

# Official Report (Hansard)

Tuesday 18 October 2011  
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# Northern Ireland Assembly

Tuesday 18 October 2011

*The Assembly met at 10.30 am (Mr Deputy Speaker [Mr Dallat] in the Chair).*

*Members observed two minutes' silence.*

## Private Members' Business

### Antisocial Behaviour

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr D McIlveen:** I beg to move

*That this Assembly recognises the severe anxiety that antisocial behaviour is causing people living in our cities, towns and villages; and calls on the Minister of Justice to increase police powers to deal with the problem.*

I am grateful for the opportunity to bring the motion to the House. Before I get into the proposal proper, it is probably fair to accept that quite a bit of talk today will be about young people. The vast majority of young people in our society are to be highly commended. Today we have seen an example of a very fine young man, and I want to take this opportunity to welcome the safe return of Sergeant Gilad Shalit to his home. I met his family a number of months ago, and they have fought a very dignified campaign for his release. So, I want to put that on record and welcome his safe return to his family.

Before I begin to properly address antisocial behaviour, I will make one thing clear: this is in no way a case of raining down on the young people of our society. It is not an attempt to once again blame the so-called scourge of our youth for the problems of society. I am on record in the Assembly, as are many Members, as promoting young people and skills. One of

my real passions is ensuring that young people are well provided for and have the best possible opportunities in the future. Young people are the future of Northern Ireland, and I will continue to advocate for their rights on all fronts.

That said, most of the antisocial behaviour in our cities, towns and villages centres on young people under the age of 21. I also acknowledge that it is a tiny minority of young people who are involved in such behaviour. The vast majority are an absolute credit to our country. In my constituency alone, young people secure places in Cambridge University and Oxford University, and just last week I discovered that a Ballymoney school has qualified for the international mock trial championships in New York. However, a tiny minority is engaging in antisocial behaviour and is holding some of our cities, towns and villages to ransom.

The issue is best illustrated using an example from my constituency. There is an 83-year-old lady in my constituency who lives alone and has spent her life working hard, adding to her local community and providing for her family. In her old age, she just wants to live a quiet life in her home village. Night after night, however, that lady is subjected to intimidation. She watches as a small group of loitering teenagers becomes a large group of youths congregated outside her home. Although the group starts off small, she becomes increasingly intimidated as she sees the numbers swell. Whenever that lady phones the police, they tell her that, as no crime has been committed, there is nothing that they can do. The lady watches and waits, and soon the group starts to throw stones at her door and the crowd begins to get louder and more agitated. To the group, that may seem like harmless fun, but for this lady, whose name is Mary, it is absolute terror. Alone and afraid in the house, she phones the police again, because the group has started to throw stones at her door. The police come out to her house, but, by the

time that they arrive, the group, bored of its prey, has moved on. In its wake, it has left a harassed and terrified 83-year-old woman alone with nothing but the chips in her front door and a large hole in her hedge. That is completely unacceptable. The time that is allowed to elapse between a group of kids gathering outside a vulnerable old lady's door and the actual execution of an offence must be addressed.

The time has come to stop making excuses for young people who engage in that type of behaviour. I am, quite frankly, fed up with the hug-a-hoody approach, whereby we have to find 20 different excuses not to crack down on such behaviour rather than just accept that there is something that we can do. There are hundreds, even thousands, of people like Mary across the Province. Families, single people, couples and many other members of our communities are affected by antisocial behaviour. It is not simply an issue in our big cities. It is a problem in our towns, villages and hamlets, and, that being the case, the response must be equally far-reaching. At some point, we need to stop saying that police resources are stretched, that parents must take action, that we need to educate young people about this better or that we need to provide more sports pitches and community centres for the younger generation. I acknowledge that, in the long term, we need to improve in all those areas, but right now there are people in my constituency and others who are affected by this menacing minority. Increasing police powers of dispersal and getting the message to the police on the ground that they can use those powers is something that we can change immediately. Too often, I hear talk about holistic approaches and about providing for disaffected youth. Not often enough do we simply take action and do something to help those who are affected by antisocial behaviour.

Many of the young people involved need to learn to respect the police again. One of the ways to ensure that that happens is to provide the police with the relevant powers and to make sure that they then use them. I do not know about other Members, but it is not bored teenagers who come into my constituency office every day: it is families, couples, disabled people and pensioners, and I find that, far too often, they are coming in to complain about antisocial behaviour and, in many cases, are genuinely living in fear.

In England and Wales, the Anti-social Behaviour Act 2003 provides for the dispersal of groups and even grants the police the power to bring under-16s back to their home. That power is granted if:

*"any members of the public have been intimidated, harassed, alarmed or distressed as a result of the presence or behaviour of groups of two or more persons in public places".*

I call on the Minister of Justice to increase police powers so that they are in line with those in England and Wales or, if similar powers exist, to ensure that the police know that, so that such young people never get the opportunity to intimidate anyone. The intention behind the provision is not to use it in isolation but to provide a short-term solution to be used in conjunction with other measures. Despite my earlier protestations that we make too many excuses for these people, I recognise that that will have to be done. However, we can talk about the long-term approach to tackling crime at another time. The work of community groups, sports clubs and other organisations has been a lifeline to many young people who otherwise would have led a very different life. However, the issue that I am discussing here and now is antisocial behaviour. Although those groups could help to combat such behaviour, I am conscious that an overwhelming majority of young people do not feel the need to harass pensioners.

**Mr A Maginness:** Does the Member not agree that the motion that has been presented to the House by his good self is narrowly focused on increasing policing powers? He adverted to the wider context in which antisocial behaviour takes place, but his approach is from a law and order point of view initially, and he then hopes to deal with the wider social issues. Is that not the wrong approach? Should it not be at least a joined-up effort using policing powers and other resources in the community to deal with what is essentially a social problem?

**Mr D McIlveen:** I thank the Member for his intervention. As I may have already said — perhaps I will say it again — I have no issue with what he is bringing forward. I respect his view entirely, but the problem with a lot of these suggestions is that they take time. This is an urgent issue. I do not think that I speak in isolation as one representative with one constituent being terrified in their home. This is a wide-reaching problem. I accept that there

has to be a more far-reaching approach, but we have a problem now that needs to be dealt with urgently. If we do not give the lead to the police and the forces of law and order, time will pass, and more people — more pensioners in particular — will, unfortunately, find themselves in a distressing position such as the one in which the lady whom I mentioned finds herself.

There needs to be a measured approach. I accept that some people may consider antisocial behaviour to be a relatively benign offence. I in no way advocate large police Land Rovers pulling up, lifting 14- and 15-year-old youths, throwing them into a Land Rover and locking them away. That is not what we suggest for one minute, but —

**Mr Dickson:** Will the Member give way?

**Mr D McIlveen:** Yes.

**Mr Dickson:** Is that not exactly what you are asking for in the motion? More police powers would mean exactly what you have described: Land Rovers scooping up young people. There is adequate legislation on the books, and the police are doing a good job. A progressive approach will always be needed for any issue of antisocial behaviour.

**Mr Deputy Speaker:** The Member will have to bring his remarks to a close. In fact, time is up.

**Mr D McIlveen:** OK. I thank the Member for his intervention. If the police powers are already in place — I have already addressed this — let us get the message to the police that they have the powers. His Minister is equally culpable for that.

**Mr Deputy Speaker:** Your time is up.

**Mr Beggs:** I beg to move the following amendment: Leave out all after “villages;” and insert:

*“and calls on the Minister of Justice to delegate greater resources and responsibility to the community safety partnerships and the district policing partnerships to tackle the issue by working with local government and the community and voluntary sector to bring about local solutions; and further calls for a review of police powers to deal with this problem.”*

I declare an interest: I am a former councillor and member of a district policing partnership and community safety partnership, both for many years. It is with that knowledge and background that I come to the debate. I am also

involved in the voluntary and community sector: I am the voluntary director of the Carrickfergus community drugs and alcohol advisory group and a member of Horizon Sure Start.

The motion calls for increased powers to deal with antisocial behaviour. It implies that more powers for the police are the only thing that is needed. What exactly is antisocial behaviour? According to the Directgov website, it can be a wide range of things, including rowdy behaviour; noisy behaviour; night-time noise that affects people’s ability to sleep; threatening behaviour; drunken, yobbish behaviour; vandalism; litter; drinking; fireworks late at night; and abandoning cars in the street. A wide range of issues comes under that heading, and they can have a huge personal impact. Mention was made earlier of one vulnerable elderly resident. I am sure that others suffer from such activities as well. They can also have a huge community impact. The Research and Information Service briefed us that Belfast City Council has had to employ park rangers because it reckons that its parks suffer between £500,000 and £1 million of damage each year. I am not taking the subject lightly, but I want to ensure that we adopt policies that deliver —

**Mr Humphrey:** Will the Member give way?

**10.45 am**

**Mr Beggs:** I have only started, and I want the opportunity to deal with the issue.

It is recognised widely from surveys that the community is concerned about the issue. I am thinking of a recent survey by the Northern Ireland Policing Board. Thankfully, we appear to be going in the right direction, and, according to information on its website, the number of reports of antisocial behaviour has reduced by 17% this year compared with the previous period. In my constituency, there has been a reduction of 26% in Carrickfergus and Newtownabbey and of some 17% in Larne. Therefore, something is going in the right direction for once.

The view that more police powers are required is simplistic. A wide range of actions is required if we are to get the long-term behavioural improvements that ultimately will benefit the entire community. Therefore, it is important that we look at the range of changes that are necessary. More police powers are only one aspect that should be looked at carefully, which

is why our amendment refers to a review of police powers. Such a review would consider exactly what powers are needed and maximise what we have at present. If increasing police powers is necessary and if there is clear evidence of resulting benefits, it should be considered seriously.

We should look at prevention and intervention. Why was a detached youth worker not dispatched to the area where antisocial behaviour occurs regularly? The police would not need to be involved, and that would be a much more cost-effective —

**Mr Humphrey:** I thank the Member for giving way. He mentioned Belfast City Council's park rangers. Is he aware that it took the council a huge amount of time to recruit the rangers and the antisocial behaviour wardens? The council was unable to fill a number of places because the rangers are exposed to antisocial behaviour and violence. The same applies to detached and deployed youth workers, who are not trained to go into situations where there is extreme antisocial behaviour or almost a riotous situation.

**Mr Beggs:** Extreme antisocial behaviour and riotous situations are policing matters, and, therefore, those should be dealt with by the police under existing legislation. I am simply saying that we need to look at a range of activities.

I am concerned that the offending rates for 2008 show that youths who have been discharged from custody have a 68% likelihood of reoffending within the next year. Therefore, we need to be careful that whatever we do brings about results. We want to minimise the likelihood of reoffending, and we need to bear in mind the cost of incarcerating young people, perhaps as a result of some of this legislation, such as £100,000 a year per person —  
[Interruption.]

**Mr Deputy Speaker:** Order, please. The Member will resume his seat. I am so sorry that, so early in the day, I have to remind Members that you do not make remarks from a sedentary position. There is an opportunity for interventions, if the Member who has the Floor agrees. Continue, Mr Beggs.

**Mr Beggs:** There is the cost of incarceration, and incarceration is the appropriate penalty for some people. However, we need to be careful about what we do.

**Mr D McIlveen:** Will the Member give way?

**Mr Beggs:** I gave way a short time ago. Please allow me to develop my argument.

We ought to concentrate on prevention, the intervention stages and, when necessary, on enforcement. On the enforcement side, one of the biggest success stories in Northern Ireland is the acceptable behaviour contract (ABC). The result of that is huge changes in behaviour, which avoids expensive court time and prison. I also recognise that, if results do not occur, it may be appropriate for some to receive ASBOs or to be incarcerated. Those options are further down the list, and we need to take great care about being heavy-handed with such powerful actions.

I want to give examples of how partnership working, local solutions, local knowledge and dedicated working with families can bring about significant results. It has been drawn to my attention that Action for Children, through its early intervention project, is working in my constituency and in the Northern Trust area. Children and families are brought to its attention by the police, schools, education and welfare workers and social services. There are 70 live cases active at any one time. I am led to believe that, over the past three years, of those who have completed the additional family support programme, only three young people have subsequently been drawn to the police's attention. So, early intervention, working with families and giving support is a very effective way of dealing with the issue. That was not mentioned in the motion, which is one of the reasons why I tabled the amendment.

There has been another very successful programme delivered by Action for Children in the community and voluntary sector that involves working with a wide range of partners and gaining information. That project works with children and young people aged 13 to 17 who have an identified risk factor. Sometimes, there can be mental health issues or behavioural problems at school. Sometimes, the parents have issues of that nature. The project has identified young people who are at risk of offending. Again, that programme has had dramatic results in improving behaviour, and it has objective criteria that can be quantified. That programme is bringing about vast improvements in behaviour and is improving the

lives of hundreds of people today and will do so in the future.

**Mr Wells:** Will the Member give way?

**Mr Beggs:** Please allow me to finish.

The other aspect that is important is detached youth work. That is working very well in my constituency. Hotspots have been identified, and, perhaps, a vulnerable person who has been abused has been identified. Youth services can get detached youth workers. The YMCA in my constituency sometimes manages detached youth workers who are prepared to go into those situations, talk to young people, befriend them and attempt to give them wider experiences and a greater understanding of how the lives of others are being affected.

There was a recent situation in Eden, which was an area with no youth provision. A local church agreed to establish a youth club, and, instead of young people loitering in the corners and causing problems, they are now involved in constructive activity. That is a much better solution. I recognise that, where necessary, enforcement is proper. However, let us emphasise intervention and prevention so that very few people even get to that stage. That is the reason for the wording of my amendment.

We also have to recognise that there have been changes in recent legislation, such as the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011. Significant new powers have been given to local government to deal with some of these issues. Also, the Northern Ireland Housing Executive is working closely with the police and environmental services in councils, and they are dealing with problem tenants much more proactively.

We have to look at how effective we are in what we do. There are acceptable behaviour contracts, and 65% of young people change their behaviour after the first contract. Where it has been necessary to issue a third contract, the figure for those who change their behaviour is 93%. Only at that stage do ASBOs kick in in Northern Ireland. In England, there has been a lot of bad press over ASBOs, because they have been overused. However, ASBOs have been very useful in my constituency. I think of the McDonagh family, who were causing mayhem for local businesses. I am also aware that over 90 cars were abandoned in the Taylors Avenue area, which caused problems for the community.

**Mr Deputy Speaker:** Bring your remarks to a close, please.

**Mr Beggs:** Let us concentrate on prevention, then intervention and, if necessary, enforcement.

**Mr Sheehan:** Go raibh maith agat, a LeasCheann Comhairle. In principle, we are not opposed to giving police more powers, but, as a number of Members have said, this debate is wider than a debate on giving more powers to the police. So, we are opposed to the motion on three planks. First, the police are not asking for more powers. Secondly, the powers that the police have are not always utilised properly. Thirdly, experience shows that the best results in policing come when the police, the community and statutory agencies work together.

I suppose that most Members have regular contact with the police. I am in contact with police on the ground, with area and district commanders and, as a member of the Policing Board, I am in constant contact with senior command staff. As yet, no one has said to me that the police need more powers to deal with antisocial behaviour. They certainly mention other areas of the criminal justice system, such as the revolving door, whereby persistent and prolific offenders are given bail, and plea bargaining, particularly on serious offences. Those issues also need to be looked at.

In the lead-up to the elections, antisocial behaviour and low-level crime were the biggest issues that I faced on the doorstep in the area where I canvassed. There was also criticism of the police response. For example, local police were approached about a person glue-sniffing openly in the street in front of young children. Community representatives were told that glue-sniffing was not a criminal offence. That is true, but a senior police officer told me that, although glue-sniffing is not a criminal offence on its own, other criminal offences for which a person can be arrested are linked to people who sniff glue in public. Another example is that of a vulnerable single mother with three children. Her misfortune is that her house backs on to waste ground used by young people to hang about and cause trouble. When they smashed her back windows, she phoned the police at 7.00 pm, but no one had arrived by 9.30 pm. I got in contact with the police myself, and, fair enough, they were out 20 minutes later, but their initial response was not good enough.

Organisations other than the police are open to criticism. Some very young people of 10, 12, and 14 years of age are involved in antisocial behaviour. Organisations such as the Youth Justice Agency and social services should also be involved. It is not just the police who have to deal with that. Our experience shows —

**Mr Beggs:** Will the Member give way?

**Mr Sheehan:** Go ahead.

**Mr Beggs:** Your reference to 10-year-olds being involved in antisocial behaviour highlights the big issue of improving parenting skills in some areas.

**Mr Sheehan:** Absolutely, that is true, and I thank the Member for his intervention.

Our experience, particularly in west Belfast, is that policing works best when carried out in co-operation with the community. A number of years ago, car crime was endemic in west Belfast. As a result of lobbying by the local community, particularly by relatives of people bereaved through car crime, the PSNI set up a dedicated auto crime team. Since then, car crime, joyriding and death driving have practically died out in west Belfast. We need a model in which the police, community and statutory agencies work together. I am dismayed that the Upper Springfield Community Safety Forum will have its funding withdrawn soon. In 2009, a Criminal Justice Inspection report on the West Belfast Community Safety Forum stated that it had:

*“developed levels of trust and confidence between the community and in particular, the criminal justice agencies.”*

The report added:

*“Given the small amount of money received, this represents real value.”*

That is the way forward for policing. I will support the amendment.

**11.00 am**

**Mr A Maginness:** I welcome the debate and the fact that we are discussing what is a very important issue for many, many people persecuted by antisocial behaviour in their neighbourhood. That needs to be addressed.

It needs to be addressed thoroughly, so I thank the Member for introducing the motion.

However, Mr McIlveen's motion is very narrowly based because he is looking at one aspect of a problem that is much wider than simply policing. It involves parents, parenting, schools, the community at large and many statutory agencies; it is a very complex problem that should not be seen simply as a problem of criminality.

**Mr Wells:** Will the Member give way?

**Mr A Maginness:** I will indeed.

**Mr Wells:** The Member's generosity is in stark contrast to that of Mr Beggs. It will be a recurring theme amongst the liberal element of the Assembly — of which I am certainly not a member — this morning that this is a long-term process that will take many years and a whole series of programmes. The problem is that those who complain to me about antisocial behaviour, such as Mr McIlveen — *[Interruption.]* Sorry. That is probably one of them e-mailing me as I speak. They are pensioners; they are folks of 70 and 80 years of age, and single widowed ladies who live on their own. They do not have time for these programmes; they are looking for action now because, sadly, most of them will either be in residential homes or will have passed away before we can solve the problem. That is why the police need immediate powers to deal with the issue now, after which we can look at long-term programmes to deal with it fundamentally.

**Mr A Maginness:** I hear what you are saying, and it is reassuring that you have not turned liberal in your old age. There are no instant solutions. We would all love an instant solution, and if it were a policing solution I am sure that most of us would agree with that. However, there is no instant policing solution, so we have to deal with it patiently. We have to exercise our minds and use every resource, not just through the police but in the community, to deal with the issue. In most communities, the real powerhouse for change is schools, particularly our primary schools. They have the resources and understand the community very well because they deal with pupils and with parents.

**Mr B McCrea:** Will the Member give way?

**Mr A Maginness:** Yes, indeed.

**Mr B McCrea:** I will not detain the House. Will the Member agree that the evidence suggests that nursery schools and not just primary schools get

our young people and their parents to socialise and that that is a valuable contribution?

**Mr A Maginness:** In fairness, even Mr McIlveen accepted that early interventions were important. Most colleagues in the Chamber, whether liberal or not, would accept that early interventions are very important. However, schools have a role to play, and the primary schools have a foundational role in shaping the young people in our communities. Therefore, I welcome the wider approach of Mr Beggs's amendment because it draws in all the disparate elements in society that need to contribute to dealing with the problem. If we see it as a problem of law and order, we are falling short; if we see it as a wider social problem that all the agencies are required to look at and address, we will be successful in dealing with it.

Belfast City Council has been innovative through its use of park rangers and antisocial behaviour wardens. It may not have been as successful as people thought at first, but progress has certainly been made in reducing antisocial behaviour, and I am sure that the Department of Justice will indicate that antisocial behaviour in the community at large has fallen.

Mr McIlveen said that there is an urgency in this problem. Of course there is an urgency in this problem. However, let us not be stampeded into something unnecessarily. The police have not asked for additional powers. At this time, the police do have sufficient powers to deal with antisocial behaviour.

**Mr Humphrey:** Will the Member give way?

**Mr A Maginness:** I am running out of time, otherwise I would.

However, some behaviour —

**Mr Deputy Speaker:** Bring your remarks to a close please.

**Mr A Maginness:** Some behaviour cannot be characterised as being criminal behaviour —

**Mr Deputy Speaker:** Your time is up.

**Mr A Maginness:** — and that is the problem we must address.

**Mr Dickson:** I am glad to be able to speak about this important issue, as it affects people across Northern Ireland. According to the 2010 policing Omnibus survey, it affects only 13% of the population of Northern Ireland. That is not to

lessen the problem but an attempt to put it into context.

