included in 'Creating Places,

Achieving Quality in Residential Developments' which refers to the layout and design of cycle routes, to ensure they are safe and pleasant to use. He stated that he was satisfied that current planning policy and guidance sets the right direction in encouraging travel by bicycle however, its effectiveness is difficult to assess as these policy instruments in themselves cannot guarantee increased cycle usage.

Statutory Duty to Promote Economic Development (1 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/1/130301.pdf> Page: WA 371

The Minister outlined how the introduction of a statutory duty to promote economic development in the planning bill would impact on planning decisions. Clause 2 of the Planning Bill will place a duty on the DOE in formulating planning policy to do so with the objective of furthering sustainable development; promoting or improving wellbeing and promoting economic development. Clause 2 will also place a similar duty on any body or person exercising any future development plan functions. These policies and plans are key material considerations which are to be taken into account in the determination of planning applications along with all other material considerations relevant to any particular planning application.

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2012 Planning Bill (1 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/1/130301.pdf> Page: WA 371

The Minister explained that Clauses 11, 12 and 21 of the Planning Bill bring forward reforms to planning appeals. These reforms will not apply to appeals that are currently being assessed. It is anticipated that Clause 11 'Appeals: time limits' will take effect in relation to planning decisions issued by the Department after the commencement date of this provision. Similarly it is anticipated that Clauses 12 and 21 'Matters which may be raised in an appeal' and the "Power of planning appeals commission to award costs" will apply to planning appeals which are received by the Planning Appeals Commission after the commencement date of this provision.

Historical and Heritage Sites (1 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/1/130301.pdf> Page: WA 375

The Minister of the Environment was asked whether he plans to task an organisation, other than the NIEA, with the promotion of historical and heritage sites. He replied that the economic potential of our heritage sites was revealed in the report he commissioned last year entitled 'A Study of the Economic Value of Northern Ireland's Historic Environment'. As he was 'determined that the full value to the community of our rich built heritage is realised' he is convening a Summit in April of key stakeholders to examine ways in which the report's recommendations and the issues raised in the debate can be progressed, including the question of how to strengthen the performance of the Built Heritage Directorate of the Environment Agency. The Minister intends to make 'appropriate' changes to promote our rich built heritage in NI once he has heard community views at the Summit.

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Biodiversity (1 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/1/130301.pdf> Page: WA 386

The Minister was asked whether the 2016 target on biodiversity commitment still stands or has been pushed back to 2020; and to outline the reasons for any change in the target date. He replied that the new target date reflects the renewed focus, both within the EC and the wider international community, to halt biodiversity loss by 2020. DOE are currently reviewing the NI Biodiversity Strategy so that it sets out specific and challenging targets for on-going action, both within DOE, other government departments and agencies, as well as business and voluntary organisations. The revised Strategy will increase awareness and focus attention on the importance and benefits of protecting our biodiversity, within the wider EC and international objectives. The strategy proposes to include actions from a wider sector of the community. He confirmed his commitment to implementing on-going practical measures to halt biodiversity loss through safeguarding vulnerable habitats and species and whenever possible, restoring important ecosystems. The revised Strategy's targets will be regularly monitored which will assist in determining if the overall objective of halting biodiversity loss will be realised during the period covered by the strategy.

Flood Plains (8 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130308.pdf> Page: WA 515

The Minister revealed that historically many cities and towns in Northern Ireland, as elsewhere in UK, have been built in valleys and along river corridors and thus have resulted in increased flood risk. DOE recognises that the effects of flooding on human activity are wide ranging, impacting on the economy, social well-being and the environment. In the last 5 years from April 2008 to September 2012 5,363 residential and 3,995 non-residential planning applications were approved within flood plains. This figure includes new and replacement developments as well as alterations and extensions to existing properties. DOE does not hold records detailing how many of these approved applications were constructed. The planning system cannot in itself prevent the flooding of properties but it does acknowledge the risks and uncertainties associated with climate change. DOE considers that actions to address these matters through the planning system should be based on a precautionary approach. This approach is embodied in the policies set out in Planning Policy Statement 15 'Planning and Flood Risk' to ensure that the development decisions we make today and in the future does not increase flood risk.

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Quality of Beaches (8 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130308.pdf> Page: WA 522

The Minister provided an update on the progress that has been made on improving the quality of beaches. He stated that he has now hosted five Good Beach Summits and 'meaningful progress' has been made in a wide range of priority areas which collectively contribute to better beaches and a better beach experience. The multi-strand action Plan groups work streams under four headings; Improve Water Quality; Improve Beach Cleanliness, Facilities, Management and Signage; Keep the Public and Media Better Informed; and Support the Coastal economy. Areas where 'particularly good progress' has been made include: Sewerage infrastructure improvements; Catchment source apportionment studies (specifically including septic tanks); Signage Project – in line with revised Bathing Waters Directive; Development of a Marine Litter Strategy; Protection of the public from polluted bathing water through a warning system and Development of a dedicated beaches web site – BeachNI. Further Good Beach Summits are planned and there is an ongoing drive to include more coastal community and representative groups. The next Summit will be run in conjunction with the presentation of Blue Flags to our best beaches at the end of May or in early June.

