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## **Executive Committee Business**

### **Forestry (Felling of Trees) (Calculation of the Area of Land) Regulations (NI) 2013 (7 May)**

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/07-May-2013/#3>

The Minister of Agriculture and Rural Development sought and gained approval: *That the draft Forestry (Felling of Trees) (Calculation of the Area of Land) Regulations (Northern Ireland) 2013 be approved.* The Forestry Act passed in 2010, contains a power, at section 15, to license the felling of trees growing on land of 0.2 hectares or more. This was intended to DARD's general duty to promote afforestation and sustainable forestry in line with the forestry policy. The regulations will define the boundaries to be used in calculating whether an area of woodland is 0.2 hectares or more. All

woodland of 0.2 hectares or more will be subject to a felling licence, unless an exemption applies. The regulations will complement the Forestry (Felling of Trees) Regulations (Northern Ireland) 2013.

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### **Marine Bill: Final Stage (21 May)**

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/21-May-2013/#3>

The long awaited Marine Bill passed its final stage. The Bill will give new powers to select and manage Marine Conservation Zones (MCZs) to enhance marine biodiversity. These MCZs will form part of a network of Marine Protected Areas (MPAs), to ensure that biodiversity, including those species and habitats which would decline without protection, is safeguarded. The main contents of the Marine Bill are: A National Marine Plan to give greater clarity to decision making in the marine environment and encourage investment; and new powers to select and manage Marine Conservation Zones (MCZs) to enhance marine biodiversity. The powers in the Marine Bill will complement the provisions of the UK Marine and Coastal Access Act 2009, which created new responsibilities for the Department of the Environment on marine planning in offshore waters outside 12 nautical miles (nm) and marine licensing in the inshore.

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## **Ministerial Statements**

### **North/South Ministerial Council: Environment (14 May)**

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/14-May-2013/#3>

The Minister of the Environment provided a statement on the seventeenth meeting of the NSMC in environment sectoral format held on Tuesday 23 April. The Council noted: that the all-island bulky waste reuse best practice management feasibility study will be published shortly and that the DOE will publish a revised waste management strategy later this summer; charging for carrier bags is now in place across the island; the publication of the all-island used tyre survey report, which indicated a significant level of used tyre recycling; a meeting of the North/South market development steering group, to promote market opportunities for recycled products, was held on 7 March; in relation to the cross-border repatriation of waste, work on the two sites is complete; opportunities for beneficial joint working to facilitate effective and efficient policy approaches in the context of EU directives on air quality. The Council agreed that, to improve air quality on an all-island basis, officials should prepare terms of reference for a study and have them approved as soon as is practical at a future NSMC meeting; co-ordination between jurisdictions on the preparations for the second cycle of river basin management plans; co-ordination on the Clean Coast and Coast Care schemes and the symposium held in November 2012; following preliminary research by the EPA into the environmental impacts of fracking a more comprehensive research study is planned; NIEA's second state of the environment report is due for publication by the end of 2013.

## **Private Members' Business**

### **Energy Costs (13 May)**

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

Members supported a motion moved by Paul Frew: *That this Assembly recognises that energy costs are of concern to businesses and consumers; congratulates the Minister of Enterprise, Trade and Investment and the Minister of Finance and Personnel for successfully negotiating a derogation from the carbon price floor for Northern Ireland; notes that this negotiation prevented an increase in local energy bills of between 10 and 15%, which would have had a detrimental impact on households and businesses; and calls on the Minister of Enterprise, Trade and Investment to continue to work with industry to keep energy affordable.* The carbon price floor is a tax on fossil fuels used in the generation of electricity. It, therefore, affects UK generators of fossil fuels, including combined heat and power operators and auto-generators, the suppliers of those generators and electricity utilities. It was first announced during the 2011 Westminster Budget. The idea is that it will provide an

incentive to invest in low-carbon power generation by providing greater support and certainty to the carbon price in the UK's electricity generation sector. Although it came into effect for the rest of the UK on 1 April, it had already been outlined in the Chancellor's autumn statement in December 2012 that Northern Ireland would be exempt. Northern Ireland is exempt because of concerns about the impact on energy security due to the different market conditions as a result of the single electricity market.

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## Answers to Written Questions

### Minister of the Environment

#### Tamboran Resources: Use of Chemicals (10 May)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/1/130510.pdf> Page: WA 404

The Minister was asked whether his Department, or any regulators under its remit, has ever indicated to Tamboran Resources that it would be obliged to use chemicals in any hydrocarbon exploration or extraction. He replied that DoE has never indicated to Tamboran Resources that they would be obliged to use chemicals in any hydrocarbon exploration or extraction and that DoE would want to know if it is being claimed otherwise. He stated that the onus is on the company to explain the detailed methods of exploration and extraction and potential impacts on the environment. In terms of any planning application to extract hydrocarbons the issue would be considered through the Environmental Impact Assessment process. DoE's role is to regulate the process by granting conditional planning permission and other environmental consents if that was considered appropriate after a full assessment of all the environmental impacts. The Minister repeated that in making any assessment of Tamboran's proposals, there will be a need to apply best science and deploy best practise if the project was ever to proceed adding '*That is not currently the case*'.