The most common antisocial behaviour incidents reported are rowdiness and excessive noise, which are a source of much distress to victims, as the proposer said, particularly to the elderly, who feel most vulnerable when they see groups of young people acting in that way. Therefore, it is commendable that the motion recognises the victims of antisocial behaviour and raises the issue of how we address it. However, how we address it is important. It should not simply be a matter of calling for additional powers for the police. As other colleagues in the Chamber have described, it is a matter of tackling the issue of antisocial behaviour on a broad range of fronts.

**Mr B McCrea:** Will the Member accept that this is not a debate between so-called liberals and so-called hawks but is about working out what is the most effective way of dealing with the matter appropriately?

**Mr Dickson:** Indeed I will. Reference was made to the lack of time and action. The reality is that you would need to be a mind reader, as would the police, if you were to take the time and the action that some Members propose should be taken. You need intelligence and, as Mr Beggs has indicated, you need to be able to identify the hot spots where the problems occur. You then need to determine the appropriate intervention — whether that is from youth workers or community organisations working in consort with the police — to deal with those problems.

There has been a reduction in antisocial behaviour across Northern Ireland by 20·7%. Indeed, there has been a high of 39% in the reduction of antisocial behaviour in north Down. That is down to good police work, with the police using innovative and imaginative ways and working with the community to tackle the problem. Like Mr Beggs, I am a former member of Carrickfergus District Policing Partnership. I stood with the police in the car park in Whitehead late at night and watched them take the most appropriate direct action, which was to take the blue bags of alcohol off young people who were drinking illegally and pour it out at their feet. That is the important way to deal with the matter. It is instant: those young people spent their £10 or £15, and do you know what? Their £15 was just poured out straight in front of them.

**Mr Humphrey:** I agree, and I absolutely commend the police for doing that. The difficulty is that, in inner-city parts of Belfast, the police may well have the powers, as Mr Maginness outlined earlier, but they simply do not have the resources to do that when hundreds of people congregate. It is fine in a car park at the seafront in Whitehead but not in inner-city Belfast when people are gathered in parks and other public places.

**Mr Dickson:** Clearly, there will be proportionality to all of this. I would be very concerned that the description of hundreds of young people gathering is something that is antisocial behaviour; it is, perhaps, veering on a situation where we would have a public-order incident. Believe me, groups of 30- and 40-plus can be seen, even in east Antrim. I have stood at Whitehead railway station, as has Mr Beggs, and seen 60 or 70 young people gathering in the evening and being well-policed and interventions happening on a wide range of issues.

**Ms Lo:** Does the Member agree that part of the problem is the availability of cheap drink, whereby people can become so drunk on a few bottles?

**Mr Dickson:** I agree that that is one in a range of problems. Other Members referred to glue-sniffing. Drugs are also available to young people. However, I came here today not to damn young people but to praise them. I came here to say that the vast majority of young people are involved in GAA, soccer and other sports clubs; in youth organisations; in one-on-one groups; and with youth workers, who do a tremendous job across Northern Ireland. Young people are involved with the police in a positive way. That is what the vast majority of young people do day and daily in Northern Ireland.

We should not be using scare tactics to deal with a minority of young people, for whom, I genuinely believe, a wide range of interventions are already available, many examples of which have been given in the Chamber. One of those examples is parenting orders. Many young people are taken home by the police, and the problem that the police officer discovers is that home is the very place to which the young person should not have been taken. That is a sad indictment of parents and, as other Members said, of schooling and preschooling. Those are the areas on which we need to be concentrating. We need to be making

good citizens, not bad citizens, out of good young people.

**Mr Wells:** During the most recent election, in May 2011, one of the things that encouraged me, as someone who has stood in elections for 30 years, was that it was the first time that I had gone to the polls where bread-and-butter issues dominated on the doorsteps. Up until that election, constitutional issues and security were the big-ticket items on which we were constantly being lobbied. When going around the doors in May, the two concerns that were most prevalent were health service, which is understandable, and antisocial behaviour. That was the message, particularly in the larger towns and villages in the constituency. People's message was that their lives were being plagued by antisocial behaviour.

I will give you a few of the examples that I encountered. In the older, historic part of the village of Annalong, gangs of youths are torturing pensioners who have lived in that part of the village all their lives, to the extent that many of them have been driven out by the antisocial behaviour. They simply cannot live there any longer. Such behaviour happens around this time of year, Halloween, when, unfortunately, fireworks are still all too prevalent. It is low-level activity: shoving the odd banger through the letterbox; wheeling a wheelie bin down into the harbour; or throwing stones at front doors.

There is a more sophisticated form of antisocial behaviour in Kilkeel, where the area between the two roundabouts is used as a race course. Once the police go home, the cars come out and zoom up and down the town to perhaps 1.00 am or 2.00 am. That may not be a crime, but it causes huge concern to people with small children who live in the centre of Kilkeel. However, the police can do very little about it.

Equally, there is a problem in Rathfriland. Young men race cars down the steep hills of that town. The problem is that there is very little that the police can do.

**Mr B McCrea:** Will the Member give way?

**Mr Wells:** I will certainly give way to the liberal.

**Mr B McCrea:** Having outlined his litany of concerns, perhaps Mr Wells can tell us what increased police powers he wants to see that will enable the police to deal with the problems that he has outlined. Can he give us specifics of

the powers that the police do not have now that he would like them to have?

**Mr Wells:** We should consider a power through which the police can get involved in a situation immediately and prevent it from happening, if it seems that the situation is likely to lead to antisocial behaviour. At present, the police can do very little until a crime is committed. It might be very difficult to confirm that a crime was committed in the situations that I have outlined, but the people whose lives are being tortured by the activity night after night perceive it as a real problem, and we have to do something about it.

I will give an example of one of the nastiest incidents that happened at Halloween in south Down. Someone thought it funny to tie fireworks to a pensioner's cat and blow it to pieces. Several scores of young people laughed their heads off when that happened. I take the point made by Mr Maginness and the other liberals here this morning —

**Mr Beggs:** Will the Member give way?

**Mr Wells:** I will, and that is in stark contrast to your generosity, Mr Beggs. *[Laughter.]*

**Mr Beggs:** Tying fireworks to a cat and mutilating and killing it is clearly a crime. What additional power do you need in that instance?

**Mr Wells:** The problem is that the gang was chasing the cat for several minutes before the actual event occurred. In fact, it was chasing it for half an hour. The difficulty was that, until that incident occurred, there was no antisocial behaviour.

### 11.15 am

I will return now to the points made by Mr Maginness and the Front Bench of the Ulster Unionist Party. We accept that long-term programmes need to be initiated to deal with the issue; there is no doubt that that is true. However, greater powers for the police and long-term programmes to deal with antisocial behaviour are not mutually exclusive; they can be run in tandem. The point that I was making in my intervention to Mr Maginness was that, at this time of year, I deal with people who are tortured night after night by the abuse of fireworks and antisocial behaviour. I could tell those people that we will initiate a long-term programme and that, in about 12 or 15 years, responsible parents and programmes to engage our young

people will have solve the problem. However, the difficulty is that we do not have the time.

I accept that, in the leafy suburbs of east Antrim and north Down, there has been a reduction in antisocial behaviour. However, there are still pockets throughout Northern Ireland, particularly in the inner city of Belfast, Londonderry and other larger urban centres, where antisocial behaviour still plagues the community. We need to take action now to bring it under control and then wheel out the programmes suggested by Members. Those programmes will be long term and very expensive, but some will remain unaffected by them. Let us be honest: although the vast majority of young people in Northern Ireland are decent citizens, there are still those who, frankly, are quite evil in what they are doing to our communities. They are feral, they have lost control, their parents no longer have any authority over them, and they cause great difficulties to our communities. The strong arm of the law must bring them under control.

I cannot accept Mr Beggs's point that the poor souls could end up in prison for a few weeks. They might need that short, sharp shock to bring them to their senses and make them realise that they cannot continue to torture their communities. Those affected are elderly people, handicapped people and single parents, and they cannot fight back. Those young people know the pain that they inflict on their communities, and we need the power to bring them under control. We also need to sit down and look at the root causes of the problems and develop the programmes to deal with those problems on a systematic and long-term basis.

We should not throw the baby out with the bath water. Let us get more powers to bring antisocial behaviour under control immediately.

**Mr G Kelly:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Members who tabled the motion and the amendment.

It might not look like it, but I believe that there is a wee bit of consensus in the Assembly that antisocial behaviour is not just a policing matter. It can impact on everyone. It certainly impacts on vulnerable sections of society, especially older people.

An array of views was put forward. Some Members felt that we should start in nursery schools and go the whole way through, and there were arguments from the other side that we cannot wait. However,

there is no quick solution to the issue, and any rush to legislation is always a mistake. Adequate legislation is already in place. Jim Wells mentioned cats. If someone chases a cat for half an hour, that is animal cruelty, and there are laws that can deal with that.

The issue of crowds of people building up in certain areas shows that antisocial behaviour is not just a police responsibility, although they should be involved in the response. As Jim Wells said, crowds build up in urban areas, and there are certain hot spots. Community representatives, the police and statutory bodies should be in place from early in the night to talk to those gathering when they number only five or 10. We have argued that point with police in north Belfast, and if that is done, you will find that crowds do not build up. It does not always work, but my experience is that it is effective most of the time. There is a responsibility not only on the police, but on the community sector, people in the community, the statutory sector and politicians. Indeed, I think that it was Mr Dickson who said that he has been out and that we all must go out, show leadership and talk to young people.

At a district level, we also have multi-agency approaches. In north Belfast, particularly in Ardoyne and on parts of the Antrim Road, we come together every two weeks and sit down with all of the statutory agencies to deal with the issues. The issue of antisocial behaviour comes up on the doorsteps and at those meetings, but people go out and do something about it.

There is proof that that response is working. Perhaps I am reading different statistics from Roy Beggs, but I think that there has been an 8.6% drop in antisocial behaviour in the past 12 months. However, that is an overall figure, and I know that he was talking about particular areas.

**Mr Beggs:** The statistics I cited were for the year to the end of August, compared with the same figure for the previous year.

**Mr G Kelly:** We make the same point. Antisocial behaviour is diminishing, which means that there are practices to control it which are proven to work in inner-city areas.

I agree entirely with the amendment, which calls for greater resources to be given to the community safety partnerships and the district policing partnerships. Of course, the policing and community safety partnerships (PCSPs)

are coming in to replace those bodies. I know that the Minister will talk about that later, and I ask him to talk about the resources. We must ensure that we have sufficient resources to create safer communities, and so the PCSPs must be empowered by adequate resources. We must not diminish the resources that already exist for district policing partnerships (DPPs) and community safety partnerships (CSPs). Safer communities are about reducing crime, the fear of crime and antisocial behaviour.

Let me use the example of the New Lodge area. Years ago, there was a period when hundreds of young people would gather at the bottom of the New Lodge Road. Over a period of time, between two and three years, a multi-agency approach was applied that involved going to the families and talking to the young people. It was like peeling an onion, if I can use that comparison. We worked our way through, until we found out who was causing the trouble. An awful lot of young people and others were hanging about.

There are ringleaders who cause trouble, and let us not be soft on them. They travel about urban areas and you will see them first in one area, then in another and another. That is where we need the pressure of the law through enforcement of legislation, and the legislation to do that already exists. We have had substantial discussions with the police and the courts about that, because recidivists are getting out of custody on bail again and again, causing the same trouble.

I am not here to criminalise young people: no one argues that that should be done. However, there is a difficulty; let us deal with it, pinpointing it first. Restorative justice practices have clearly shown their worth over the last number of years. PSNI officers argue that that is a very good way of moving forward, and they are involved in it. ASBOs have been heavily criticised. The use of acceptable behaviour contracts is also good practice, and they can work.

I support the UUP amendment, in the absence of a Sinn Féin amendment.

**Mr S Anderson:** I support the motion and commend my two colleagues who secured the debate. It has caused some fireworks thus far, especially — as my colleague Jim Wells has said — among the “liberal” Members.

I am also prepared to support the amendment, but I feel that it causes a degree of unnecessary

complication and that we do better to concentrate on the key priority, which is to ensure that the police have the necessary powers to tackle the scourge of antisocial behaviour.

Antisocial behaviour is a scourge, as has already been said. The debate focuses our minds on a subject that causes widespread concern throughout the whole community. As the motion states, antisocial behaviour affects "our cities, towns and villages". It is a sad state of affairs when a community is held to ransom by those who feel that they have a right to do so, when and as they want. The Minister will remind us that levels of antisocial behaviour have fallen by 20% since 2008. That is what was said last week in the House in reply to my colleague, Peter Weir. The latest police figure, to August, and published last month, has already been cited and it reveals a decline of 8.6%.

Those trends are welcome, but they do not tell the whole story; statistics rarely do. Just as falling road accident figures are of little comfort to those who have suffered from such accidents, those who have been victims of antisocial behaviour will not be overly impressed. There is a need for robust action to be taken to tackle antisocial behaviour. It is often associated with young people. Sometimes, we hear young people complain that that is unfair, and that they are being stereotyped. Perhaps they have a point. I know from my experience that there are many good young people who play a constructive part throughout our society, and it is important that we acknowledge that. In that connection, I want to play tribute to the important role of churches that do so much good work with young people, through youth clubs and the uniformed organisations.

However, there is a gang culture in our Province that is, sadly, centred mainly on young people and is often drink and drug fuelled. We need to tackle that reality. Such gangs can intimidate and terrorise local communities on a regular basis. They can also spoil a range of social and sporting events, and the public have a right to demand protection and tougher action.

To some degree, we are all affected by antisocial behaviour, but I am particularly concerned about the effect on the elderly and other vulnerable members of our society. We must get tough in the sort of situation in which vulnerable people are bullied and threatened on the streets, in their neighbourhoods and, indeed, sometimes

on their own property. The great and the good who make up the human rights industry in Northern Ireland will have many suggestions, but I would be surprised if any of those suggestions are included in proper police powers and tougher penalties.

Many underlying reasons are given for people behaving antisocially. Such underlying causes need to be looked at and addressed. No matter the reason or cause, there is never any excuse for antisocial behaviour: it is totally unacceptable. I fully support a joined-up response which involves the statutory and voluntary sectors. I also feel that parents need to face up to their responsibilities. Ultimately, the buck stops here. The onus is on us, as Members of a legislative Assembly, to ensure that the police and the courts are provided with the necessary tools. The message must —

**Mr Beggs:** Will the Member give way?

**Mr S Anderson:** No, I will not be giving way.

The message must go out loudly and clearly from the Assembly to those who engage in antisocial behaviour that there must be zero toleration. [Interruption.] We have the liberal wing again when I mentioned those points. When offenders are caught they must be punished in such a way that they will be discouraged from reoffending.

**Mr Humphrey:** Will the Member give way?

**Mr B McCrea:** Will the Member give way?

**Mr S Anderson:** I will give way to my —

**Mr Humphrey:** I thank the Member for giving way, and I welcome the fact that I am not part of the liberal coalition. On the issue of zero tolerance, the former Mayor of New York Rudolph Giuliani was viciously attacked by those on the liberal wing of that city for introducing zero tolerance of crime and criminality. Look at how that city has been transformed. That policy clearly delivered a city which is very welcoming to visitors, one that is safe to live in and travel to.

**Mr S Anderson:** My colleague certainly raises a good point, and who am I to argue with the Mayor of New York in his assessment and what he has been able to do there. I think that we could move —

**Mr B McCrea:** Will the Member give way?

**Mr S Anderson:** No, I want to finish and I am pushed for time.

We need to look at what preventative measures we have in place and consider their effectiveness. We need to look at current enforcement powers and see how they can be improved. For example, can more be done to make CCTV more effective? How do we see the future role of ASBOs? I am also alarmed at the number of ASBOs that have been broken, and at what happens when that happens. My figures state that up to 30% of ASBOs are broken. Can the police be given stronger, more flexible and more effective tools?

Her Majesty's Government have been considering a range of options, including better and more flexible police powers. We can also learn from the swift and robust action taken against lawbreakers during the summer riots in England. We must not rest on our laurels. More can and must be done.

**Mr Deputy Speaker:** Will the Member bring his remarks to a close, please?

**Mr S Anderson:** I fully support the motion and I am prepared to support the amendment.

**Mr McCallister:** Although Mr Anderson seems to have moved somewhat, and that is welcome, the debate, in which we have had some fooling around and joking over liberals and hawks, should not be about that. It should be about what works and what will deliver the best outcomes for children and young people who get involved in antisocial behaviour. During the debate, no one has argued against robust policing. However, it is about looking at what works and how to deal with the scourge of antisocial behaviour.

Of Members' contributions to the debate, two of the most poignant have come from my colleague Mr Beggs, in proposing the amendment. He set out the facts and statistics as to what works: how we intervene with families early; how we put contracts in place; how we get things such as detached youth workers in problem areas; how we address or tackle parenting skills difficulties in the home; and how we work in nursery schools and primary schools. It is about all those issues.

Mr Sheehan opened by making three points. First, he said that the police were not asking for more powers. We have not had any suggestions

from those on the DUP Benches about what further powers they would like the police to have specifically.

**11.30 am**

**Mr Wells:** Will the Member give way?

**Mr McCallister:** I will just finish, Mr Wells.

**Mr Wells:** He is scared to give way.

**Mr McCallister:** Secondly, Mr Sheehan talked about the community and statutory sector working together. We are all agreed on the need for that; it is absolutely key. Thirdly, he, of course, questioned whether the police were using the powers that they currently have. If they are not using those powers, why would you give them more? I will give way to Mr Wells, who alleged that I am afraid of him.

**Mr Wells:** I suggested that the police should have the power to intervene in situations where antisocial behaviour is likely to occur. If, on a Saturday night, a group of young people who have clearly been drinking grows in number from 20 to 30 and then to 40, the police should have the power to intervene to break up that group. At the moment, they cannot do so unless a crime has actually taken place.

**Mr McCallister:** A Member behind me just said, "Loitering with intent".

We have already established that the police have the powers to deal with the crimes that Mr Wells outlined. To attack and mutilate a cat is a crime, and there are powers to deal with that. If people are speeding in Kilkeel, traffic patrols in the area should deal with them.

**Mr Durkan:** I thank Mr McCallister for letting me in. I think that the Members on the DUP Benches are making the point that the police should be given powers to deal with not just crime itself but the fear of crime.

**Mr McCallister:** Mr Durkan makes a very useful point.

The statistics for — I will provide these since Mr Wells and I are Members for South Down — the drop in antisocial behaviour in the three district council areas that stretch over the South Down constituency are 23.4% in the Down District Council area, 16.3% in the Banbridge District Council area and 20% in the Newry and Mourne District Council area.

All the issues outlined are difficult to deal with, and we need a commitment from a wide range of agencies, to which the police are, of course, central, that they will deal with them.

**Mr Humphrey:** Will the Member give way?

**Mr McCallister:** Just let me finish this point. However, if what is being done is actually working and we are making progress, why change course at this point? You should continue to do what is working. As I said at the start, it is about outcomes.

**Mr Humphrey:** I thank Mr McCallister for giving way. Members on these Benches have consistently said that the police have the powers but there has been a failure to use those powers at times. There is another issue that must be remembered. At night-time, for example, there are six policemen covering the greater Shankill area. That is a huge issue, particularly given the fact that the Royal Irish Regiment has been taken off the streets. Commanders on the ground say that resource is a huge issue.

**Mr McCallister:** With respect to Mr Humphrey, he is arguing against his party's motion, which calls for the Minister of Justice to increase police powers to deal with the problem. It seems that he has moved to the position that we have been arguing for and has actually been swayed by the debate.

We are saying that it is about police response time. When people phone the police, they want a response. As other Members said, people do not want the police arriving three hours later or a police car driving past an area three hours later. That is what we are arguing for in our amendment. The motion is too narrowly focused on increasing police powers, when we should be making the argument that the police have the powers but are not using some of those powers to maximum effect. That is the point. We should focus on the outcomes that are working. We are getting reductions across district councils.

**Mr Deputy Speaker:** Draw your remarks to a close.

**Mr McCallister:** We need to keep building on that success rather than criminalising all young people.

**Mr Deputy Speaker:** Time is up. I can call Mr Conall McDevitt to speak very briefly.

**Mr McDevitt:** Mr Deputy Speaker, I genuinely appreciate your giving me just a couple of minutes in which to speak. I support the amendment. I am not sure that the Tea Party is going to get off the ground in Northern Ireland, but maybe the DUP sees a future for it.