Single Planning Policy Statement (15 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130315.pdf> Page: WA 78

The Minister provided an update on the development of a single Planning Policy Statement (SPPS). The purpose of the SPPS is to 'collate in one place planning policy, reduce the fragmentation, reduce the words but increase understanding'. The SPSS is required to be in place prior to the transfer of planning powers to Councils in 2015. The Minister intends therefore to consult on a draft version of the SPPS later this year, with a view to publishing it in final form in 2014.

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Allotments (22 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130322.pdf> Page: WA 169

The Minister stated that he has looked at the possibility of using a range of further mechanisms including legislative ones which could encourage and support councils in providing allotments. The process to develop and agree legislative proposals for the introduction of a specific duty on councils to provide allotments cannot be completed in a timeframe that would allow for its inclusion in current environmental legislation in process. However, he was keeping the matter under review.

Minister for Regional Development

Cycling (22 March)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130322.pdf> Page: WA 201

The Minister revealed that DRD through its Travelwise NI initiative has spent approximately £371k over the last five years hosting various sustainable events to encourage people to take up cycling as a realistic transport option. DRD also continues to fund a scheme to enable staff to hire cycles as part of the NICS to Work scheme. Roads Service has spent approximately £4809k on cycling. In answer to a further question on the Budget for Cycling (AQW 20638/11-15), the Minister stated that at present 2.7% of the transport revenue expenditure budget (excluding payments to Translink and on roads) is scheduled to be spent on cycling promotion in 2013/14. 4.7% of the relevant capital expenditure budget (Local Transport and Safety Measures) is due to be spent on cycling infrastructure in 2013/14.

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Oral Answers to Questions

Minister of Agriculture and Rural Development

Strangford Lough: Modiolus Mussels (5 March)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/5-March-2013/#4> Q1

The Minister provided an update on actions taken to address the problem of the depletion of modiolus in Strangford lough. She stated that Modiolus modiolus, or horse mussel, biogenic reefs are a designated feature of the Strangford lough special area of conservation and are in an unfavourable condition and we are therefore required to restore the feature. DARD shares responsibility for the restoration DOE. DARD officials met the European Commission in April 2012 and informally accepted a number of actions that the Commission felt necessary to address responsibilities under the habitats directive for the protection and restoration of modiolus in Strangford lough. Those included the strict protection of the larger area of the lough that contains the remaining intact modiolus biogenic reef. DARD and DOE responded to the Strangford modiolus infringement pilot case by way of a letter on 18 May 2012 to the Ulster Wildlife Trust, addressing the Commission's concerns and outlining proposals for modiolus restoration and the management of fishing activity on the lough. The proposed measures were described in more detail in a revised restoration plan that was sent to the Commission on 11 October 2012, and they await the Commission's formal response to those proposals. In advance of receiving the Commission's decision, DARD has recently completed a habitats regulations assessment on pot fishing and aquaculture in Strangford Lough, and on 8 January 2013 introduced further restrictions on pot fishing by introducing two fishing exclusion zones in areas where restoration of modiolus beds is a priority. This legislation has been introduced as a result of discussions with Commission officials that indicated that this would be the minimum requirement acceptable to the Commission in respect of safeguarding and restoring the designated modiolus feature. In addition, the DOE has introduced by-laws regulating anchoring, mooring and diving.

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Minister of Enterprise, Trade and Investment

Renewable Energy: Intergovernmental Agreement (19 March)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/19-March-2013/#7> Q7

The Minister was asked what discussions she has had with the Irish and British Governments in relation to the proposed intergovernmental agreement on renewable energy. She replied that she had been in correspondence with the Secretary of State for Energy and Climate Change and his predecessor on the issue for some time. Although this is a reserved matter, she has highlighted its potential impact on consumers and the renewable energy sector in Northern Ireland. She stated that there is an enormous amount of analytical work to do before proceeding to an intergovernmental agreement and she intended NI to be fully involved in discussions to examine the costs and benefits of any renewable energy co-operation. She added that the UK renewable road map, which was published in July 2011, sets out the Government's intention to enable the export and import of renewable energy under the flexibility mechanisms in the renewable energy directive in order to

secure the greatest benefit to the whole of the UK. Although the renewable energy directive contains a provision to enable co-operation across Europe, the detailed practical arrangements, which are largely left to member states to determine, are still to be worked out. That is why the memorandum of understanding is aspirational at present.

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Minister of the Environment

Planning: Renewable Energy (4 March)

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/04-March-2013/#8>

Q2

The Minister was asked to outline the average length of time before a decision is issued on renewable energy planning applications. The Minister replied that on average, it takes 37 weeks to process a renewables application, there is a historical backlog, and there has been a surge of applications, especially for wind turbines, of which there are over 700 in the planning system at present. In the two quarters up until September 2012, 326 renewables applications were approved, building on the 401 renewables applications approved in 2011-12 and far in excess of the numbers in previous years. He added that we are on track to achieve our 40% renewable target by 2020 and, if all the wind developments that have been approved were built and the energy went to the national grid, that alone would account for 30% of our electricity needs.

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