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#### Clause 2 of the Planning Bill (10 May)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/1/130510.pdf> Page: WA 405

The Minister was asked how he defines sustainable development in clause 2 of the Planning Bill. He replied that the most commonly used definition of sustainable development is "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". For the purposes of planning, Planning Policy Statement 1 General Principles sets out the Department's current policy in relation to sustainable development. It explains that sustainable development seeks to deliver the objective of achieving, now and in the future, economic development to secure higher living standards while protecting and enhancing the environment. He added that he would elaborate on sustainable development in the forthcoming draft single Strategic Planning Policy Statement which will be out for public consultation towards the end of the year.

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#### Approved Planning Applications (17 May)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130517.pdf> Page: WA 51

The Minister revealed the proportion of all planning applications that were approved, in each of the last five years. In the period 1 April 2008 to end of 31 December 2012, a total of 79,568 planning applications have been approved out of a total 85,728 decisions representing a 92.8% approval rate. The percentage of applications approved between 2008/09 and Q3 of 2012/13 were: 2008/09 - 94.2%; 2009/10 - 94.0%; 2010/11 - 89.3%; 2011/12 - 92.2%; 2012/13 (Q1-Q3) - 93.4%

#### Areas of Special Scientific Interest (17 May)

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130517.pdf> Page: WA 56

The Minister was asked how many Areas of Special Scientific Interest have been declared.

To date NIEA has declared a total of 360 Areas of Special Scientific Interest, 6.7% of the NI land mass, 104,861 acres. The ambition was to have 440 by 2016. At the current rate of 15 per year (a PFG commitment and met in 2011/12 and 2012/13), DOE will fall short of the ambition.

### **Gasification Plant in Derry (24 May)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130524.pdf> Page: WA 194

The Minister provided clarification in relation to the gasification plant in Derry. He stated that it is important to recognise what the gasification proposal means – in the case of Enviroparc waste will arrive from the existing on site Material Recovery Facility in the form of an RDF (i.e. waste that has been converted to fuel by shredding and dehydration). The RDF will be fed into a gasifier, where it will be heated in a reduced oxygen environment converting it into a synthetic gas fuel. The gas is then utilised as an efficient fuel in an oxygen rich environment. The energy (in the form of steam) from the combustion is used to drive a turbine. From this process electrical energy and recoverable heat energy will be produced. Any residual waste will fall into an ash pit which will be taken for off-site disposal to a suitably licensed landfill as a non-hazardous waste or for further processing by a third party ash processing company, to recover the ash as an aggregate. Therefore, the model sees separation of waste, energy from waste with a recycle at the end of the process. Moreover, it is a gasification – not an incineration – model.

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## **Minister for Regional Development**

### **Rapid Transit Proposals (3 May)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130503.pdf> Page WA 337

The Minister provided an update on the Rapid Transit proposals. DRD completed an Outline Business Case for Belfast Rapid Transit in May 2012. The recommendations of the Outline Business Case were as follows: (1) The introduction of a high quality, bus-based rapid transit system operating on the following routes: CITI Route - from Queen Elizabeth Bridge along Queen's Quay and Queen's Road to Titanic Quarter and returning to the city centre via Queen's Road, Queen's Quay, Station Street, Bridge End and Queen's Bridge; EWAY route from the city centre along Albertbridge Road and Upper Newtownards Road and terminating at a park and ride site in Dundonald; and WWAY route from the city centre along Divis Street, Falls Road, Andersonstown Road, Stewartstown Road and terminating at a park and ride site near Dairy Farm or McKinstry Road Roundabout. (2) The delivery of the majority of the design and infrastructure works for Belfast Rapid Transit through the existing expertise within Roads Service. (3) The award of the contract to operate Belfast Rapid Transit to Translink, subject to clarification on performance and contractual issues. The Outline Business Case received DFP approval in August 2012. The Minister presented a paper to the Executive in November 2012 and they supported progression to the detailed design and implementation of the pilot Belfast Rapid Transit system. DRD is currently taking forward the detailed design of the pilot Belfast Rapid Transit system which will link East Belfast, West Belfast and the Titanic Quarter with and through the city centre. It is anticipated that the initial implementation works will commence in 2014, subject to the completion of the necessary statutory processes. The pilot Belfast Rapid Transit network is scheduled to come into operation in 2017, subject to the availability of funding.