The Assembly needs to fess up to having made a big mistake when debating this issue in the House over the past six months. Some six months ago, when the Justice Bill was before the previous Assembly, every Member passed up the opportunity to put into law a statutory duty to co-operate. On mature reflection, we all need to accept that, by passing up that opportunity to put into law a statutory duty on all statutory agencies to co-operate, we gave many agencies that should be involved in tackling antisocial behaviour at grass-roots level an opportunity not to commit to doing so in the way in which they should. Therefore, I would very much like the Minister to give a firm commitment to bring back a short amendment that would allow the House to right that wrong and to give us the statutory footing on which to proceed.

**Mr Deputy Speaker:** I ask the Member to bring his remarks to a close.

**Mr Ford (The Minister of Justice):** I welcome the opportunity to debate antisocial behaviour. If nothing else, it has been demonstrated by what has been said in the House that it is an issue of significant importance to society. The timing of the debate is quite opportune because, in the coming months, as part of the programme to reshape the justice system, I will look at the strategic priorities for the new community safety strategy, 'Building Safer, Shared and Confident Communities'. The final strategy will be the result of a comprehensive programme of engagement with local communities throughout Northern Ireland. I attended a number of public meetings that were held during the consultation period earlier in 2011. I heard directly from local communities on issues that were important to them. At all those meetings, antisocial behaviour featured as a top priority for local communities. The final strategy will reflect that.

It might be useful to look at what is and is not antisocial behaviour. The statutory definition is to have acted

*"in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as"*

the defendant. However, antisocial behaviour can mean different things to different people, with an understanding of what constitutes antisocial behaviour being influenced by a number of factors, including context, location and quality-of-life expectations. As a result, what might be considered to be antisocial by one person could be seen to be acceptable by another. The subjective nature of antisocial behaviour can make it difficult to identify a common understanding of the term.

The original premise of the term “antisocial behaviour” was to describe a range of behaviours that had a negative effect on quality-of-life issues: minor disorder and incivilities and behaviour that was below the threshold for criminal prosecution. However, the phrase has somehow gathered some kind of momentum. It now covers a host of issues, right up to and including rioting. Let us be absolutely clear that we distinguish between what is antisocial behaviour and what is criminal activity.

What “antisocial” means in a local context is best illustrated by looking at what causes harassment, alarm or distress. As many Members have highlighted, the most commonly reported incidents concern rowdy, nuisance or inconsiderate behaviour. That accounts for more than half the incidents of antisocial behaviour that have been reported in the past two years. What is really important — it has been highlighted by some Members — is the harm that that type of behaviour can have on its victims. Antisocial behaviour can have a very real impact on those who are directly affected. It can have a disproportionate impact, particularly on older and vulnerable people. It is, therefore, essential that all key stakeholders with responsibility work in partnership to communicate a clear message about their roles and responsibilities; the actions that they will take to deal with incidents of antisocial behaviour; the support that they will provide for victims; their plans to prevent antisocial behaviour; and measures to deal with perpetrators.

There have been successes to date, as Roy Beggs highlighted when he proposed the amendment. Other Members did the same in their contribution. Tackling antisocial behaviour is a key priority for my Department. We have a graduated response of prevention, intervention and enforcement, which has contributed to a 20% reduction in incidents of antisocial behaviour since 2007-08. I am determined to

build on that success and support communities to address local issues of concern. It is of interest that the target was 15%, yet we have achieved a reduction of more than 20%.

The leafy suburbs were mentioned. Although it is clear that there was a 37% reduction in antisocial behaviour in north Down, it is also the case that in Lagan Valley, which is perhaps not quite so leafy but certainly does not constitute the inner city, saw only a 3% reduction, while areas such as east and north Belfast saw reductions in the range of 16% and 17%. Therefore, the pattern is quite mixed across Northern Ireland, but, overall, the trend is down everywhere. That has been underpinned by the crime survey over the past three years, showing that downward trend. The three-year trend, which shows that the target has been exceeded, is significantly more important than what may happen in a one- or two-year circumstance. That success has been based on partnership working with key stakeholders at regional and local level adopting a graduated approach to antisocial behaviour and with the delivery of preventive measures to build community confidence. That encourages community involvement in crime prevention, the provision of physical measures to reduce crime and antisocial behaviour and proposals such as community safety wardens, neighbourhood watch schemes and CCTV. The whole package contributes, and one of the key issues highlighted in the Chamber is early intervention.

Community and voluntary groups have made a valuable contribution at local level to reducing antisocial behaviour, and I have had the pleasure of seeing at first hand the innovative approach that people have adopted in some areas around issues of local concern. For example, I recently helped to launch the ‘Hold it Down’ interactive computer game in Strabane. That was developed by Strabane Community Safety Partnership, with input from a number of young people in the area. It was designed to appeal to young people while delivering a warning about the risk of engaging in antisocial behaviour. That is positive constructive engagement at an early level.

The wider approach that we have developed has included intervention measures such as diversionary initiatives to reduce the potential for young people to be involved in antisocial behaviour and intergenerational initiatives to promote respect and understanding between older and younger people. We have also seen

positive use of semi-formal interventions, such as warning letters, which notify respondents of unacceptable behaviour and provide advice when their behaviour is being monitored. Mention was also made this morning of the use of acceptable behaviour contracts as an effective tool to prevent a recurrence of antisocial behaviour. When early interventions are not successful, it is clear that enforcement measures are needed, such as anti-social behaviour orders, which prohibit a named individual from continuing in specific antisocial acts, to protect communities from further incidents.

Through the consultation on the new community safety strategy, there has been broad support for that graduated response to antisocial behaviour and recognition of the benefits of early intervention to prevent individuals, particularly children and young people, engaging in antisocial behaviour. Antisocial behaviour is fundamentally a local problem; therefore, the long-term solutions will come in part from improved local partnership working and empowering individuals and communities to become engaged in finding solutions to local problems.

I welcome the support that Mr McDevitt has just given to the concept of the duty to co-operate. However, I am not sure that his two-minute speech this morning will have persuaded the majority of Ministers who are unwilling to accept it. Nevertheless, it is an issue that the House needs to keep under review.

Part of the amendment calls on me to delegate greater resources and responsibility to the community safety partnerships to tackle the issue by working with local government and the community and voluntary sector. As the Members who tabled the amendment will be aware, financial resources have been allocated for this year. Those resources are targeted towards priority areas, and it is clear that antisocial behaviour is a priority area for the great majority of local partnerships. That has been replicated in the policing plan. That ensures that resources are already prioritised towards antisocial behaviour, which is a point that Gerry Kelly raised. The Department and the Policing Board will soon be working on strategic priorities for the new PCSPs, and the significant resources that will be invested there will be prioritised towards meeting those objectives. The issue of resources will be kept under review if there is any opportunity to enhance the resources going forward. I believe that we

will see PCSPs playing a pivotal role in building confidence in the justice system and ensuring that the public help to develop solutions to tackle crime, the fear of crime and antisocial behaviour as we seek to build a safer society.

There was also recognition that enforcement measures may be required, although, perhaps, there was little agreement about what they might be. When the consultation process was set out, the document referred to the possibility of parenting orders, dispersal orders and support orders having been raised previously, but it said that they would be considered only if compelling arguments were presented during the consultation. There was a range of views, and the final report will reflect that, but, at the moment, I see little sign of any compelling case having been made for significant enhancement compared to the enhancement that is required at the preventive level.

We certainly have contrary views on the use of anti-social behaviour orders, for example. Some say that their current relatively limited and proportionate effect in Northern Ireland has been very effective as part of the range of powers. However, others, particularly those associated with children's rights groups and some children and young people, are concerned about the value of anti-social behaviour orders against the potential that they are in breach of the UN Convention on the Rights of the Child.

#### **11.45 am**

There has been some support for dispersal orders, although the PSNI has acknowledged that, if they were introduced, the powers would have to be used very sparingly and only when any other means had failed after trial.

**Mr Wells:** Will the Minister give way?

**Mr Ford:** Yes.

**Mr Wells:** I am glad that the Minister has raised the issue of dispersal orders. Why could they be used only sparingly? It strikes me that, in many of the examples of antisocial behaviour with which I deal, dispersal orders should be the first tactic used to deal with the situation immediately. Before an even larger crowd of antisocial youths gathers, they should be dispersed to various parts of the town or back to their homes to prevent a situation arising in the first place.

**Mr Ford:** I am quoting only the PSNI's advice. However, as a constituency MLA, I know examples of, in effect, the operation of an informal dispersal arrangement. One was a case of a single relatively junior female police officer going into a crowd of people before it got to a difficult size and simply suggesting that they go home and stop creating a nuisance. The great majority of them left, leaving one or two troublemakers to be dealt with by the force of law. That seems to me to be a perfect example of the right approach, which did not require dispersal orders.

Similarly, issues have been raised about parenting orders. Some see the potential benefits of parenting orders. There is general agreement on the vital role of parents and guardians in responding to antisocial behaviour and the benefits of providing support to parents. However, many people see that as the appropriate level of early intervention: provision of support for families as a preventative measure rather than waiting until a child or young person is caught up in the criminal justice system. That seems to be the area in which there is general agreement around the House. Although some Members seek more active police intervention at this stage, there seems to be general agreement that there needs to be much greater use of early intervention and a much greater commitment of resources. Of course, that is not necessarily an issue for the Department of Justice but is more for other Departments, notably the Department of Education and the Department of Health, Social Services and Public Safety.

I want to express appreciation of the level of interest in today's debate. It has illustrated the views that we heard as the issue was consulted on during the community safety strategy process. As the strategic priorities are developed, I will take full consideration of all the views that were raised in the consultation and those raised by Members in the House today. However, any decision on antisocial behaviour powers has to be assessed on what measures are appropriate, proportionate and effective to support cohesive working across the justice system. Legislation on its own will not impact on the antisocial behaviour that affects people's quality of life. That will be achieved only through what so many Members have talked about: sustained partnership working between agencies, voluntary groups and local communities and the delivery of a consistent and effective response to concerns about antisocial behaviour.

At the same time as we deal with the perpetrators, it is essential that key stakeholders who have a responsibility in this field target their resources to identify vulnerable victims of antisocial behaviour and to ensure that victims receive the support and protection that they deserve. I welcome the fact that the Chief Constable recently began the process of supporting victims by implementing a new operation system to deal with antisocial behaviour incidents and to identify those to whom antisocial behaviour causes the most harm. The new community safety strategy will underpin that approach to antisocial behaviour. Partnership working across government and the new PCSPs will ensure that issues of importance to local communities will be a priority.

As the motion states, I acknowledge that antisocial behaviour causes significant anxiety. We should also acknowledge that not only are the statistics of incidents of behaviour reducing but the level of anxiety is decreasing. It is not the function of the Assembly to add to that anxiety. We should recognise that the trend is moving in the right direction, although perhaps more slowly than we would hope. The key point is that antisocial behaviour is not an issue for the police or the justice system alone. It is an issue to which, as Mr Maginness said, a wider approach is required. Full partnership is required across a range of agencies and local communities. For that reason, I support the amendment.

**Mr B McCrea:** I am a little disappointed that Members to my left have attempted to characterise the debate as one of liberals versus hawks, as if somehow our views were not valid. The real issue about the motion is that the DUP has failed to make a case. It has failed to provide evidence to support its motion and has flown in the face of evidence that has been presented by other people. The motion is not only populist but ill conceived and flies in the face of the facts. It is vital for people to come forward and challenge these issues. I note people shaking their head, but they would not take interventions when we wished to debate the point, and I will make that point over and over again.

**Mr S Anderson:** Does the Member agree that the figures and statistics that we heard today do not represent the true picture? There are elderly people who are prisoners in their own home. They lock their doors at 4 o'clock or 5 o'clock

in the evening, when these antisocial people are outside their front door causing mayhem, because they are scared to come out until the next day. Why does the Member say that we on the DUP Benches are coming across with the wrong agenda?

**Mr B McCrea:** The Member has just done it to himself more eloquently than I could have done it. You do not accept the facts and figures produced by the PSNI, the Policing Board, the Minister of Justice or anybody else in this place.

Dealing with antisocial behaviour is a complex, long-term issue that thrives best with community involvement. At the risk of giving Pat Sheehan further applause, I will say that the police are not asking for more powers; they are not necessarily using the powers that they have all the time. The real issue is encouraging community involvement. Our amendment makes it clear that what we should be doing with the DPPs and the CSPs that have been set up —

**Mr Humphrey:** Will the Member give way?

**Mr B McCrea:** No, I will not give way now. I have done so once already.

We need to look now at how to get the proper resources into those areas. If you had read the research or bothered to do your homework, you would have seen what people are saying. Report after report says that people want more visible policing on the ground —

**Mr Deputy Speaker:** Order. Will the Member make his remarks through the Chair?

**Mr B McCrea:** As I was saying, Deputy Speaker, as I was admiring the fine artwork round here —  
[*Interruption.*]

**Mr Humphrey:** Will the Member give way?

**Mr B McCrea:** No, I will not, because you would not give way earlier when we were trying to have the debate. The issue is that you have been —  
[*Interruption.*]

**Mr Deputy Speaker:** Order. The Member will resume his seat. It would be very unfortunate if I were to find some Members guilty of antisocial behaviour during a debate on antisocial behaviour. [*Laughter.*] You should not make remarks from a sedentary position, and the Member will make his remarks through the Chair. Continue.

**Mr B McCrea:** Absolutely —

**Mr Campbell:** Calm down.

**Mr B McCrea:** Mr Deputy Speaker, I heard voices off to my left. I look to your direction on this.

**Mr Deputy Speaker:** The Member will resume his seat. I assure the Member that I am more than capable of looking after affairs.

**Mr B McCrea:** Mr Deputy Speaker, I look for your protection in all these matters and value your guidance.

I will deal with the issue because it is of supreme importance to many people. I do not deny that people are worried or that we need to address the issue. The question is how best to address it. The facts show that antisocial behaviour is responding to treatment and that many issues that were outlined here as failures to deal with the problem are, in themselves, criminal activities that should be dealt with in the appropriate manner. All of us have said —

**Mr Agnew:** Will the Member give way?

**Mr B McCrea:** I will see if it is OK with the Deputy Speaker.

**Mr Agnew:** I thank the Deputy Speaker, and I thank the Member for giving way, because I did not get a chance to speak in the debate. A point was made about evidence, and Mr Wells made the quite emotive comment that perhaps what some of them need is two weeks in prison. However, does the Member agree that the evidence does not support such an approach? Although it is an understandable emotional response, it is not one that is based on evidence.

**Mr B McCrea:** All the evidence suggests that, as the Committee for Justice was told:

*"indications from international research are that contact with the criminal justice system tends to accelerate criminality".*

Children and young people will stop offending most quickly if they are dealt with in another manner.

In my final couple of minutes, I will conclude by putting out a challenge. In dealing with this issue, when we look at what people want, we see that they want information. DPP surveys, which will have been brought forward by the Policing Board, show that people want the police to be there early; they want the police to be visible; they want to know what telephone

number they should call when there is an issue; and they want local people to get around the table and find local solutions to local problems. That is the key issue in all of this. It behoves everybody — not just the DUP but elements of the media — to behave responsibly and not to speculate, come forward with ill-founded opinions or try to make an issue out of it. People should look at the facts —

**Mr Deputy Speaker:** The Member will draw his remarks to a close.

**Mr B McCrea:** — look for what works and support the amendment. I would go so far as to reject the motion, because it is not going in the right direction.

**Mr Dunne:** How do I follow all that? All the issues have been well and truly covered.

Antisocial behaviour still affects people in every constituency in Northern Ireland, as was pointed out during the debate, and there was broad support for further action. The issue affects all our towns, cities and villages. It often adversely affects the elderly, which was illustrated many times today.

A recent survey carried out by the North Down DPP, in which 438 people took part, highlighted antisocial behaviour as the number one issue of concern. Therefore, it is an issue even in places such as north Down, which I represent. The Minister highlighted a decrease in incidents. However, as I said, in areas such as north Down, it is still the number one issue of concern.

**Mr Wells:** Figures have been quoted today, and significant decreases in incidents of antisocial behaviour are to be welcomed. However, even if we take the most optimistic figures quoted by Mr Ford and Mr Dickson of 20% or 21%, that still leaves around 80%. Therefore, it is a very important issue to the individuals who still suffer as a result of those incidents. It is no consolation to go to a little old lady in Annalong or Kilkeel and say, "The good news is that Warrenpoint and Castlewellan have had a 20% decrease". That is no consolation: those people are still being tortured.

**Mr Dunne:** Thank you, Mr Wells, for that information. A 'Belfast Telegraph' survey in August 2010 showed that 82% of people wanted robust action on antisocial behaviour. Such surveys go some way to representing the strength of feeling in the community on the issue.

My colleague Mr McIlveen, who proposed the motion, said that part of the problem is to do with how the police can combat and control antisocial behaviour. He made the point about increasing police powers, and I will come to that later. His main issue was the power of dispersal. He wants the police to have some power in that regard. There is no doubt that police have great difficulty taking direct action against those irresponsible young people because they are so tied up with legislation and the rights of everyone. That is the problem: the police operate under such tight scrutiny that they find it difficult to take proper action in dealing with antisocial behaviour.

The police have a key role in the issue, and I feel that it is vital that they have greater discretion to tackle the problem of antisocial behaviour in the most effective ways possible.

#### 12.00 noon

As the Minister has indicated, there is no doubt that we need a joined-up approach to tackle the issue, and much has been made of that today. There is a wide range of responsible players, including the PSNI, DPPs, CSPs, parents, teachers, youth workers, community workers and universities. They all have an important part to play in dealing with the issue. I know of two local councils in my constituency, North Down Borough Council and Ards Borough Council, which have set up dedicated antisocial behaviour teams to deal with the problem, and they have been relatively successful. The presence of the patrol vehicles around the area and their interaction with young people gives some reassurance to law-abiding citizens and also plays an important part in the deterrent factor.

Antisocial behaviour has many factors with a vital role to play, and it is important that there is a greater reduction in antisocial behaviour. Many young people are certainly not always to blame. Statistics show that they are often responsible for antisocial behaviour incidents, and we have to look at parental responsibility and the issue of truancy. We certainly welcome the reported statistical reductions in antisocial behaviour. The positive figures are welcome. However, statistics will not be any comfort to those victims of the problem who are prisoners in their own homes. They want to see robust action taken to tackle the problem head-on. More direct action is required by authorities to

deal with the problem. We need effective action, not empty promises.

There has been a very comprehensive debate and quite a bit of agreement on quite a number of the issues. David McIlveen, who proposed the motion, offered an illustration of an 83-year-old lady. That is what it comes back to. I think that some Members lose sight of what their constituents are living with and dealing with. He mentioned an 83-year-old who lives under intimidation. Stones are fired at her door, and there are holes in her hedge. The police are called, but, by the time they get there, the youths have disappeared, and no action is taken.

**Mr B McCrea:** I would like to place on record that we agree that such activity is reprehensible and should be absolutely condemned and stopped. However, I wonder what powers he is looking for or how we would improve that situation. What would we do to deal with that?

**Mr Dunne:** He mentioned the Anti-social Behaviour Act. His point is that he feels that there needs to be power of dispersal, so that the police can disperse a crowd early on, before a real situation or a real risk develops.

**Mr Murphy:** Will the Member give way?

**Mr Dunne:** No, thanks. Roy Beggs took the liberal point of view, when he made the point that calling for more police powers was a simplistic view and that we must take care not to be heavy-handed. Obviously, he does not live in the real world and know what is going on.

**Mr Beggs:** Will the Member give way?

**Mr Dunne:** No, thanks. Pat Sheehan made the point that the police have not been asked, police powers were not properly used and policing was more to do with the work of statutory agencies. He also mentioned that, in west Belfast, a lot of good policing went on with the community. He made his point about the loss of funding in relation to Upper Springfield Road.

Alban Maginness made the point that it amounted to persecution of the elderly folk. That is true. It is a reality that people are being persecuted in their homes. I think that that has been highlighted a number of times today. Maybe some Members do not recognise that. Maybe they are not in their constituencies enough to know what really is going on. Mr Maginness also made a good point about local primary schools.

He felt that they had an important part to play and that the early years were important.

**Mr Humphrey:** I am grateful to the Member for giving way. Does the Member agree with me that the motion proposed by Mr McIlveen and the amendment tabled by the Ulster Unionist Party — it seeks to have a review of powers to deal with the problem — are actually not a million miles away from each other?

**Mr Dunne:** Yes, indeed. Thank you for that. Stewart Dickson made the point that working with the community was very important. *[Interruption.]* He also talked about the positive aspects of young people, and those should be made clear today. He had a lot of praise for young people, and it is important that we do not stereotype them all. As Members on this side of the House made clear, it is a small minority that needs to be dealt with effectively.

Jim Wells, who is obviously a very active Member and is very proactive in his constituency, gave us a very clear example of what is happening in places such as Kilkeel, Rathfriland and Annalong, where young people are torturing elderly people with fireworks. Jim obviously has clear evidence of that, and he mentioned a cat. Jim is very involved in animal rights, and it is of great concern to him and, indeed, to everyone that a cat would be destroyed by fireworks. That type of behaviour is totally unacceptable. We have heard about that type of thing happening Province-wide, not just in South Down.

Gerry Kelly made the point that there is no quick answer, and he mentioned a multi-agency approach. Everyone can support that, because a multi-agency approach, with the police taking the lead, is needed. He mentioned restorative justice, thankfully very briefly, and —

**Mr Deputy Speaker:** The Member must bring his remarks to a close.

**Mr Dunne:** Other Members, such as Sydney Anderson, made the point about zero tolerance. John McCallister was more worried —

**Mr Deputy Speaker:** I am sorry; the Member's time is up.

**Mr Dunne:** Thank you very much, Mr Deputy Speaker. I will reluctantly support the amendment. *[Interruption.]*

**Mr Deputy Speaker:** Order.

Question, That the amendment be made, put and agreed to.

Main Question, as amended, put and agreed to.

Resolved:

*That this Assembly recognises the severe anxiety that antisocial behaviour is causing people living in our cities, towns and villages; and calls on the Minister of Justice to delegate greater resources and responsibility to the community safety partnerships and the district policing partnerships to tackle the issue by working with local government and the community and voluntary sector to bring about local solutions; and further calls for a review of police powers to deal with this problem.*

## Crown Estate

**Mr Deputy Speaker:** Order. The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer of the motion will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose the amendment and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr McMullan:** I beg to move

*That this Assembly calls on the Executive to consider the role of the Crown Estate along our coastline with a view to maximising any possible financial return to the Executive.*

Go raibh maith agat, a LeasCheann Comhairle. I support the motion, which will ensure that all powers currently held by the Crown Estate that deal with the seabed in our territorial waters as far as the 12-mile nautical limit are returned to and administered by the Assembly in the North of Ireland, solely for the purpose of creating present and future financial benefit for the local economy.

In July this year, the British Government commenced —

**Mr Allister:** Will the Member give way?

**Mr McMullan:** I have not really got started yet. I will allow you later on.

As recently as July this year, the British Government commenced their plans for a new coastal communities fund. That fund is equivalent to 50% of the revenue that is produced from our territorial waters and taken by the Crown Estate. At present, that total yearly income is £1 million. However, by the time that administrative costs come out of that sum, only 50% of it will be left — approximately £500,000. In fact, we believe that it could be in the order of just over £400,000.

**Mr Wells:** Will the Member give way?

**Mr McMullan:** Yes.

**Mr Wells:** What the Member is saying is not in compliance with the motion, which:

*“calls on the Executive to consider the role of the Crown Estate along our coastline with a view to*

*maximising any possible financial return to the Executive."*

You suggest that we transfer the functions of the Crown Estate Commissioners to the Northern Ireland Assembly. That is very different from what is in the motion before the House.

**Mr McMullan:** If the Member just waits until I get through what I am saying, he will see that I am asking the Executive to do a lot of that work. Just bear with me.

The funds are available for businesses, social enterprises and charities. The applications will be based on a bidding system. Coastal communities will not benefit from a scheme in that format. The main question is why only 50% of the revenue comes back. Why not 100%?

Let us set aside the coastal communities fund and, as I said to the Member, look at the real benefits that we would gain from having control of our seabed. The sea has always been one of the most productive areas for the food industry and aquaculture. At present, 81 fish farms are licensed by the Department of Agriculture and Rural Development (DARD). Of those, 48 are marine farm licences for the cultivation of shellfish and 33 are licences for fin fish, including rainbow trout, brown trout and salmon farms. The most recent figures, which were gathered in 2008, showed that the industry was worth approximately £9.5 million. The sea is fast becoming a major asset for tourism: beaches, harbours, marinas and bases for recreational boating. The number of cruise ships docking here in the North has risen, with the number of passengers increasing from 57,000 in 2009 to 62,000 in 2010.

Why do I mention that? Councils, harbours, ports, fish farms and shellfish operations, all of which are in Strangford and Carlingford, have leases on the seabed, as have gas pipelines, electricity connectors, gas storage and fibre optics. That means that they have to pay rent, which, of course, is paid to the Crown Estate. Wind farms have the potential to be the most lucrative market of all. Indeed, the lucrative market of Europe has suggested that offshore wind farms are more beneficial. In addition to the offshore wind farms, there are onshore buildings and cables that take the generated electricity to the grid.

Not that long ago, the Minister of Finance and Personnel said in the Assembly that we had to

seek out new revenue streams because of the cut in the block grant.

**Mr Storey:** To say that we are confused about where the Member is going is probably an understatement. How would, for example, the island of Rathlin in my North Antrim constituency benefit as a result of wind farms being placed there? Will he tell the House how the Crown, in any way, would be disadvantaged by placing a wind farm on Rathlin Island? The local community would benefit in the same way as the community on Gigha, on the west coast of Scotland. There is no disadvantage to the Crown. Will he explain where all this is going?

**Mr McMullan:** I am sure that the Member knows that I am not talking about putting wind farms anywhere. In the marine Bill that will come before the Assembly, Rathlin will be a zoned area, so it will have environmental protection. You did not listen to what I was saying. I will not get into that argument with you because you are famous for it. *[Laughter.]*

As a legislative body, we face cuts in all departmental budgets. However, we have a growing industry on our doorstep. While we face cuts in the block grant, the same Government who force those cuts on us earn £1 million from that industry, and that figure is rising. Everybody knows that that is unjust.

Many international companies have indicated their interest in the industry in the North of Ireland and in the development of marine renewable projects. A growing industry is right under our noses and could generate a financial boost for the North. At present, however, all revenue goes back to the Crown Estate.

The Department of Enterprise, Trade and Investment (DETI) —

**12.15 pm**

**Mr Allister:** Will the Member give way?

**Mr McMullan:** I have given way twice already.

**Mr Allister:** Not to me.

**Mr McMullan:** I know that.

DETI has also seen the huge potential for possible investment in the range of between £330 million and £880 million by 2020. The Minister of Enterprise, Trade and Investment and those who are responsible for the Crown Estate have said in writing that they will propose

new leases for the seabed where that will be beneficial to those who want to invest. It follows that an investment today of £1 million could be a massive amount by 2020. It could be £10 million or £20 million. We do not know the value of those leases or anything else.

For the benefit of the Assembly, I will read out some figures. Cables in the seabed bring a rental income of £323,000 a year. Commercial development brings £228,000 a year, mooring brings £11,000 and marinas bring £160,000. I point out to Members whose constituency lies in coastal areas that ratepayers are paying for that.

**Mr Storey:** They are keeping up the charges in Moyle.

**Mr Deputy Speaker:** Order, please. I am disappointed that I have to remind Members yet again that you do not make remarks from a sedentary position. When a Member moves a motion, he or she is entitled to do so.

**Mr McMullan:** I remind the Member that Rathlin Island, which he champions, is also paying rent for the moorings there.

**Mr Storey:** Speak to them.

**Mr McMullan:** We have spoken to them.

The pipelines bring in £870,000, but on the issue of wind farms, we are dependent on Europe because we have to reach a target of having 40% of our electricity from renewable sources by 2020. If all of that is going to be put on top of it, we must try to get as much out of it as we can. Invest NI is working to quantify the economic benefits from the marine sector. The latest figures show that in the region of 4,000 new jobs would come in as a result of the investment.

Members, it is my belief that that control of the seabed would give us greater influence with international companies. It would have great potential to create thousands of new jobs. It would also be a contributing factor in helping to tackle fuel poverty. There is a large scheme at Larne harbour, where an international company has applied to store gas under the seabed. We must get a part of that as well. The Scottish Parliament has been pushing for all of the Crown Estate that is in Scottish waters and on Scottish land to be handed back to it.

The motion could open up new ideas and see a new era for economic growth and employment potential. Already, organisations

such as Harland and Wolff, B9 and Deepblue Renewables are investing heavily in the marine industry. In fact, the Marine Current Turbine (MCT) SeaGen tidal project in Strangford lough, which was installed in 2008, was the world's first commercial-scale project to generate to a national grid.

**Mr Deputy Speaker:** Draw your remarks to a close, please.

**Mr McMullan:** Although so many commendable proposals are included in the proposed marine Bill, which is due to be published shortly —

**Mr Deputy Speaker:** Time is up.

**Mr McMullan:** — it still falls short. I ask the Assembly to accept the motion.

**Mr D Bradley:** I beg to move the following amendment: Leave out all after "Assembly" and insert:

*"notes schedule 3 paragraph 5 to the Northern Ireland Act 1998, which declares the foreshore, seabed and subsoil and their natural resources a reserved matter; and calls on the Executive to open negotiations with the Treasury in order to maximise any possible financial return from the Crown Estate to the Executive."*

Go raibh maith agat, a LeasCheann Comhairle. Tá an-áthas orm an leasú ar an rún a mholadh. Sin an fáth ar bheartaigh muid ar an leasú a thabhairt isteach nó go gceapaimid go gcuireann sé leis an rún, go dtreisíonn sé é agus leathnaíonn sé tionchair an rúin. I am pleased to propose the amendment to the motion. We have tabled the amendment because we believe that it adds to and strengthens the motion and expands its scope. The SDLP advocates a bold approach to deliver economic prosperity for the people of Northern Ireland.

We must recognise the current political position and how it affects the Executive's opportunity to develop the North's economy. The Executive's ability to gain potential financial returns from things such as renewable energy development off the shores of Northern Ireland is certainly complicated by the arcane nature of affairs, which still sees many relevant development areas coming under the ownership of the Crown Estate. Therefore, we must immediately open negotiations with the Treasury on the receipts from the Crown Estate and the related ownership issues. Indeed, we must go much further.

This is not the first time that we have highlighted the need to open negotiations with the Treasury on a range of issues. Our 2010 Westminster manifesto outlined the need to further devolve powers to Northern Ireland, and, with the prospect of the Executive going into negotiations with the Treasury on corporation tax, this debate should be widened and deepened for the benefit of our economy. Now is a good time to do that.

The other key proposals that the Executive must put forward in any negotiations with the Treasury, all of which are covered by the Northern Ireland Act 1998, include lowering corporation tax, which I mentioned earlier, and a wider maximisation of our fiscal discretion to provide further economic levers for this region. We should also open negotiations on the control of broadcasting, telecommunications and the internet, which all have a massive impact on our modern economy, on culture and on North/South relations. We should also negotiate the power to control our own aviation strategies to negate the current competition problems and boost industry and tourism. There is also an opportunity to control our own energy and mineral resources, which, aside from renewable energy development, could also provide the Executive —

**Mr Weir:** I thank the Member for giving way. To be fair, we accused the proposer of the motion of moving away from the motion's content. We now seemed to have moved from the seabed to aviation. I am wondering whether it is now SDLP policy for us to make a launch at the moon or Mars. Is an Ulsterman on the Moon the scope of SDLP ambitions?

**Mr D Bradley:** As regards an Ulsterman on the moon, there is a candidate who immediately comes to mind and shall, for the moment, remain nameless.

I thank the Member for his intervention, which is quite useful as it gives me the opportunity to direct him to the amendment that I am proposing. I am not proposing the motion; I am proposing the amendment. As I said in my opening remarks, the purpose of the amendment is to widen the scope of the motion, so I hope that the Member has been suitably enlightened on that point.

**Mr Weir:** Will the Member give way?

**Mr D Bradley:** I have given way already; do not be pushing it, please.

As I said, we have the opportunity to control our own energy and mineral resources, which, aside from renewable energy development, could also provide the Executive with more say in the development of contentious issues such as fracking.

There is also the chance to best protect the Northern Ireland public, particularly vulnerable people, through the ability to set our own minimum wage and national insurance levels and to oversee consumer protection. It would also benefit community organisations if we had control over lottery spending here.

That, of course, is not an exhaustive list, but in order to free up the Executive to take the necessary action to rebalance the economy and create jobs and economic growth, the SDLP has proposed a 25-year economic and financial framework compact with the Treasury.

**Mr Wells:** On a point of order, Mr Deputy Speaker. It is quite clear that the honourable Member for Newry and Armagh has drifted a long way from Crown Estate Commissioners and the utilisation of the seabed. We have gone into territory that none of us could have anticipated.

**Mr Deputy Speaker:** I encourage the Member to stick to the amendment.

**Mr D Bradley:** Thank you very much for that kind advice, Mr Deputy Speaker, and, as you know, I always take good advice.

The long-term project of rebalancing the economy would require this compact to be sustained even if Northern Ireland's constitutional position were to change democratically. This is the only way to take true control of our future. With regard to coastal revenues, arrangements are in place that particular councils here participate in. We would hope that those arrangements would continue if this matter were to be devolved to the Executive because certain councils derive considerable income from those arrangements. Tá an-áthas orm an leasú seo a mholadh, agus iarraim tacaíocht an Tionóil dó. I ask the House to support our amendment.

**Mr Hamilton:** After our brief diversion to the moon, I suspect that perhaps some people watching this think that some in this House are wired to the moon, to use the local parlance.

**Mr Humphrey:** I am grateful to the Member for giving way. Is the Member aware — the House should be aware — that the first man to set foot

on the moon was from Ulster extraction and was an Ulster Scot?

**Mr Hamilton:** Well, there we go. That is a useful piece of information that we have all gleaned this afternoon, and I thank the Member for that. *[Laughter.]*

**Mr Deputy Speaker:** Order, please. I encourage Members not to develop that theory and to stick to the subject.

**Mr Hamilton:** I am going to forgo, because I fear that others will elaborate more, the opportunity to concentrate my remarks on the obvious and blatant attack that this is on all things the Crown and British. It was implicit in the speech of the mover of the motion and a bit more explicit, I fear, in the speech of the mover of the amendment that this is about de-coupling Northern Ireland from the Crown and altering, by various means, the constitutional relationship —

**Mr Humphrey:** Will the Member give way?

**Mr Hamilton:** No, I will not give way — between Northern Ireland and the rest of the United Kingdom. I will forego the opportunity to talk about that, because I fear that others will elaborate on it much more than I am doing.

I did not know that the mover of the motion, Mr McMullan, was such an avid royal watcher. It must be a mere coincidence that he brings forward this motion to the House on the very day that Her Majesty's Government are publishing the biggest reform in 250 years of the way the royal family is funded. I did not know that he was such an avid royal watcher. Perhaps he is the Jenny Bond of Sinn Féin. However, he has picked today, which by a mere happy coincidence is the day of the publication of —

**Mr Molloy:** Will the Member give way?

**Mr Hamilton:** No, I will not give way — the Sovereign Grant Bill in Westminster. That Bill proposes to change how the royal family is funded away from the Civil List to a new system whereby the income that they receive as a family is pegged to the profits of the Crown Estate. So, here we are, we never talk about the Crown Estate and then, all of a sudden, we have a debate in here today, and on that very day a change is proposed to the way the royal family is funded to take account of profits from the Crown Estate.

**Mr McMullan:** Will the Member give way?

**Mr Hamilton:** No, I will not; I want to elaborate on that point. This is the first major reform in 250 years. I do not want to get into debate about whether the estimated £34 million that the royal family will receive is enough to do them. I have no experience of living how the royals do. I would happily live for —

**Mr Molloy:** On a point of order, Mr Deputy Speaker. Surely this is a distraction from the motion, and the Member knows fine well that it is the Business Committee that sets the date for when a motion will be debated here, not the Members themselves.

**Mr Deputy Speaker:** I encourage all sides of the House, please, to return to the motion.

**Mr Hamilton:** I accept that it is a fairly long-winded point, but I am getting to the point. The palace and the Treasury have negotiated a new way for funding the royal family based on the profits of the Crown Estate. The Chancellor of the Exchequer, George Osborne, is quoted as saying that he has dealt with this to ensure that:

*"my successors do not have to return to this issue as often as I have had to."*

That is a euphemism for long, painful, protracted negotiations having taken place between Treasury and the palace to agree this. There is no incentive for the palace to open up negotiations on its profits if what it takes in is dependent on the profits of the Crown Estate. There is no way that the Treasury will do it for £1 million from Northern Ireland. So, the whole basis of taking back money from the Crown Estate to Northern Ireland will not work in the context of the Bill that has been published today in Westminster.

### 12.30 pm

We are all very familiar with the weird and wacky revenue-stream ideas that Sinn Féin keeps producing. Nobody, least of all me, will underestimate the value of even the £400,000 that Mr McMullan spoke about, but are we seriously going to now talk to the Treasury and others about that £400,000? Are we going to focus on the supposed £400,000 that the Member is talking about, or do we want to talk to the Treasury about corporation tax? Let us get clear about this. What is the big picture here? Is that less important than what the Member is talking about?

There is also a point to be made about the circular movement of public money. Much of the

money that the Crown Estate gets from Northern Ireland comes from the ratepayers of Northern Ireland. For example, I know that Ards Borough Council pays about £30,000 over a period of years to lease various beaches. If this hare-brained idea actually comes to fruition and we were able to get that money back, why would we take it into the centre here in the Assembly and not give it back to local councils, which are feeling pressure to spend on their ratepayers?

When we are talking about the bigger picture of whether we want to discuss with the Treasury the £400,000 from the Crown Estate revenue or the benefits of corporation tax, let us not lose sight of the bigger picture of offshore renewables. If the Crown Estate is making a profit from the leasing of seabeds and, to use the Member's own word, it is so "lucrative" and profitable, why would the Crown Estate want to give up that revenue and hand it back to Northern Ireland? There is no incentive for that, and if we mess around in the way that the Member is proposing, there is every chance that the opportunity that we have to capitalise on offshore renewables and the huge potential that exists around his constituency and other Members' constituencies will be lost.

It is time to stop chasing moonbeams. This is a moonbeam — we are back to the moon again. We are chasing after nonsense and losing sight of the bigger picture. Get real; this sort of stuff has no place in this Assembly. We should not be discussing taking money off the Crown in a way that will antagonise elements of our community. We need to stop messing about and focus on the bigger picture, which is the potential of offshore renewables.

**Mr Deputy Speaker:** Will the Member draw his remarks to a close, please?

**Mr Hamilton:** Thank you very much.

**Mr Deputy Speaker:** The Business Committee has arranged to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time.

*The sitting was suspended at 12.32 pm.*

*On resuming (Mr Speaker in the Chair) —*

**2.00 pm**

## Oral Answers to Questions

### Agriculture and Rural Development

#### Flood Prevention

1. **Mrs Cochrane** asked the Minister of Agriculture and Rural Development for an update on her Department's flood prevention plans. (AQO 574/11-15)

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** My Department focuses on three key areas: prevention, protection and preparedness. First, we aim to prevent flooding damage by providing advice to the public and the Department of the Environment's Planning Service. That enables informed decisions to be taken and avoids building in areas at risk from flooding. Secondly, we provide protection to existing property at flood risk through the ongoing maintenance of the existing drainage and flood defences and, where viable, the construction of new defences. Thirdly, we prepare for flooding by working with key organisations to develop the flood risk management plans and a co-ordinated response to flood emergencies. Those three key areas of work have been translated into specific key targets in the annual business plans of the Rivers Agency, which are subject to scrutiny by me, the Department and the Agriculture and Rural Development Committee.

**Mrs Cochrane:** I thank the Minister for her answer. Although I appreciate that there is interagency work at a strategic level, it is often the case that, when a constituent reports a flooding problem to the Rivers Agency, the Roads Service or NI Water, none of those bodies will take responsibility. Does the Minister agree that any investigation into a flooding incident should involve all three agencies jointly, given that their networks are interconnected?

**Mrs O'Neill:** Go raibh maith agat. I thank the Member for her supplementary question. Absolutely; that is spot on if we are serious about tackling, in the long term, the problems that

people consistently face. Yesterday was another example of how flash flooding can affect areas that have been identified with the problem. The Fermanagh task force was a key example of how agencies come together to improve the situation. Therefore, interagency work should be key to how we tackle all those problems.

**Mr Campbell:** Is the Minister aware that there is a very effective flood prevention system in place at Ballykelly camp, which should assist in her deliberations about where she should locate the new DARD headquarters?

**Mrs O'Neill:** I do not know whether to thank the Member for his question or not. However, thank you for the information about the flood alleviation scheme. As I have said consistently, DARD headquarters will be considered in the round. It is not relevant to the question.

**Mr Flanagan:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for teeing up a question for me.

Given yesterday's serious flooding right across Fermanagh as a result of the unprecedented heavy rain that was, somehow, forecast, will the Minister give an update on the recommendations that were contained in the Fermanagh flooding task force report?

**Mrs O'Neill:** I thank the Member for his question. Obviously, yesterday was a particularly difficult day. The Rivers Agency received 150 calls, and around 60 properties were affected by the floods. We had 180 staff deployed with sandbags. I am glad to report that river levels have fallen today, and we continue to investigate all the incidents that occurred.