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### **Public Inquiry System - A5 (17 May)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130517.pdf> Page: WA 112

The Minister was asked, given the findings of the Judicial Review challenge to the A5 road scheme, whether he will conduct a review of the adequacy of the public inquiry system and the approach of inspectors, in light of the Inquiry's failure to properly address issues, such as those under the Habitats Directive, as exposed by the Judicial Review. The Minister replied that DRD appoints an independent Inspector, or Inspectors if required, to take charge of public inquiries. The Inspector is responsible for the orderly conduct of the inquiry and is appointed to hear all representations/objections in respect of the proposed scheme, impartially consider them and make recommendations to the Department. In the Judicial Review, the A5 Western Transport Corridor

(A5WTC) project was challenged on twelve grounds, only one of which was successful. In upholding the one ground, which related to the Habitats Directive and the need for an Appropriate Assessment, the Judge gave greater weight to the argument based on the Loughs Agency's submission to the public inquiry hearing than to the views of the NIEA and the National Parks and Wildlife Service of the Republic of Ireland. Both of these statutory consultees agreed with the project consultants that an Appropriate Assessment was not required. With regard to the Public Inquiry into the A5WTC, the Inspectors accepted the commitment given by DRD in relation to concerns raised by the Loughs Agency and saw no reason to consider any further recommendations. While expressing concerns, Loughs Agency did not suggest that an Appropriate Assessment was required. In light of the issues raised at the Inquiry and the Inspectors' comments, as well as the subsequent legal challenge and findings of the court, DRD will be reviewing its processes to ensure that any lessons learned can and will be applied to other roads projects.

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### **Integrated Transport (24 May)**

<http://www.niassembly.gov.uk/Documents/Answer-Book/2013/130524.pdf> Page WA 260

The Minister outlined the time scale for implementing a policy on integrated transport. He stated that he was determined to pursue a more integrated and sustainable approach to the development and future delivery of transport and, in March 2012, launched a New Approach to Regional Transportation which sets High Level Aims and Strategic Objectives for transportation in Northern Ireland. DRD is currently developing an integrated and sustainable transport delivery plan, which will feed into the Programme for Government 2015-19 budget process. A cross-organisation Working Group is also currently considering the potential opportunities to integrate publicly funded passenger transport services on a pilot basis in the Dungannon/Cookstown area. This pilot will assist in determining the long-term approach to more integrated local public transport planning and is expected to begin on the ground in autumn 2013, with phased implementation continuing thereafter as problems are resolved. There will be ongoing evaluation of the pilot to determine what works and what refinements are needed with a view to wider roll-out in due course.

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## **Oral Answers to Questions**

### **Minister of Culture, Arts and Leisure**

#### **Lough Neagh Eel Fishery (7 May)**

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/07-May-2013/#7> Question 6

The Minister was asked whether a blanket ban on the Lough Neagh eel fishery will take place without adequate and supported scientific evidence. She replied that a draft report presented to the European Parliament's fisheries committee proposed measures to ban commercial eel fishing in view of the decline in European eel stocks. In view of the threat posed to the Lough Neagh eel fishery and the potential impact on the local community, the Minister stated that she will not consider any proposals for the recovery of EU eel stocks without appropriate and independent scientific evidence. In addition, she will insist on an equality impact assessment, full consultation with stakeholder interests and appropriate compensation from Europe for eel fishermen affected during any proposed suspension. Under the European Fisheries Fund, DCAL has provided financial support for the Lough Neagh Fishermen's Co-operative Society Ltd to purchase elvers for stocking, and it has received almost £750,000 for that purpose.

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#### **Lough Neagh: Fish Stocks and Habitats (28 May)**

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/28-May-2013/#8> Question 2

The Minister was asked what action she has taken to commence studies on fish stocks and habitats in Lough Neagh. She replied that the long-term sustainability of the Lough Neagh fishery is a key priority for DCAL. She has commissioned the Agri-Food and Biosciences Institute (AFBI) to undertake research throughout the Lough Neagh catchment. This work will provide an important scientific

basis for DCAL's role in the conservation and protection of that fishery. AFBI is currently carrying out a research project on Lough Neagh that will provide information on the location and population levels of fish species in the lough, including pollen. AFBI is also undertaking genetic studies on brown trout stocks in the Lough Neagh catchment. Those reports will be completed by the end of 2013. AFBI also works closely with the Lough Neagh Fishermen's Co-operative Society Ltd to provide advice on the management of eel stocks in accordance with the eel-management plan. The institute is also undertaking important research on the stock status of salmon and brown trout across the DCAL area, which includes the Lough Neagh catchment.

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## **Minister of Enterprise, Trade and Investment**

### **Electricity: Security of Supply (13 May)**

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/13-May-2013/#4> Question 2  
The Minister was asked a series of questions about our long-term security of electricity supply. She replied that she has held ongoing discussions with the Utility Regulator and the System Operator for Northern Ireland (SONI) to ensure a sufficient future conventional generation capacity margin for Northern Ireland. In addition, renewable generation now accounts for almost 14% of our overall electricity generation capacity. She stated that it is also important to progress the new North/South electricity interconnector to help to meet future demands and she has encouraged Mutual Energy to restore the Moyle electricity link with Great Britain to its full capacity as soon as possible. Northern Ireland is scheduled to lose 510 megawatts of electricity generation from part of Ballylumford power station due to the EU industrial emissions directive.

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## **Minister of the Environment**

### **Marine Atlas (14 May)**

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/14-May-2013/#5> Question 7  
The Minister referred to the Scottish marine atlas as a *work of wonder and beauty* and a pathway into understanding the marine environment and added that while he believes DoE have captured the information of the marine atlas in a number of other documents he *will not ignore the fact that, in getting the story out about the marine environment, and in the run-up to a marine plan, something like a marine atlas is very attractive.*

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