Fermanagh was a major issue, and we have seen the establishment of the flooding task force. My Department is responsible for implementing two of the task force's key recommendations. First, with regard to the management of the Erne system, the Rivers Agency is working with the Electricity Supply Board to examine options for improvement to the operational regime that will, hopefully, reduce the flood risk in future. That detailed work is due to be completed in the next financial year, and, if changes to the operational regime are recommended, they will need to be consulted on and taken forward. I want to ensure that stakeholders have every opportunity to influence any changes.

The second key recommendation relates to the consideration of options for a flood alleviation scheme at the Derrychara link. Having considered the situation, the Roads Service and my Rivers Agency have co-operated closely to provide a pump system at Derrychara link in the event of high lough levels. The Rivers Agency has also completed the work on the Killynure Lough drain to further help contain flows. We are progressing a lot of the work that was set out in the task force's recommendations, and we hope to have them implemented as quickly as possible.

**Mr Speaker:** Question 9 has been withdrawn and requires a written answer.

**Mr Byrne:** Will the Minister outline what preparation has been put in place by the Rivers Agency to ensure that enough sandbags are stored at depots? Secondly, will there be any compensation for the unfortunate victims whose houses have been flooded?

**Mrs O'Neill:** Thank you for the supplementary question. The Rivers Agency deployed 5,500 sandbags yesterday, so, obviously, we were equipped to deal with what happened. I do not think that there is an identified problem there.

Compensation is not something that I considered yesterday. We are still cleaning up from what happened yesterday and having full investigations of the problems. Subsequently, where possible, we will, hopefully, be able to identify programmes of improvement that we can take forward. Compensation is not within the remit of the Rivers Agency.

**Mr Copeland:** I thank the Minister for her flowing answers. I thank her also for the substantial amount of money that her Department has apportioned to flood alleviation works in east Belfast. That work was to take place in conjunction with another project that has not progressed at the speed that had been anticipated. Can she assure us of the current status of her commitment to that work and to that budget?

**Mrs O'Neill:** Belfast City Council is the employing authority, and it is in negotiations with the contractor. Those negotiations are ongoing, and we have to await their outcome before we can decide the next step. If no agreement is reached, there will still be a commitment from DARD and the Rivers Agency to continue with that flood alleviation scheme. It is a recognised

priority. If the negotiations do not have a successful outcome, we will have to consider what alternative methods of delivery are available to take forward the scheme.

Some £500,000 has been set aside for 2011-12. Three hundred and eighty five thousand pounds of that has been spent, and the remainder has been set aside for continuing works that will, hopefully, take place. We have also set aside an additional £500,000 within annually managed expenditure, so there is still an absolute commitment to take forward a scheme that is very much needed.

### **Dogs: Microchipping**

2. **Mr McCallister** asked the Minister of Agriculture and Rural Development to outline the legislation currently in place in relation to the microchipping of dogs for export. (AQO 575/11-15)

**Mrs O'Neill:** The legislation governing the export of commercial dogs to another member state is the Animals and Animal Products (Import and Export) Regulations 2006, as amended. The legislation requires that the commercial movement of dogs is in line with the requirements of Council directive 92/65 and, specifically in relation to identification, in line with EC regulations 998/2003. Article 4 of that regulation requires dogs to be identified by means of a microchip or a clearly readable tattoo applied before 3 July 2011. From 3 July, therefore, any newborn dogs that are to be exported to another member state will have to be microchipped.

In cases in which dogs are being exported to third countries, the conditions of the export health certificate that have been negotiated with that country will have to be complied with. Those conditions may include the identification by microchip, tattoo or some other distinguishing mark.

**Mr McCallister:** I am grateful to the Minister for her reply. Is the Minister aware of many local dog breeders' concerns that future changes to microchipping requirements in other countries may jeopardise future export markets?

**Mrs O'Neill:** In my capacity as an MLA, I have met dog breeders who have expressed those concerns. I intend to bring forward dog breeding legislation in the near future, but I will have to go out to consultation again to seek the views

of dog breeders. If it is a competitive market, we do not want to disadvantage local dog breeders in any way. There will be full consultation on the way forward. One of the proposals in that consultation will be that all pups should also be microchipped.

**Mr Brady:** I think the Minister has answered the question that I was going to ask, which was whether she intended to amend the dog breeding legislation to make it a requirement for all pups to be microchipped.

**Mrs O'Neill:** Yes. We intend to consult on that, and I think that it is imperative that all pups are microchipped.

### **Mountain Biking**

3. **Mr I McCrea** asked the Minister of Agriculture and Rural Development what progress has been made on the promotion of mountain biking in forests. (AQO 576/11-15)

**Mrs O'Neill:** The Forest Service's recreation and social use strategy acknowledges the benefits that can be achieved from working with partners to ensure that mountain biking and other recreational opportunities are fully developed. For that reason, the Forest Service is working in partnership with Down District Council, Newry and Mourne District Council and other partners, including the Tourist Board, to develop a 40 km mountain bike trail network at Castlewellan Forest Park and Rostrevor park. That will represent a significant new cycling resource in the North. Subject to an economic appraisal and other necessary approvals, it is hoped that the construction of the trails will commence later in the year. Concept proposals are also being worked up with Cookstown District Council for a trails project at Davagh forest, which will include provision for mountain biking.

As an example of the strategy in action, in June this year, the Forest Service, working with the National Trust, launched a 34 km multipurpose trail network at Castleward forest that includes cycling, pony trekking and walking routes. My Department already provides for cycling at a number of forests, including a mountain bike venue at Gortin Glen Forest Park, with mountain bike events also facilitated at a number of other forests on demand. There are family cycling trails at Castlewellan Forest Park, Gosford Forest Park and Castle Archdale Country Park; Reas wood forms part of the Loughshore cycle

trail; Belvoir Park forest has a cycle trail for a local club; and 32 km of Sustrans trails are located throughout many forests as part of the wider cycle network.

**Mr I McCrea:** The Minister referred to the trails project in Davagh forest. I want to put on record my welcome for the Department's work with Cookstown District Council in delivering that project, which is close to completion.

Will the Minister detail whether there have been any instances in forests, specifically Drumcairne wood, in which those who had installed their own equipment for mountain biking had it removed by the Department? Will she assure the House that she will work with local communities to encourage such activities and make them legal?

**Mrs O'Neill:** We must always be mindful of the legal challenges when working in partnership. However, the partnership approach to cycling, walking and other trails will be key to our delivery of the recreational and social use strategy. We particularly like to work with councils, simply because they have an interest in promoting tourism and attracting people to their area.

I am unsure whether anyone has been prevented from providing private services in Drumcairne wood. I will need to check on that, and I am happy to update the Member.

**Mr Ó hOisín:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. Will the Minister tell the House whether National Trails Day was a success?

**Mrs O'Neill:** Go raibh maith agat. Shane McEntee TD and I jointly launched National Trails Day on Sunday 2 October. For anyone who does not know, it is an event to celebrate and raise awareness of the wonderful variety of trails that we have, and it provides a chance for everyone to enjoy some of the most beautiful countryside, forests, mountains and lakes. This was the fourth year running that the Forest Service participated in National Trails Day in co-operation with Coillte, with 17 special events hosted and facilitated in our forests throughout the day. There were a number of activities such as woodland walks, red squirrel walks and horse-riding trails. All events were free, and they were a great way of attracting people into our forests.

Last year, more than 20,000 people enjoyed the trails in a variety of ways at over 185 events held across the country. The Forest Service hosted 15 such events in our parks and woodlands. I am proud of the success that we achieved through National Trails Day, and I hope that it will continue year on year. The fact that we were able to open up these areas free of charge presents a great opportunity to get people to value our natural resources.

**Mr Kinahan:** I note that, in previous ideas for by-laws, the promotion of mountain biking meant closing forests between dusk and dawn and, in the case of Randalstown forest, charging bikers £300, which meant that they went somewhere else. What other promotional ideas does the Minister have for those who want to use forests, such as those with shooting rights and others who want to participate in horse riding, quad biking, jogging and many other activities?

**Mrs O'Neill:** Go raibh maith agat. The Member referred to the recent consultation on the forestry by-laws, which demonstrated that there were many concerns about what was proposed. People felt that the proposed restrictions were perhaps unfair to those who wanted to access forests at night. I am considering all the views forwarded to the Department. I want to get a balanced way forward, and I do not want to restrict anyone's use of our forests. It is about being pragmatic and taking a sensible approach to the way forward.

The other issues that you raised are all part of the wider social and recreational use of our forests. As we develop our strategy, we are always looking for partnership ideas and new ideas to develop ways of accessing forests and using them to their fullest potential.

## 2.15 pm

**Mr McDevitt:** Does the Minister have any specific plans to reverse by-laws that prohibit the use of forest parks by mountain bikers between dusk and dawn? In her answer, could she please tell us when she was last on a mountain bike?

**Mrs O'Neill:** That was a dirty one. *[Laughter.]*

As I said, I am considering all the views of stakeholders who have expressed concerns about the forestry by-laws. I will take a pragmatic approach to the way forward. I am not interested in closing forests to anyone. I hope

to find a positive way forward with which no one will disagree.

I cannot remember the last time that I was on a mountain bike; I am sure that it was when I was a child. However, perhaps you are going to take me out some day and show me how it is done.

### **Small and Medium-sized Enterprises: Rural Areas**

**Mr Speaker:** Next on the list for a question is Dr McDonnell.

**Dr McDonnell:** Thank you very much, Mr Speaker. On a more serious topic, could I ask question 4, please?

4. **Dr McDonnell** asked the Minister of Agriculture and Rural Development what actions she has taken to enable the creation of small and medium-sized enterprises in rural areas. (AQO 577/11-15)

**Mrs O'Neill:** There we go.

Through the rural development programme, a number of grants are available to help existing and new rural businesses. For example, under axis 1 of the processing and marketing programme, with a profiled budget of £21.5 million to spend by the end of 2015, a grant of £8.4m has been committed to 27 companies. Officials are currently processing the 73 applications received under the most recent call, and some of those applications are from relatively small and medium-sized companies new to the sector. I hope that some of those letters of offer will issue shortly.

Under axis 3 of the rural development programme and under measure 3.1, "Diversification into non-agricultural activities" and measure 3.2, "Business creation and development", a total of £40 million is available to assist in the creation of new rural businesses and the development of existing rural businesses. A further £12 million is available under measure 3.3, "Encouragement of tourism activities", and, although that measure provides support for larger infrastructure projects, support is also available for small individual businesses providing tourist accommodation and tourism activity-based enterprises and craft facilities, to name a few examples.

The Member will recall that, only a couple of weeks ago, I strongly supported a motion on

rural businesses tabled by a Member from the north-west, and I re-emphasise what I said then: DARD cannot and should not be the sole provider of support to rural communities. My predecessor and I have worked hard through initiatives such as rural proofing and the rural White Paper to get others to accept rural issues as a main part of their business. So, aside from the direct advisory and financial support for rural businesses provided by my Department, there are many other parts of the Administration whose policies directly or indirectly affect our rural businesses, and planning permission is obviously a prime example of that. Skills, business support and the road and transport infrastructure are all key.

**Dr McDonnell:** I thank the Minister for her lengthy and detailed answer. Does the Minister agree that much more needs to be done to remove barriers to the development of small and medium-sized enterprises in rural areas? In these difficult economic times, many people are turning from farming and trying to create small business in parallel. Some of them tell me that, under the rural development programme, they find that they have to form a separate company, which incurs much more severe taxation. Can anything be done about those taxation rules? Furthermore, can something be done about the lack of broadband provision to some of those people?

**Mrs O'Neill:** The Department has shown its willingness to help people to diversify and to support rural businesses. There are a number of other key players, as I said. It is not just up to DARD to look after and protect rural communities. One of the biggest barriers to business expansion and the flourishing of rural enterprise is getting planning permission. That is the biggest challenge that people consistently raise with me. It was raised throughout the debate referred to earlier. Perhaps the Member will pick that up with his colleague the Minister of the Environment. I raised the issue with the Minister, but we need the Planning Service to take a pragmatic and realistic approach to planning for the future for rural businesses.

Taxation rules are not something that I have considered in DARD, but I am happy to look at the issue further. In relation to broadband —  
[*Interruption.*]

**Mr Speaker:** Order. Allow the Minister to continue.

**Mrs O'Neill:** In relation to rural broadband, I expect a question further down the line from my

colleague Barry McElduff. Rural broadband is a challenge that I am particularly interested in addressing. Under the anti-poverty and social exclusion strategy that I will bring forward, addressing the rural broadband problem will be a key target area. I spoke to the Enterprise, Trade and Investment Minister about that because we need to bridge the gap in rural areas, where it is clear that, even when people have access to broadband, the level and speed of broadband is sometimes not worth having. Those are particular challenges that we must address.

**Mr Speaker:** I encourage Members to be more focused when they ask supplementary questions. It is not a time for speeches.

**Mr T Clarke:** The Minister's previous answer on planning problems was interesting, bearing in mind the Member who asked the question. Will the Minister express an opinion on the fact that the same Minister is still considering PPS 24, which some of us see as having economic benefits, particularly in rural areas?

**Mrs O'Neill:** I am happy to explore that matter further with the Environment Minister. Anything that affects the rural way of life and the countryside concerns me. When it comes to all Departments' development strategies or policies — PPS 24 is one of those — everybody needs to be trained in rural proofing, so that they have a rural perspective on any strategies that are brought forward. Therefore, I am happy to take that up again with the Environment Minister.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. Tá ceist agam di. How many applications did the Minister's Department receive from small-scale food processors seeking grants of less than £50,000? Will those applications be processed?

**Mrs O'Neill:** The Department was pleased with the response from the agrifood sector to the reopening of the processing and marketing grant (PMG) scheme, for which 73 applications were received, seeking total grant aid of approximately £8.6 million. In respect of the small-scale processors, which are important because we are trying to encourage more small businesses to come forward, the Department received 44 applications for PMGs totalling about £1.4 million. It is hoped to assess and bring forward to final selection 22 of those applications during October and November this year.

**Mr McCarthy:** The Minister had the pleasure of visiting the best constituency in Northern Ireland when she opened the Northern Ireland ploughing championships in Portaferry at the weekend. She will have seen for herself how isolated Portaferry is. In her earlier answers, did I detect reluctance — perhaps even friction between her Department and Planning Service — when it comes to applications for rural businesses?

**Mrs O'Neill:** There are 18 constituencies in the North, and I am sure that every Member would have something to say about theirs being the nicest. Portaferry was lovely on Saturday, and it was great to be there as part of the ploughing championships. I met a lot of competitors who had taken part in Athy recently as well, so it was good for me to have that continuity.

I do not know whether "friction" is the word, but I am certainly concerned that, when it comes to the rural development programme, planning is a particular problem. It is one of many problems, particularly around funding from banks and so on. However, the DOE is a particular issue when it comes to planning, and we need to continue to press the Environment Minister to have his Planning Service look again at such applications and deal with them speedily.

## Agrifood

5. **Mr Molloy** asked the Minister of Agriculture and Rural Development when the new structures for advancing the agrifood sector are likely to be in place and for her assessment of the potential of this sector. AQO 578/11-15

**Mrs O'Neill:** I am grateful for this opportunity to outline plans for new food structures and to provide an assessment of the sector's potential. I recently met the Minister of Enterprise, Trade and Investment to discuss our approach to advancing the agrifood sector. I can report that work is under way to establish a food strategy board with an independent chair, and that will lead to the development of a longer-term approach to food, similar to Harvest 2020 in the South. That will build on the co-ordinated approach currently implemented under the Department's Focus on Food strategy, and the new structures are scheduled to be in place by the beginning of the new year.

I turn to an assessment of the sector's potential. Between 2007 and 2010, employment in the

food and drink processing sectors increased by 6%, while gross turnover increased by almost 30%. In agriculture, gross output increased by 20% over the same period. There is a strong self-belief and growing confidence in the agrifood sector about the future. The global human population is growing rapidly and is expected to increase by 1 billion by 2030 and 2 billion by 2050. In addition, water shortages and climate change are expected to impinge on the agricultural production capacity of other regions of the world. For those reasons, there is justifiable belief that the agrifood sector can continue to grow. The key is, of course, to grasp the opportunities that lie ahead, which is why the work of the food strategy board will be key in taking that forward.

We need to reach a shared plan for the export-led growth of that important sector, and that will require a team approach. So, I need to work with DETI, Invest NI, DEL and the industry in order to do all that we can to underpin the long-term future of the agrifood sector.

**Mr Molloy:** I thank the Minister for her answer. In view of the information that she provided, would it not be better to establish a dedicated food body similar to Bord Bia in the South?

**Mrs O'Neill:** Go raibh maith agat. I thank the Member for his question. Bord Bia is an excellent organisation that does very positive work for the agrifood industry. We have an established relationship with Bord Bia, and we work with it on a number of levels. Bord Bia also works with several similar groups here. For example, I recently met Food NI, the Livestock and Meat Commission and other groups that share a goal with Bord Bia and do similar work in the promotion of the agrifood industry. I believe that the new food strategy board will focus the efforts of those groups and will provide a more efficient and effective means of promoting our agrifood industry and achieving our goal of providing a sustainable future for agrifood in the longer term.

**Mrs D Kelly:** I am pleased to hear that the Minister met the Minister of Enterprise, Trade and Investment to discuss a range of issues. Will she indicate whether the cost of energy was on either of their agendas and whether they came to a resolution about assisting the agrifood industry to meet its high energy costs or, indeed, to find an alternative, such as renewable energy?

**Mrs O'Neill:** Go raibh maith agat. All those issues — climate change and the cost of energy — will be key to plotting a sustainable future for the agrifood industry. It is intended that the new food strategy board will have particular groups looking at different areas. That is one of the biggest challenges. It is about identifying barriers to growth and potential areas of growth and what we can then do, collectively, to address those areas. That is one of the key areas that will have to be looked at.

**Mrs Overend:** If the food strategy board is to be industry-led, will the Minister explain why half of it will be made up of government officials? Will she detail what budget and authority the board will have?

**Mrs O'Neill:** Go raibh maith agat. Thanks for the question. Prior to the food strategy board being set up, there were two groups: an industry advisory panel and an interdepartmental group. An independent review of those groups highlighted many positives. However, the fact that they were working as two separate organisations was a hindrance to the further development of the agrifood sector. That is why I decided to bring them together under one food board. I want the new group to be industry-led. That means that the industry will have more representation on the board than the civil servants. Unless the industry has ownership of the project, it will not believe in it or buy into it. So, it is key that the group is very much industry-led from the outset and that that remains the case right through to the delivery of the project.

The board will be advisory in nature. It will look at the potential for and the barriers to growth and will set targets for the way forward, be that in export, whatever we are aiming towards or whichever markets we can get into. In the current financial climate, it is not realistic for me to set aside a budget for the board. Given that the board is advisory in nature, it will assist us and whichever other Departments are buying into it, be it DETI, DARD, DEL or any of the other Departments, in directing our resources at the most targeted approach for the way forward.

## Potatoes

6. **Mr Swann** asked the Minister of Agriculture and Rural Development what assistance has been offered to the local producers of the cargo of seed potatoes that was sent to Morocco in 2010 and rejected. (AQO 579/11-15)

**Mrs O'Neill:** Since the rejection of seed potatoes in 2010, my predecessor Michelle Gildernew and officials have made vigorous attempts to assist the local growers affected through seeking a resolution. Immediately following the rejection of the south Down seed potatoes by Moroccan plant health officials, DARD engaged with other devolved Administrations and EU member states whose seed potato consignments had been rejected by Morocco. Additionally, officials engaged with and enlisted the support of representatives in Brussels and officials in the EU Directorate-General for Trade and the Directorate-General for Health and Consumers to try to resolve the situation and assist with ongoing trade by obtaining an official reinspection.

Officials visited Morocco, accompanied by a representative of the local growers, to ascertain the basis for the decision to reject the cargo and seek a reinspection of the cargo by the Moroccan authorities. Officials assessed the rejected cargo, accompanied by Moroccan officials and import trade representatives. The view of the officials was — this was supported by the Moroccan trade officials attending — that the cargo largely remained within notified tolerances for all disorders, including silver scurf.

In a further meeting with senior Moroccan officials, DARD formally registered its request for a review inspection, which was subsequently refused. Officials at that time assessed seven samples from the cargo and found that only one sample contained silver scurf at 6%, which exceeded the permitted tolerance by 1%. That result is not unusual, as the reassessment took place up to one month after the farm inspection in south Down. As the Member will know, silver scurf is a progressive potato skin disease. The quality of the cargo was largely within tolerance even after the period between it being assessed here and getting to Morocco.

### 2.30 pm

I fully appreciate the impact that the rejection has had on the individual farm businesses and families that were involved in exporting the consignment. That is why my Department has made strenuous efforts to try to bring the matter to a satisfactory resolution. However, interpretation and implementation of national regulations by a non-EU country such as Morocco is a sovereign matter for that country.

## Culture, Arts and Leisure

**Mr Speaker:** Questions 6, 10 and 11 have been withdrawn.

### DCAL: East Antrim

1. **Mr Beggs** asked the Minister of Culture, Arts and Leisure what funding her Department has allocated within the East Antrim constituency since 2007. (AQO 589/11-15)

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** I thank the Member for his question. I note that he asked the same question around this time last year. As he will know, the Department does not hold specific information on funding that is provided by its arm's-length bodies at the level of detail that his question specifies. To get that information, he may wish to contact some of the arm's-length bodies himself. I am sure that he is familiar with them. They include the Arts Council; Museums and Galleries; Libraries NI; the Sports Council; the Ulster-Scots Agency; Foras na Gaeilge; and NI Screen, to name but a few. I am happy to take a question on any specific issue that the Member has in mind.

**Mr Beggs:** East Antrim is one of 18 constituencies, yet it has been receiving between 0.4% and 2% of the budget that is being allocated. Will the Minister require equality of action from agencies? Will she be proactive with them in outreach to ensure that there are better-quality applications and, therefore, a higher success rate in East Antrim?

**Ms Ní Chuilín:** I appreciate the Member's concern. As an East Antrim representative, he is fighting his constituency's corner. Arm's-length bodies and Departments must ensure that there is rural proofing, as my colleague mentioned. If the Member has a specific concern other than just how much funding his constituency gets, I will certainly remind arm's-length bodies that they must ensure that there is equality of opportunity across the board.

**Mr Hilditch:** Will the Minister give a commitment to ensure that the rich hub of Ulster-Scots culture in East Antrim is fully recognised and developed?

**Ms Ní Chuilín:** Absolutely. I was not aware that it is not already fully recognised and developed. It certainly is my department. I am on record as being clear and consistent in my support of

the Ulster-Scots constituency, community and activities.

**Mr Ó hOisín:** Gabhaim buíochas leis an Aire. Can the Minister assure the House that, even though most are allocated through arm's-length bodies, Department of Culture, Arts and Leisure (DCAL) funds will not be centred in Belfast?

**Ms Ní Chuilín:** Absolutely. I recognise that there is often tension among towns, villages and, indeed, cities. I want to make it clear and make a commitment that the budget, albeit that most of it is administered through arm's-length bodies, needs to be applied across the board. Each town and village needs to receive the same attention and, hopefully, the appropriate investment that it believes that it deserves.

**Mr Dickson:** The museums policy document that was released by the Minister's predecessor in 2010 highlighted years of underinvestment. Will she pledge to support and develop cultural and heritage sites throughout East Antrim, bearing in mind the content of that document?

**Ms Ní Chuilín:** I thank the Member for his question, and I appreciate his raising it in such a timely way. We will consult with all the arm's-length bodies. It is ongoing. I will raise the issue on the Member's behalf and write to him regarding the outcome of that.

**Mr McDevitt:** Does the Minister accept that the buck stops with her, and, therefore, being unable to provide the House with the level of detail at constituency level may, ultimately, make it difficult for her to be able to assess properly the impact in equality terms of public funds being spent in sports and leisure across the North, but, specifically, in East Antrim?

**Ms Ní Chuilín:** It is not often that a Member for South Belfast shows concern for East Antrim, but I suppose that we can all be heartened by that. I wonder whether something else is focusing the Member's attention. All joking aside, I think that the point he makes is fair enough. If Members raise questions and concerns about investment in their constituencies, they are entitled to answers. However, sometimes, particularly in supplementary questions, people are very specific about programmes and issues and queries, and I do not have the detail of those at hand. That does not mean to say that I will not get it to the Members or that I will not get my point across, which I think was the underlying point that the Member was trying to make.

**Mr Speaker:** Question 4 has been withdrawn.

## Marching Bands

2. **Mr D McIlveen** asked the Minister of Culture, Arts and Leisure for her assessment of how adequately her Department supports marching bands in their search for funding, given that both the Arts Council and the Ulster-Scots Agency funding is limited and the criteria often do not apply to these groups. (AQO 590/11-15)

**Ms Ní Chuilín:** I thank the Member for his question. My Department offers substantial funding to marching bands from all communities. In the past five years, the Arts Council has provided over £800,000 to bands across the North through the musical instruments for bands scheme, over £90,000 through awards for all and the small grants programme, and over £800,000 for musical instruments tuition through the Ulster-Scots Agency's financial assistance scheme.

In addition, my Department has produced a toolkit for marching bands, which can be found on our website. It provides information on funding available, as well as guidance on building on existing strengths and encouraging new approaches to maximise opportunities for development.

**Mr D McIlveen:** I thank the Minister for her answer. Some £18.3 million of DCAL's annual budget has gone into Foras na Gaeilge. Forgive my pronunciation, but I have never had a great grasp of foreign languages. Clearly, that has had an impact on her ability to fund other projects. I wonder what advice she could give to my constituents who are in marching bands and are unable to obtain funding because the criteria of the Ulster-Scots Agency and the Arts Council has been constrained so much by budgetary reductions?

**Ms Ní Chuilín:** First of all, I take exception to the Member describing the Irish language as a foreign language, and I want to put that on the record. However, I appreciate his attempt to pronounce Foras na Gaeilge. At least he tried.

I met the Confederation of Ulster Bands less than a fortnight ago, and I thought that we had a very robust discussion. At no stage in that conversation did the bands raise the issue of parity of funding. What they wanted was continued support. They wanted to make sure that the processes that help them to

pass on their skills and talents to children in communities and villages are supported, and I gave the commitment that my Department would work with them to bring forward sustainability and better monitoring processes.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. Does DCAL provide funding to bands that participate in parades that do not comply with good and better relations practice?

**Ms Ní Chuilín:** No. DCAL makes sure that there is a commitment to promoting equality of opportunity, which includes good and better relations. Any organisations receiving funding through the Department and its arm's-length bodies must comply with the equality and good relations policies of the relevant funding organisations. Anyone who does not comply will not be eligible for funding. The Arts Council and the Ulster-Scots Agency have advised me that they do not fund or support any bands that do not fully comply with those requirements. Indeed, at the time of application, the Arts Council and the Ulster-Scots Agency also check individual band's websites to ensure that there is no evidence of content that would breach those requirements.

**Mr Swann:** I welcome the fact that the Minister has met the Confederation of Ulster Bands, and I look forward to reading that press release. Has the Minister recently read the review of marching bands research that her Department commissioned? Does she see any actions coming out of that review that will promote marching bands as an expression of Northern Ireland culture?

**Ms Ní Chuilín:** I do not know whose press release the Member is looking forward to, but I met them two weeks ago. They did not see fit to make a press issue out of the meeting, and nor did I. It was just part of ongoing work that I, as Minister, need to do to build relationships.

I think that the point that the Member is making is: do I believe that the bands have a role in our society and communities? Yes, I do; absolutely. It is important that we use and build on the research that has been done, which we discussed at the meeting, and ensure skills development and a provision to pass those skills on. It is about building on existing practice to make it better, which is something we can all agree on.

## 2012 Olympics: Chinese Gymnastics Team

3. **Mr McGlone** asked the Minister of Culture, Arts and Leisure for her assessment of the anticipated monetary value of the Chinese Olympic gymnastics team choosing to train in Northern Ireland. AQO 591/11-15

**Ms Ní Chuilín:** I thank the Member for his question. Key benefits will arise from the fact that the Chinese Olympic gymnastics team will train here. Those include the promotion of sport and of here as a world-class venue that the Chinese have chosen. The matter has been raised before. The Chinese team will come here with a film crew and presenters. Each day, coverage of their training camp will go out all over China. That will not only promote our facilities but create potential tourism benefits. It is particularly important given that China is one of the BRIC countries — Brazil, Russia, India and China — whose economies are developing rapidly. All the attention will provide a significant boost. We, along with Sport NI and other Departments, are keen to exploit the opportunity for local investment.

**Mr McGlone:** Go raibh maith agat, a Aire, as ucht an fhreagra sin. Thanks very much to the Minister for her reply. Will she provide us with details of any other nations that may yet have to confirm whether they have chosen locations in the North for 2012?

**Ms Ní Chuilín:** We made an announcement about the Chinese team a day or so after my last appearance at Question Time. Discussions are ongoing. I know that Members have an interest in trying to get more countries confirmed — three countries are confirmed so far — but it is important that Sport NI is given the flexibility to pursue the matter. There is a lot of commercial sensitivity around securing additional pre-games and qualifying events here. However, given my regular meetings with Sport NI, I am confident that it is doing everything that it can to enhance our potential.

**Mr Speaker:** I remind Members once again that they need to rise in their places continually.

**Mr Humphrey:** The Chinese team is coming to this part of the United Kingdom to train in Northern Ireland prior to the Olympics being held in London, our nation's capital. Will the Minister confirm the economic benefits of that visit to Northern Ireland?

**Ms Ní Chuilín:** When people come here for pre-games training and qualifying events, they will use local facilities, stay at local hotels, use restaurants, go shopping and take tours. The figures are speculative at this stage, and I think that they are very conservative. It will be only when we know the full complement of countries whose teams will come here for pre-games training and qualifying events that we can actually give a figure. I am reluctant to give a figure at this stage in case it is not realised. It is OK to give a conservative figure, and then it is a bonus if the figure goes above that. However, at this stage, I am reluctant to give a figure just for the sake of throwing one out.

**Mr Brady:** Go raibh maith agat, a Cheann Comhairle. Given the talk about nations' capitals, does the Minister have any update on proposals for the Olympic torch to visit Dublin? *[Interruption.]*

**Mr Speaker:** Order. Allow the Minister to answer.

**2.45 pm**

**Ms Ní Chuilín:** I recently met Lord Sebastian Coe and Pat Hickey of the London Organising Committee for the Olympic Games (LOCOG) and the Olympic Council of Ireland (OCI) respectively about bringing the Olympic torch to Dublin. I am aware that there has been speculation in the media, and I want to assure Members, particularly the Member who asked the supplementary question, that there is willingness to do this. However, the details that have appeared in the papers have not been agreed. We are actively promoting the travelling of the torch across the length and breadth of Ireland.

**Ms Lo:** The Chinese community is very pleased that the world-famous Chinese gymnasts will be coming to Northern Ireland. Does the Minister have plans to liaise with the community's support organisations to see what they can do to help make our visitors feel more welcome and at home?

**Ms Ní Chuilín:** Sport NI and the Department are working with the Chinese Welfare Association. The training camps are fairly isolated initiatives in which people will focus and concentrate. It is important to help the athletes coming here and broaden the appeal for tourism and local investment. That makes sense all round. Due to the nature, experience and reputation of the

Chinese Welfare Association, we are keen that it is involved throughout.

**Mr Speaker:** Question 4 has been withdrawn.

## Northern Ireland's 100th Anniversary

5. **Mr T Clarke** asked the Minister of Culture, Arts and Leisure what preparations her Department is making to mark Northern Ireland's 100th anniversary in 2021. (AQO 593/11-15)

## Ulster's Solemn League and Covenant

13. **Mrs Overend** asked the Minister of Culture, Arts and Leisure to outline any plans to commemorate the centenary of the Ulster solemn league and covenant. (AQO 601/11-15)

**Ms Ní Chuilín:** With your permission, a Cheann Comhairle, I will answer questions 5 and 13 together.

I am keen to build on the work already undertaken by my Department in relation to commemorations and to develop a suite of events and activities, which will include the themes established by my predecessor around the Titanic, the plantation and 2012-22. However, I also want to explore how DCAL can expand on those themes and deliver a truly inclusive programme of events. Therefore, I have asked my officials to work with the Community Relations Council to assist in the development of an overarching framework for commemorations, and to ensure that we develop a process that acknowledges the legacy and supports engagement.

I propose to develop a suite of events and outputs across DCAL's arm's-length bodies also, which is consistent with the overarching framework that offers value for money and an inclusive approach to remembering the past.

**Mr T Clarke:** I thank the Minister for the answer, although I am disappointed that she is referring all that work to her Department. Celebrating our 100th anniversary is a very significant event for Northern Ireland. At the time, King George visited the Province. Therefore, I suggest to the Minister, as I know that she wants to work with all her partners in the Republic and Great Britain, to encourage as many as possible to come to that celebration. Will she extend an invitation to her counterparts in the Republic of Ireland and across the UK, as well as to the reigning Monarch?

**Ms Ní Chuilín:** The short answer is no. I will not. *[Interruption.]*

**Mr Speaker:** Order.

**Mrs Overend:** There is a wealth of artwork in this Building that could be used in the commemorations. Does the Minister plan to make use of it?

**Ms Ní Chuilín:** It is not just the arm's-length bodies that are looking at the commemorations I have listed. As I outlined in my answer, additional commemorations and events must be added to those commemorations to make them inclusive. I am aware of work here, through the Arts Council and even through other bodies and institutions. I have asked my Department to ensure that the commemorations are as inclusive as possible, and representatives will talk with the Speaker, the Assembly Commission and other bodies so that we can use these Buildings to promote an inclusive suite of events as well as remembering our past.

**Mr Allister:** If, God forbid, the Minister is still in office in 2021, although she will not invite Her Majesty, if Her Majesty pays us the honour of a visit to mark this momentous occasion, will the Minister meet with her in that official capacity?

**Ms Ní Chuilín:** I am pleased that the Member actually asked me a direct question. It is impossible to answer questions about hypothetical situations. My term lasts only for four years. I do not know of any Minister who will be in office from 2011 to 2021.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle. Tá ceist agam don Aire. Does the Department directly fund historical commemorations and events? What commemorative events have been planned?

**Ms Ní Chuilín:** In short, the Department does not directly fund commemorations of historical events. As I said in answer to previous questions, the funding is administered through arm's-length bodies and applications will be judged on merit. I believe that the commemorations that are being worked on, which cover the period 1912 to 1922 and include the Titanic and the plantation, need to be expanded in order to make it a fully inclusive suite of events.

**Mr Speaker:** Question 6 has been withdrawn.

## Libraries Strategy

7. **Mr McCallister** asked the Minister of Culture, Arts and Leisure whether she intends to update the strategy 'Meeting the Demands for a Modern Public Library Service within Northern Ireland'. (AQO 595/11-15)

**Ms Ní Chuilín:** Meeting the demands for a modern public library service in the North is an operational process that is the responsibility of Libraries NI. It involves that organisation undertaking a three-stage review of how it delivers public library services. In the current challenging financial climate, organisations such as Libraries NI have operational responsibility to deliver the best possible service with reduced budget allocations.

**Mr McCallister:** I am grateful to the Minister for her reply. Does she intend changing the current public library standard?

**Ms Ní Chuilín:** When the Member refers to "changing the current public library standard", I am not sure whether he is asking if I am going to reverse decisions that are made by bodies that have operational responsibility, and I am not sure whether that is what he wants me to do. The Member is aware that decisions regarding stage 2 of the review into libraries are imminent. I want to make sure that every town, village and city has a library that is fit for purpose and can be accessed by everyone and that the stock is the same across the board, rather than it being pot luck depending on which library you walk into. I want to make sure that Libraries NI provides the best possible service within its budget for every constituent.

**Mr I McCrea:** The Minister may not be aware of the model that was used for delivering a new library in Cookstown in conjunction with the further education (FE) college. If she is not aware of it, it would be good for her to look at that model. Does she accept that that is a good example of joined-up government? Will she outline any concerns that she may have? Does she agree with some of the concerns that the reduction in opening hours of libraries will have a detrimental effect on local communities?

**Ms Ní Chuilín:** I thank the Member for his question. I will take his last point first. I have noted his concern, but I do not want to comment on it because the consultation is ongoing and it would be inappropriate for me to do so. For everybody's information: the consultation ends

on 2 December. I am sure that all Members will feed into that consultation, because it is really important that they do so.

The Cookstown model is held up as an exemplar, and there are others. It is important that library services, or any services in the community, do not sit in isolation. Where joined-up work can occur and works as best practice, we are keen to promote it, not just in my Department but across the Executive. I have heard about the library in Cookstown and the relationship that it has with the FE college and, for that matter, with the community in general.

**Mr Dallat:** I am sure that the Minister would agree that the library service has historically been the greatest weapon in the armoury of local people to combat illiteracy and innumeracy. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Dallat:** Will the Minister assure us that the consultation process on opening hours is in fact inclusive and is not simply an online questionnaire?

**Ms Ní Chuilín:** I appreciate the Member's interest and concerns around the way in which consultations have happened before. If the Member has evidence that the consultation that is under way into the reduction of opening hours by Libraries NI is an online questionnaire, I encourage him to bring it to me. That is not consultation but one form of consultation.

Consultation for people who are online is one way, but it is not representative of people across the North. If the Member has specific information that he feels is not enhancing an opportunity for people to take part in the latest consultation on the reduction of opening hours, I would welcome his views.

**Ms Gildernew:** Go raibh míle maith agat, a Cheann Comhairle. I thank the Minister for her answer. In relation to consultation, the meeting in the Moy last year, which was attended by Irene Knox, is an example of how a good consultation can be done with the community. We hope that the Moy Library can be saved as a result of that lobbying exercise. Is the Minister aware of the Health in Mind project that was launched last week, about the Library Service being used to help people who have poor mental health or to give advice, information and signposting etc, given the issues around World

Mental Health Day last week and the great work that the Library Service is doing on that?

**Ms Ní Chuilín:** I thank the Member for her supplementary question. I am aware of the work that takes place in libraries; it is not just about giving advice on books. The amount of work undertaken in libraries — not all libraries, but particular libraries in rural communities — is vast. Their support for better health promotion and for families and children and young people is a good example of libraries not being used for just one purpose. It took only 25 minutes for a Member to talk about the library in their constituency, although I appreciate the Member's point. Given the fact that the last supplementary question was about consultation, that is how consultation should happen. We do not want people finding out and being consulted as an afterthought; they should be involved in consultation throughout.

## Irish Language Strategy

8. **Mr D Bradley** asked the Minister of Culture, Arts and Leisure, given the problems encountered during the consultation on core-funded Irish language organisations, whether she will review the consultation proposals in light of her Department's emerging Irish language strategy. (AQO 596/11-15)

**Ms Ní Chuilín:** Thanks very much. Go raibh maith agat for the question. As the Member will know, since taking up office I have met the majority of core-funded Irish-language organisations. I intend to engage with those key stakeholders across the North in relation to the strategy and the Act development process, which is subject to public consultation.

**Mr D Bradley:** Go raibh míle maith agat arís, a Cheann Comhairle. Seo í mo cheist ar an Aire: an mbeidh an tAire sásta athruithe ar na moltaí atá sa tsamhail nua maoinithe a mholadh, i bhfianaise na bhfreagraí a thabharfar ar an cheistneoir comhairliúcháin? Is the Minister willing to propose changes to the new funding model in light of the answers that she receives through the consultation process?

**Ms Ní Chuilín:** The direct answer to the Member's question is that I was not happy with the consultation. To that end, at the North/South sectoral meeting, Jimmy Deenihan and I announced that there will be a new consultation in November that needs to be fully inclusive.

The core-funded Irish language bodies, like any other group in the community, are arguing for services and facilities for the constituents and people that they represent. The way in which the details of those schemes were brought forward almost made it impossible for people to consult. To that end, we have agreed a 12-week consultation starting in November.

**Mr Storey:** Has the Minister any plans to have lessons given to the deputy First Minister before he returns to his duties, given that the presidential programme on TG4 had to be in English, since Michael D Higgins was the only one who could speak the language competently?

**Mr Speaker:** Order. Members know that a supplementary question must relate to the original question. I continually say that there are supplementary questions that grow legs, and his one has grown a lot of legs.

**Mr P Maskey:** Go raibh maith agat, a Cheann Comhairle. Has the Minister brought her assessment of the consultation process on the core-funded bodies to the North/South Ministerial Council (NSMC) sectoral meeting?

**Ms Ní Chuilín:** Yes, I will do that, and I invite you to join me for 2015, along with Martin McGuinness. You are more than welcome.

In relation to the consultation —

**Mr T Clarke:** Will you be in office then?

**Mr Speaker:** Order.

**3.00 pm**

**Ms Ní Chuilín:** In relation to the consultation, I have already expanded on my answer to Dominic Bradley's question. The assessment is that a consultation must be full and rigorous, and people have to become involved. I appeal to the relevant bodies to take this new opportunity to bring forward their concerns. We need to make sure that the investment is protected and that the services are fit for purpose and are for not just the core-funded groups but the people and parents who rely on them.

## Question for Urgent Oral Answer

### Environment

#### **Agriculture: Organic Manure**

**Mr Speaker:** I have received notice from Mr Buchanan that he wishes to submit a question for urgent oral answer to the Minister of the Environment.

**Mr Buchanan** asked the Minister of the Environment to provide, as a matter of urgency, further clarification and certainty for farmers who were unable to spread organic manure before 15 October 2011 due to the wet weather over recent weeks.

#### **Mr Attwood (The Minister of the Environment):**

I thank the Member for his question. I met him and some of his colleagues yesterday to discuss this matter. In addition to my answer to this urgent oral question, a written statement will be provided for Members' attention.

I have been very preoccupied with this issue over the past two weeks, and I appreciate the gravity of the situation that a lot of farmers are facing. My travels around Northern Ireland, especially two Fridays ago, when I travelled from Coleraine to Omagh, have enabled me to testify to the difficulties that farmers were experiencing in that area and across a number of others. I have examined exhaustively, repeatedly and very determinedly the situation that has emerged to try to work to the best outcome in the interests of farmers and the Northern Ireland Government generally. Consequently, last Tuesday I tried to provide clarification and certainty, as the Member indicated in his question.

The consequence of that, given the legal advice that I received from a number of sources, was that I did not have legal cover. I do not have legal cover to grant a general extension beyond the close season. I had been advised that there was a risk that European auditors would impose fines if I did not have legal cover for any flexibility that I granted to farmers. Given that the Scottish Government had asked for flexibility from Europe and had been refused only in September, and given that I had interrogated the scale of rainfall across the North and by meteorological station, I believe that the

balanced and proportionate response was the one that I announced last Tuesday.

What was that balanced and proportionate response? Unlike the Republic of Ireland, there is provision in our nitrates regulations that says that no penalty may be imposed on farmers in a situation where, on a case-by-case, farmer-by-farmer basis, there is reasonable excuse for an inability to comply with the nitrates directive on slurry spreading in the close season and where farmers can produce evidence that that has been the case. As of last Tuesday my advice, which, I think, was broadly welcomed by the farming leadership and, from what I hear, by a lot of farmers, was that farmers should keep a record of evidence — an audit trail — of the fact that, in the run-up to midnight on Saturday, they were not in a position to spread slurry, given the state of their lands. My advice was also that, as a consequence of that, in the event that it was brought to my officials' attention, the fact that they kept an evidence trail would inform the Department about any decisions that it might take on farm payments.

As a consequence of that, in my view, on a case-by-case basis — I accept that that may amount to significant volumes of farmers — there was sufficient legal cover and legal protection for the farmer to not comply with the end of the season at midnight on Saturday. In addition, they would have the protection thereafter that, at some time in the future — given the weather conditions it is uncertain when slurry may or may not be spread — they would have protection for non-compliance with the end of the season because they were able to prove a reasoned excuse.

The balanced and proportionate response that I have outlined today was the right way to protect individual farmers, the farming industry and the Northern Ireland Government from intervention by EU auditors.

I have made it absolutely clear to my officials, and through them to the people on the front line of the agency which manages this situation, that farmers in those circumstances will be supported by the Department to the limits of my office, that the agency should look positively at the cases presented by farmers in which there is reasonable excuse, and that decisions will be informed by not only what the farmer says but by the hard evidence from the Met Office of the

scale of rainfall in those areas that are most adversely affected over the next period of time.

I have not outlined any deadline for the spreading of slurry. Some areas in the west were affected even more adversely by the rain yesterday. In all of those circumstances, it may be some time, but, hopefully, not long, before farmers who have not been able to comply with the close of season but have reasonable excuse will be in a position to spread the slurry.

**Mr Buchanan:** I thank the Minister for coming to the House to answer this very important question. It is of extreme concern to many in the farming community throughout Northern Ireland. I welcome the statement, and I think that we can all endorse the final paragraph. The Minister said that the decision will result in relief to, and protection of, farmers who are in genuine difficulty in a way that protects the interests of the farmer, the Government, the economy and the environment. We are all looking for that.

Minister, one critical factor in all of this is that the Northern Ireland Environment Agency (NIEA) takes full account of, and looks positively on, all evidence provided by farmers who have to spread slurry in the closed period and that they are not left out on a limb. One criterion being used is the pre-quoted rainfall in each area of Northern Ireland. You said that you were in west Tyrone last week. The rainfall that we have witnessed over the past month or more has been excessive. Will any areas in Northern Ireland fall outside the criteria? In other words, will there be areas in which the level of rainfall is insufficient to meet the criteria to allow farmers to spread slurry in the closed period?

**Mr Attwood:** I thank the Member for his question and for what he said about endorsing the last paragraph of the statement. The responsibility of the Minister in a case such as this is to provide short-term relief to those in need while providing long-term protection to the industry going forward. That is the balance that I had to strike. The Department has extensively recorded all the meetings that I have held up to last Tuesday and since. If the European authorities come asking, those records will justify our thinking and the reasons for what I said last Tuesday and today about protecting the individual farmer and the Northern Ireland economy.

I repeat that I said to my senior officials and one or two people at the operational end of the agency that, in their engagement with individual

farmers, they will need to follow through what I have said in writing and in public; namely that it is up to the farmer to produce that evidence base, because the farmer knows his soil and field conditions better than anybody. He knows whether tractors can get out, when he brought in the harvest and what the risk might be from neighbouring water courses and all the rest of it. We must give sovereignty to the farmer in this regard. The individual farmer knows his farm, conditions and capacity to spread slurry.

Therefore, it is for the farmer to provide the evidence, the audit and the conclusive proof, to the satisfaction of the Department, that the defence of reasonable excuse can be relied upon. I must stress that the individual farmer has the prime responsibility and that, if there are individual farmers who do not have the reasonable evidence and are simply taking advantage of the reasonable excuse provision that is in the law, I cannot offer those farmers any comfort. Any and all other farmers who have the evidence base and are on the right side of reasonable excuse will not be out on a limb on their own.

We have to interrogate each case, otherwise, quite properly, the European authorities will say that we are in breach of our nitrates obligations. We know the history of the nitrates obligations and their importance for our water quality and sustainable farming. I do not want to go there, never mind go there with the risk of financial penalty, which I have been advised could be up to £30 million.

There will be cases of individual farmers in the North who may fall outside the reasonable excuse provision. You will not get any statement from me to the contrary, because, otherwise, I would be making a statement in breach of my legal obligations, legal advice and the accommodation that has been put into law by our own Government with the agreement of the European authorities. You will not tempt me, and no one should tempt me, to try to go beyond the balanced —

**Mr Weir:** Go on.

**Mr Attwood:** Maybe another time.

You will not tempt me to navigate a path other than the one that we have navigated. I reassure Members that I thought long and hard about whether a general relief should be given across the North or across regions of the North where

the rainfall figures indicated a more severe situation. I spoke to Minister Hogan, my colleague in the South, about the relief that he gave to parts of the west of Ireland on the basis of the severe circumstances that they face. Unlike the North, Minister Hogan did not have the legal cover of the defence of reasonable excuse. Although he will no doubt produce a narrative that justifies what he has done, it is my understanding that what he has done is, *prima facie*, beyond his legal competence. I say that with all due regard to the authority of the Minister for the Environment, Community and Local Government and subject to his correction.

There will be people in the most affected areas who fall outside the reasonable excuse provision. Farmers in areas that have been less affected by rain in the past six or seven weeks who do not produce a reasonable excuse cannot anticipate that they will be able to rely on reasonable excuse. I have instructed officials of the fact, and said in the statement, that the overall rainfall in each of the Met Office substations will be a background factor and a feature in making decisions on individual cases.

**Ms Lo (The Chairperson of the Committee for the Environment):** Last Tuesday, the Environment Committee was informed of the Minister's intention to relax the rules on the closed period for slurry spreading. On behalf of the Committee, I welcome his clarification of his proposals. The Committee recognises the pressure that farmers are under to empty slurry tanks. However, it is important that we also protect our rivers and lakes from pollution. There is an importance balance to be struck, not only from the perspective of the local environment but because we know that the European Commission is keeping a close eye on water quality here and that any increase in pollution is likely to result in farmers facing much tighter restrictions on slurry spreading in the longer term.

The issue of resources is always to the fore when the Committee questions enforcement by the Department. How will the Minister ensure that the relaxation of the closed period will not lead to increased pollution? How much is he allocating for any additional enforcement that is required?

**Mr Attwood:** I thank the Member for her question and agree with the broad sentiment of its earlier part. Part of the character of the

North and part of the quality of our lives comes from the fact that we are, and should be more, clean and green, to borrow a phrase.

**3.15 pm**

**Mr A Maginness:** Green.

**Mr Attwood:** Thank you, Alban. Red and green.

The green and clean credentials of this part of this island are vital for our farming industry, for economic growth, for attracting tourism and for increasing tourist spend. We need to view this issue and nitrates obligations in that context.

I concur with another issue raised by the Chairperson of the Committee: we are being watched very closely by Europe. We are being watched so closely by Europe that some people tell me, and I take this at face value, that there are people in the European Union who believe that our closed season is too short and should be increased so that the opportunity to spread organic manure is more concentrated over the summer season. So, I needed to be very mindful that, when it came to the politics and policy context of this, I was absolutely going down the middle path that was consistent with the law but also consistent with some level of flexibility, mindful that the background to this is that some people think that we should have much more rigorous standards when it comes to nitrates and the length of the closed season.

Last night, on my way to Derry, I got a text from somebody warning me to be careful of driving, given the flooded roads. If you were travelling from Dungiven to Derry last night, especially in the low-lying areas, there was water four-, five- and six-foot deep. That was just a consequence of the rainfall in that part of the North.

So, I continued to monitor the Met Office figures, right up to those it produced last night, in order to make an assessment about the proportionate and balanced approach to adopt in this matter and to decide whether there were any grounds — and there are not at this stage — to go further than that. I hope that I have answered the questions. If I missed the last one, I will come back to the Member.

**Mrs D Kelly (The Deputy Chairperson of the Committee for Agriculture and Rural Development):** Following the Minister of the Environment's statement on 11 October, Paul Frew, the Chairperson of the Committee for Agriculture and Rural Development, wrote to the

Minister of the Environment on behalf of the Agriculture Committee, calling on him to provide clarity on his statement, including detailed definitions of what constitutes reasonable excuse and reasonable steps.

I have seen the Minister's written statement, which was released earlier today, and listened carefully to what he said this afternoon. He was at pains to point out the grounds for reasonable excuse and emphasise that the onus is on the farmer. Therefore, in relation to the Ulster Farmers' Union (UFU) guidelines and communication with his Department, will the Ulster Farmers' Union assist farmers in making the judgement on whether reasonable excuse applies?

Given that this is not the first time that we have had adverse weather conditions, have any precedents been established by the Minister's predecessors about this problem that he can rely on to establish a good solution that does not put the economy at risk from infraction fines by Europe?

**Mr Attwood:** I thank the Member for that question. People know that, consistent with the appropriate authority and competence of the Minister's office, I am an interventionist Minister. When this issue arose, mindful of the experience of a number of Ministers last winter, I tried to get a grip on it by trying to actively manage the situation. The UFU, in particular, acknowledged that my involvement — the statements I was making and the indications that I was offering about what might constitute reasonable excuse — was helpful. It said to me that it welcomed the fact that I was a Minister who tried to actively manage the situation instead of leaving it to elsewhere in the Department.

During a transitional period to 2009, storage facilities for organic slurry were built as a consequence of an Executive decision to spend £120 million on that undertaking, and £80 million came from farmers and the farming community. Since the end of that period, however, no precedent has been set for the seeking and granting of flexibility. The proof of that is the situation in Scotland. There, because of adverse weather in areas to which the nitrates directive applies, contact was made with the European Union to seek, if you like, a derogation of flexibility, but it was not granted, so there is no precedent.

The UFU and other farming organisations have given very useful advice to farmers, individually

and generally, about how this matter should be managed. They have explained the responsibilities of the individual farmer when it comes to the nitrates directive and what might or might not satisfy the Department. I endorse their approach. Their advice is welcome and outlines good practice, and I refer farmers to that.

The demands of the nitrates directive are rigorous, and some in the farming community were reticent when it came to compliance. However, I must say that the great majority of farmers, because they own, value and cherish the land, fully realise and appreciate the effect of the nitrates directive on the quality of their farms and the quality of our water. As a result, the vast majority embraced and managed the new regime. There will be exceptions, whether in respect of the nitrates directive, planning enforcement or non-compliance with environmental licence requirements. Where such exceptions occur, I have told my officials in the agencies and in the environmental crime unit to come down hard on the worst offenders. I have seen good evidence of that approach since I became Minister and am determined to see it pursued robustly. However, when it comes to individual farmers, I would like to think that that will be the exception.

*(Mr Deputy Speaker [Mr Beggs] in the Chair)*

## Private Members' Business

### Crown Estate

*Debate resumed on amendment to motion:*

*That this Assembly calls on the Executive to consider the role of the Crown Estate along our coastline with a view to maximising any possible financial return to the Executive. — [Mr McMullan.]*

*Which amendment was:*

Leave out all after "Assembly" and insert:

*"notes Schedule 3 Paragraph 5 to the Northern Ireland Act 1998 which declares the foreshore, sea bed and subsoil and their natural resources a reserved matter; and calls on the Executive to open negotiations with the Treasury in order to maximise any possible financial return from the Crown Estate to the Executive."— [Mr D Bradley.]*

**Mr Cree:** We certainly covered some ground this morning. We went from the bottom of the sea to the moon and back.

This afternoon, I want to return to earth. I found it interesting to research just what the Crown Estate means. It has been in existence for a very long time, and, indeed, stretches back to the Middle Ages. The Crown Estate is the property of the reigning monarch, and the term used is "in right of The Crown". It is owned by monarchs for the duration of their reign but is not their private property. The Crown Estate cannot be sold by the monarch, nor does he or she receive the revenue raised from it

The Government do not own the Crown Estate either, but the surplus revenue that it generates goes to the Treasury for the benefit of all United Kingdom taxpayers. Last year, the revenue from the Crown Estate in Northern Ireland amounted to some £1.2 million, with a total property value of £10.9 million.

A board known as the Crown Estate Commissioners manages the property and was established by statute. The Crown Estate is formally accountable to Parliament for its operation and is a reserved matter. Any change in those circumstances would have to be negotiated at a very high level and would require new legislation.

The SDLP amendment, therefore, more accurately addresses the situation and should be supported. The Crown Estate manages its portfolio well and appears to maximise value for the benefit of taxpayers. Recent plans to improve the local economy include oil exploration, mineral licences and renewable energy plans for offshore wind and tidal schemes. As other Members have said, that action is likely to assist the Executive in achieving their target of 40% green electricity generation by 2020. The estate also encourages enterprise development, education, and health and environmental projects in Northern Ireland.

I understand the financial attraction of identifying new revenues for Northern Ireland. Indeed, we need to do more of that. However, our recent experience has shown that some opportunities necessitate a clawback from the block grant. The recent example was the air passenger duty, and, while we solved the problem, it came at a cost to the Assembly. It is interesting to note that the Scottish Government have their eye on the same issue, and they wish to have full devolution of the Crown Estate in Scotland. In current discussions, 50% has been suggested, but the riches of the offshore oil and gas industry remain immense in that part of the United Kingdom. However, it is crucial for all the devolved Administrations that new revenue sources can be enjoyed and expanded, but that must be done without resources from the centre being reduced accordingly. The Ulster Unionist Party will support the motion as amended.

**Mr Lunn:** Before Mr Weir has another seizure, I can confirm that we will not be supporting either the motion or the amendment.

I take the motion as being a financial one. I have heard the accusation that it is more to do with dislodging the British Crown in some way, but the Members have confirmed otherwise, so that is fair enough with me, and I will take it as a financial rather than a political motion. I have no doubt that it will not do them any harm when their constituents hear that the motion has been tabled, but that is by the way. It is a financial motion.

Like others, I have found the extent of the Crown Estate's activities quite surprising, and I certainly did not know all the things that it does in areas such as shell fishing, underground cables, salmon farms and mineral exploration licences. I have always assumed that somebody

had to do it, but I did not know that it was the Crown Estate. It also has joint stewardship of the Foyle fisheries, which appears to have taken decades to formalise. However, it now at least works well with the control of activities within the 12-mile limit and the continental shelf.

The net result of all that is £0.9 million. That is what the motion is about at the moment. The question is: what happens to that revenue? We are assured that it is returned to the UK Treasury and used for the benefit of all taxpayers, which, presumably, includes Northern Ireland taxpayers. However, due to our block grant situation and the way we are funded, I do not know how that could be verified. So, how much benefit we receive is open to question, but it is supposed to be in the same proportion that the amount raised locally bears to the overall UK total.

What is quantifiable at the moment is the coastal communities fund, which will make available 50% of that income for projects involving coastal areas. Mr McMullan was a bit sniffy about that fund, but if you asked about that fund around the County Down or County Antrim coast, you would get a very positive response.

**Mr Weir:** Does he agree that, through that community fund, some allocations have already gone to very worthwhile projects? For example, £15,000 has gone to the RSPB for marine diversity, and money has been allocated for a biodiversity officer at Castle Espie. Projects are ongoing that are beneficiaries of what is a very sensible fund.

**Mr Lunn:** I have no option but to agree with the Member. *[Laughter.]* I am sure that he speaks the truth.

I acknowledge that there is some potential for increased revenues if wind farms and so on come on stream and are established in our inshore waters. However, to me, the motion is asking effectively for redistribution of £450,000, which is the other half that is left, some or all of which may already be benefiting us, as taxpayers of the United Kingdom, as part of the overall share-out. Realistically, there is no chance that the UK Government will alter arrangements that have, in some cases, evolved over centuries and appear to work very well.

This system appears to be efficient. Frankly, I doubt our capacity to administer the arrangements any more efficiently than they are currently being dealt with by the Crown Estate.

**3.30 pm**

As was pointed out earlier, the exact wording of the motion and the amendment is a bit unclear. If Sinn Féin and the SDLP, by its amendment, are looking for a straight handover of the surplus money, surely that has block grant implications. If we were to receive that money — if, by some miracle, we can persuade the UK Treasury to hand it over — it will come straight out of the block grant, and, therefore, we would be no better off. Therefore, for those reasons, we intend to oppose the motion and the amendment.

**Mr D McIlveen:** Mr Deputy Speaker, I will keep this relatively brief. We will oppose the motion and the amendment, and the reason is very simple — personally speaking anyway. The motion asks us:

*“to consider the role of the Crown Estate”.*

In real terms, there is not much to consider. A lot of it has been summed up in what the Member who spoke previously said. However, there is one fundamental flaw in this. While I was listening to some of the media speculation about the motion this morning, one of the Members across the way referred to the Crown Estate as a company. Therein lies the problem. Although Members across the way may want a republic, I can assure you that the Crown is not a company, nor is it ever going to be. That is the problem. There is a bit of a misunderstanding about what the Crown Estate is and what its role primarily is.

Rather than debating the role of the Crown Estate, we would be much better off finding out how to maximise the potential of the local companies that benefit from the Crown Estate. For example, when we are looking forward to opening up the seabed and putting it out to tender, this question must be asked: what we are doing to support our local companies so that they can meet their full potential and take every advantage of the opportunities that come along on the back of that?

Although I am happy that we have come back from the moon since lunchtime, I am still not comfortable supporting the motion. Over the past 10 years, £2 billion has gone back into the Treasury from the Crown Estate. That is money that, to all intents and purposes, has gone to worthwhile causes. If it is going to end up costing us more money out of the block grant, I

certainly struggle to see how we could give the matter any further support.

**Mr Wells:** Is the Member not surprised by the comments made by Mr Cree? Indeed, I wonder whether we misheard him, as he seems to be backing the motion. Also, I was very surprised by Mr Lunn's comments. He naively believes that it is an economic issue rather than some political coat-trailing by Sinn Féin. Anyone who believes that the Member for East Antrim is peddling the motion out of some genuine interest in the economy of Northern Ireland literally did come up the Lagan in a bubble. It is clear that this is a politically motivated motion to try to drive the Crown away from Northern Ireland's shores. At least we in this party have spotted it and will vote against it.

**Mr D McIlveen:** I thank the Member for his intervention. To sum up, I will take the unionist perspective on this, and we will not support the motion.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. I refute the point made by the Member who spoke previously that this is an attack on the Crown; it is certainly not. When the motion was proposed by my party colleague, there was no mention of that. Indeed, no mention of that was made by the Member who moved the amendment. Some sort of insecurity across the way must have led to that view.

**Mr Storey:** I thank the Member for giving way. If he wants anecdotal evidence that the Member who proposed the motion is against the Crown, he only has to come with me to Rasharkin, where I saw the Member, with a whistle, opposing the Crown Defenders. Clearly, the Member has a problem with the Crown.

**Mr W Clarke:** I take that intervention. I am not saying that Sinn Féin is not opposed to the Crown; I am saying that in this particular motion it is not. I will get back to the motion.

The motion clearly calls for the Executive to maximise the financial return of coastal communities from the Crown Estate's revenue. It calls for the Executive to have a mature and pragmatic discussion on whether there is an opportunity to get more resources into the Executive. It is not only us who are looking at things in that regard; the Scottish Parliament has done the same.

**Mr Wells:** Will the Member give way?

**Mr W Clarke:** I will in a minute, Jim. The Welsh Assembly is doing likewise. It is looking at the opportunity, if one exists. It is foolish of us to say that we do not have an opportunity to look at the issue. I am not saying that we will be devolving powers; I am saying that Sinn Féin is calling for the Executive to have a look at the matter to see what is possible and to have a talk with the Treasury.

**Mr Wells:** Will the Member give way?

**Mr W Clarke:** I will in a minute, Jim. Others talked about the £450,000 and said that it was not a considerable amount of money. If it is not a considerable amount of money, Treasury will have no bother handing it over. Obviously, it would be better for us to spend the £450,000 than for the British Treasury to spend it on missiles in a war. The Crown Estate was set up to allow the monarch of the time to gather revenue to raise armies and go to war. That is what it was designed to do when it was first introduced.

I will get back to the modern day. DETI has undertaken strategic environmental assessments to consider the impact of wind and marine renewables. In 2010, there was a call for developers to invest in and install marine renewable energy projects. I met companies about a wind turbine renewable energy project that was being looked at off the east coast of south Down, part of which is in my constituency. I know that Jim Wells met them as well. The project was proposed for the area from Strangford down to Carlingford.

Obviously, the £450,000 will increase. It will run into tens of millions of pounds in the next decade, and that is not to mention the opportunities that exist for us to develop our aquaculture industry. I am taking a purely pragmatic approach to this. I will let Jim in now.

**Mr Wells:** I wish that some Members would cease referring to me by my Christian name.

If the Member checks the opening paragraph of Mr McMullan's contribution to this debate in the Hansard report, he will see that Mr McMullan clearly stated that he wanted the powers presently utilised by the Crown Estate Commissioners to be transferred to the Northern Ireland Executive. There are no negotiations or discussions; he wants the end of the Crown Estate Commissioners' involvement in this part of the United Kingdom. That is unacceptable to members of this party.

**Mr Deputy Speaker:** I remind Members that they should refer to other Members by either their surname or constituency.

**Mr W Clarke:** I thank Mr Wells for his intervention. I want to get back to the accountability of the Crown Estate. There is no accountability mechanism in this Parliament, House or Assembly — whatever you want to call it — with regard to what the Crown Estate carries out. The Crown Estate employs 400 people, and I have yet to meet one of them.

**Mr Weir:** I am sure they are very disappointed.

**Mr W Clarke:** Excuse me.

It has two main offices in London. How many does it have in the North? How many offices are based in the North? How many local people are employed by the Crown Estate? I have been an elected representative for over 10 years, and I have never had a presentation by the Crown Estate or had a person from the Crown Estate come to meet either my local authority or a number of Committees in the Assembly.

It is important that elected representatives represent the people of this part of the island. They are representing their resources and their assets and are not letting some quango decide where on the seabed wind turbines can be built and where they cannot. I do not think that it is acceptable for people to laugh and joke about our assets being sold off around us.

**Mr Deputy Speaker:** Will the Member bring his remarks to a close?

**Mr W Clarke:** Simon Hamilton spoke earlier about our "weird and wacky...ideas", but sometimes you have to think outside the box —

**Mr Humphrey:** Will the Member give way?

**Mr W Clarke:** I do not have time to give way.

**Mr Deputy Speaker:** The Member's time is up.

**Mr W Clarke:** Are the Scottish Government wacky as well?

**Mr Deputy Speaker:** The Member's time is up.

**Mr W Clarke:** They are looking at devolving powers to their Members —

**Mr Deputy Speaker:** The Member's time is up. Thank you.

**Dr McDonnell:** I support the amendment. The role of the Crown Estate in Northern Ireland is something of an anachronism. It is long outdated. The Assembly needs to take a leaf out of Scotland's book, as the Scottish Parliament is seeking to devolve all profits from the Crown Estate to the Scottish Executive. That is a good idea. I hope that no one misinterprets what I am saying as having some sort of high political or constitutional undertone or overtone. That is not my intention or implication.

The Crown Estate contains, among other components, the land between the low-tide and high-tide levels and the seabed for 12 miles out to sea. We are told that that land is worth some £11 million and that it collects rents of £1 million. In making my overall points in support of the suggestion that the Executive take ownership of that land, I am aware of the interests of many of our councils, which lease or rent part or all of the Crown Estate lands on their margins. That varies from Newry and Mourne District Council, which leases its lands as a block, to Ards Borough Council, which I understand leases only the parts that it finds useful. Others have interests, and the ports around our coast have arrangements with the Crown Estate for their marinas and fish farms.

A serious effort needs to be made to modernise, update and clarify all the issues that pertain to Lough Foyle and Carlingford lough, which were left with some lack of clarity about their ownership in the 1920s. The formation of the Foyle, Carlingford and Irish Lights Commission and the associated Loughs Agency a few years ago has helped, but we still have a way to go in clarifying ownership. I am looking at ownership purely in the context of extracting value.

Although the obvious and immediate reaction might be to focus on the potential for our local fishing industry and, in particular, shellfishing — a fairly important industry that brings in a fair bit of money to those who are involved in it and provides a useful livelihood — the big issue is the development of renewable energy from marine sources. That will become an even bigger issue in the future. We do not want the Crown Estate to be in a position to block any of the potential for the development of wave or tidal power that we may want to exploit. There are many potential marine energy projects that are winning projects in their own right. We need to expedite them and move on in our battle for low-cost, clean energy. We need direct and local

control of the shore and the seabed so that we can facilitate development and economic growth. If we do not feel that the power should be vested in the Executive, it might be an option to vest the power in local authorities.

There is an asset around our coast that is owned by the Crown Estate. Although it has the title of the Crown and the monarch is owner in residence for a period, the Crown Estate is little more than an extension of the Treasury, which extracts a certain amount of money. I would rather see that money being used, directed and handled locally and for us to put it to better effect through the creation of renewable energy.

### 3.45 pm

I was involved in the Laganside development for a number of years, and every development that took place had to be negotiated and agreed in detail with the Crown Estate.

**Mr Deputy Speaker:** Will the Member bring his remarks to a close, please?

**Dr McDonnell:** I urge people to take a pragmatic and sensible view and to support the motion as amended.

**Mr Weir:** When I first read the motion in the Business Committee, I was somewhat perplexed about the intention behind it, and I suspect that most members were in the same boat. My immediate thoughts — you can determine how charitable or otherwise they were — were that this was a cunning plot by Sinn Féin, which, having lost the battle to banish the Crown from the land of Northern Ireland, had opened an amphibious second front. Having failed on land, did it intend to pursue the same purpose by sea? Perhaps that was not so far off the mark.

My confusion was added to, not clarified, by the proposer of the motion. A number of points were raised. We were told that this was some sort of buffer against the financial cuts. However, by the proposer's own admission, it would supposedly raise £400,000, as opposed to the £4 billion that is disappearing from the block grant. Let us assume for a moment that the Treasury is mad enough to allow us to have a semi-detached position, one that is different from that of the rest of the United Kingdom: do the Members who propose this seriously believe that, if we were allowed to retain that sum, the Treasury would not simply remove the same amount from the block grant? We would not be a penny better off.

Reference was made to 4,000 jobs. There is confusion over what the Members mean by that. I assume that they do not mean that a saving of £400,000 will create 4,000 jobs. I can only assume that they are confusing the issue of the Crown Estate with offshore renewables. Clearly, work on that is ongoing by DETI in particular. There must be acceptance that offshore renewables need to be part of the renewable energy mix for Northern Ireland. DETI has done work on that with the aim of providing Northern Ireland with a necessary framework within the Crown Estate to ensure that there can be leasing so that renewable energy can be generated. Indeed, the Minister will make an announcement on that in the near future. So the motion, if you will forgive the pun, is a red herring when it comes to job creation. That can go on completely separately from the Crown Estate.

Across the United Kingdom, the Crown Estate has raised about £2 billion over the last 10 years. The idea that the Treasury will simply give that up or will devolve it to particular parts of the United Kingdom is insane. As I indicated, if the Treasury was so minded, it would undoubtedly take the money off the block grant. Scotland has been mentioned. Scotland has made an attempt to detach itself from the Crown Estate. It has perhaps a lot more to gain financially from that than we have. Yet there has been a clear-cut refusal from the Treasury. Therefore, this cannot be about generating additional income or jobs.

Mr Bradley did not touch too much on the wording of the amendment, but he made abundantly clear the SDLP's position. He mentioned lotteries and aviation. This is clearly part of an SDLP agenda to detach Northern Ireland more and more from the rest of the United Kingdom. It is intended to repatriate powers to the island — or, in this case, just off its shores. That is a perfectly legitimate position for the SDLP to promote, in view of where it comes from, but the amendment is clearly driven by an agenda of returning everything to Ireland.

I am, therefore, deeply surprised at the attitude of the Ulster Unionist Party. I urge the Ulster Unionists to think again about why they see merit in the SDLP's amendment. It detaches us more from the Crown and from a national position. In discussions with the Treasury, it will distract from the much bigger issue to be tackled, namely corporation tax. As Simon Hamilton asked, are we to concentrate on the

big ticket issues that will make a difference to our economy or on a potential gain of £400,000, which would be taken off us?

**Mr Humphrey:** Does the Member agree that the reason those on the Benches on the other side of the House cite Scotland as an example is that Scotland has a minority nationalist, separatist Administration in Edinburgh?

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr Weir:** Any analysis shows that this is not common sense. It is not practical. It is not likely to be granted by Treasury. In and of itself, it does not create jobs. Indeed, it acts as a distraction. Therefore, the only rationale for this is to pursue a particularly green, nationalist agenda. Having a go at the Crown is not something that this party would be in favour of. It is perfectly understandable that the SDLP and Sinn Féin are pursuing the issue and an all-Ireland agenda. I seriously urge the Ulster Unionist Party to think again, before it stumbles —

**Mr P Maskey:** I thank the Member for giving way. He stated that there was the possibility of a £400,000 return, which I take to be per year. How many nurses jobs would that be, from which the Health Department would benefit?

**Mr Weir:** When we talk about a £4 billion deficit — cut — in the block grant, there is no economic rationale for that argument. The Member has clearly not been listening. First, Treasury is not likely to give up the Crown Estate or dissect it into different parts of the United Kingdom. Were it to do so, it would simply remove the same amount from the block grant.

**Mr Deputy Speaker:** Will the Member bring his remarks to a close?

**Mr Weir:** We would not be a penny better off. There is no financial incentive to vote for the amendment or the motion; there is a nationalist incentive to do so, and I urge Members to consider that when they go through the Lobbies.

**Mr Allister:** There have been some very foolish and ill-informed things said in the debate. That may be because the motion is incredibly foolish and ill informed. It states:

*“this Assembly calls on the Executive to consider the role of the Crown Estate along our coastline with a view to maximising any possible financial return to the Executive.”*

The Executive could consider the role of the Crown Estate for as many years as they like, but they will never be able to touch it, because it is a reserved matter. Therefore, it is utter foolishness and a waste of time to table a motion that talks about considering:

*“the role of the Crown Estate ... with a view to maximising any possible financial return to the Executive.”*

That is possible only if the Crown Estate is moved from being a reserved matter to being a transferred matter. Therefore, to attain the objective of the motion and the amendment, the inevitable requirement is that you move it from being a reserved matter to a transferred matter. That inevitable trajectory and dynamic is behind both the motion and the amendment.

Dr McDonnell said that the Crown Estate was an anachronism. It is not an anachronism; it is a critical part of the constitutional fabric of the United Kingdom. It plays into all the issues about national waters. Indeed, it is a critical part of the fabric of our EU membership, because it is on the premise of national state control of national waters that we have bound ourselves into the wretched common fisheries policy. Just imagine, for a moment, what would happen if you disengaged the seabed and waters of Northern Ireland and then tried to pretend that you were in the same constitutional position in the EU. You could not be. It is absolute folly. Therefore, the Crown Estate must be transferred if there are ever to be any financial negotiations, which, of course, there ought not to be. It is just like corporation tax, which has to be transferred if a distinction is ever to be made in its rate. It is just like airport passenger duty, which has to be transferred if there is ever to be any change.

I say to the Ulster Unionist Party in particular that its Members really need to read, consider and evaluate the amendment more carefully than I suspect they have. When they do, they will surely discover that it is indeed a dismantling exercise. Given what the Crown Estate Act 1961 states about where the money goes and how it is distributed, the amendment can attain its objective of maximising possible financial return only by making the Crown Estate a transferred matter. That is so in conflict with the unitary requirement of the United Kingdom, in which, I believe, they believe and in which I certainly believe, that it is something that no unionist could or should contemplate. So, I respectfully

say to them that they have to readdress their attitude in that regard.

Some people have said, “But there is £400,000”. That is a drop in the ocean, so to speak, in respect of our needs. If those people are so exercised about maximising the income from the Crown Estate, why are they not encouraging the Southern Government to settle the dispute about the national waters that afflicts Lough Foyle? If they were successful in doing so, we could introduce a licensing scheme for shell-fishing and all the rest, which would in itself produce some harvest of finance. If the Members who are keen to peddle the motion really want to help in the modest way that their crazy idea — it is way beyond the jurisdiction of the House, and long may it remain way beyond the jurisdiction of the House — would help the financial resources of Northern Ireland, they could take up and run with that practical proposition.

**Mr A Maginness:** I listened carefully to the debate. To some extent, we have become transfixed with a title, namely “the Crown Estate”. In the past, the estate may have had greater linkage with the Crown itself. However, “the Crown Estate” is now simply a title, and it is little more than that. Members on the unionist side, particularly on the DUP side, are hung up, to some extent, on the idea of the Crown. The essential argument that they seem to be putting forward is that, if you break that linkage in some way, you will damage the Crown, the monarchy or the link between Northern Ireland and Britain. I suspect that there might be an equal reaction from some Members on the Benches on this side. However, being hung up on a title does little justice to the debate, because what we are talking about is, in fact, a valuable resource as far as Northern Ireland is concerned. At the moment, that resource does not yield very much, but it could do so in the future.

A lot of emphasis has, of course, been placed on the UK Government's plans for a new community fund to dispose of some of the funds raised by the Crown Estate. The pressure from the Scottish Parliament was the reason why that decision was made. It is plain that the Scottish Parliament put tremendous pressure on the Westminster Government and that they reacted to that pressure.

Mr Lochhead, who is, in fact, a Scottish Minister, said:

*“Contrary to the spirit of self-government, the Crown Estate Commissioners grant offshore leases and can even sell off the seabed, all without any requirements to consult the Scottish Parliament. Our progressive plans for the Crown Estate have cross-party support, the support of Scotland’s Parliament, and are designed to benefit local communities while helping Scotland meet our challenging green energy goals. Scotland cannot be side-tracked in these aims by this timid measure from Westminster.”*

So, it is regarded as a timid measure, but it is definitely a response to the pressure applied by the Scottish Parliament, and more power to its elbow for doing that. We should be doing the same here to protect the great potential that the renewable energy industry offers through offshore wind farms etc, as Dr McDonnell rightly emphasised to the House.

Indeed, he has championed that in many respects as he has championed economic development here for many years.

I am confident that with the motion, and the amendment which simply perfects it — and I do not mean any disrespect to the author of the motion — the Assembly is saying to Westminster and the Treasury that that matter should be devolved. It does not alter the politics that relate to constitutional arrangements between here and Britain. It does not do anything like that.

**4.00 pm**

**Mr Humphrey:** Will the Member give way?

**Mr A Maginness:** I will get an extra minute.

**Mr Humphrey:** I thank the Member for giving way. I am always glad to be of assistance.

Obviously, we, on this side of the House, will disagree with what he is saying. The Scottish Government are a nationalist Government. Leaving the politics aside, does the Member seriously believe that there will be any financial benefit to Northern Ireland from the national Exchequer if the House accepts the amendment of which he speaks in support?

**Mr Deputy Speaker:** The Member has an extra minute added to his time.

**Mr A Maginness:** I thank the Member for the point that he raises. It may well be that the Treasury will say that we can take our £450,000 and use it but that they will take it

out of the block grant. The intention behind any negotiation is for additional funding, not for the same funding or for a neutral effect.

Mr Bradley spoke on the matter. He mentioned my party’s other concerns. We are quite transparent on the issue. We have never hidden our desire that there should be more power here, particularly on fiscal and financial matters. As this institution evolves, just as the Scottish Parliament evolved, unionist Members, even those in the DUP, will say that it should have more power here and be able to use our resources more effectively for economic development. Therefore, the DUP is being very short-sighted on the matter.

**Mr Deputy Speaker:** Will the Member draw his remarks to a close please?

**Mr A Maginness:** That party should rethink its position. Indeed, the position outlined by Mr Cree is sensible and should be followed by all unionists in the House.

**Mr Molloy:** Go raibh maith agat, a LeasCheann Comhairle. First, let me state that the motion that my party has proposed is not about separation. It has nothing whatsoever to do with separation. Perhaps, I should say “never, never, never” on that one. The issue, as others have said, is about the potential of the estate that is known as the Crown Estate. As research states, the Crown Estate is not owned by the Government. Although it is owned by the monarchy, it is not used by the monarch. Its resources are managed by an independent organisation.

Earlier, Members talked about the estate as being a business or company. That is exactly what it is. It is a management company. In fact, it was set up to be an independent organisation — a quango. In the past, the DUP has supported getting rid of quangos and getting local control and management. All that the motion proposes is that the Assembly and the Executive should research, review and look at opportunities that could come out of the establishment of communications on the Crown Estate.

I repeat that the motion is not about separation from the Queen and the state. Obviously, Sinn Féin, as an independent party, does not believe that the Crown should own any property in Ireland. However, that is a completely separate issue. It is not the subject of the motion.

**Mr Humphrey:** I am grateful to the Member for giving way. I am pleased that he recognised that the monarch is the head of state here. Will he confirm, as Mr Maginness did on his party's behalf, whether, if the Crown Estate on the shores of Northern Ireland goes and Her Majesty's waters do not exist here, there would be extra money for Northern Ireland from the national Exchequer or whether that money would be taken away, as has been stated in the House by Mr Weir?

**Mr Molloy:** It depends on who negotiates that and how good their negotiation is. There is no reason why there would not be extra money.

I want to make two points. I did not accept that the Queen is the monarch of this island. I said that she owned property. *[Interruption.]*

**Mr Deputy Speaker:** Order.

**Mr Molloy:** How she got that property in the first place is a different matter. However, the issue is about local control and the block grant. If that money is taken out of the block grant, that is one thing. We are told that the revenue stream is £400,000, but there is no reason why that cannot increase.

In Scotland, they are talking about a revenue stream of £4 million, but the potential that they see by 2020 is for £40 million. Therefore, whatever we may lose, and whatever negotiations there will be with the current estate or with the company that is running it, there is no reason why the revenue stream cannot be increased to make sure that we maximise it. That is what the motion is about. It is inviting us to look at the potential with a view to maximising support.

**Mr Storey:** Setting aside our doubt about the motives behind the motion; if the Member is saying that this is about saving money and that that is the thrust of his party's view at the minute, will he identify for us the other bodies he would like to look at, particularly regarding North/South arrangements, which cost a considerable amount of money over which the Assembly has control?

**Mr Molloy:** We are always reviewing all the bodies. Mr Allister raised the point that the Irish Government have not settled the dispute. However, he is behind the times, because we have settled it. We now have the Loughs Agency, which is governed by the North/South Ministerial Council, and it deals with that.

With regard to reserved matters, we have already dealt with policing and justice, which was a reserved matter. We negotiated and got it transferred. Corporation tax is also a reserved matter. It is being negotiated at the moment and could be transferred. Therefore, there are many reserved matters, which, hopefully, the Assembly will negotiate on in the future and try to maximise the amount of devolution that we have here.

I say to the DUP: have confidence. It is about getting it into your own hands. Think bigger than what you have been given to the potential of what you can achieve. That is what we need to be looking at.

I accept the SDLP amendment. It does not add much to the motion; it simply adds two lines to it. However, the Assembly needs to look at how the money that is being collected — *[Interruption.]* I will not give way. I have only 10 minutes. We need to decide about the money that is being collected and the proposals that were made under pressure from the Scottish Government.

We have heard many times about the Ulster-Scots connection and about our great affinity and connection to Scotland. Why then are we taking an entirely different direction to what Scotland is proposing? It is proposing that it should have control of, and maximise, its own resources. Therefore, why do we not go along with Scotland and have a joint approach — *[Interruption.]*

**Mr Deputy Speaker:** Members should not persist.

**Mr Molloy:** — to ensure that we maximise our resources and the potential for resources? Therefore, who gives out the money?

**Some Members:** Will the Member give way?

**Mr Molloy:** I have only four minutes left.

**Mr Deputy Speaker:** Will the Member sit down? It is clear that the Member does not wish to give way. Therefore, Members should not persist.

**Mr Molloy:** I have given way several times. The issue is about how to maximise potential. All we are saying is that we should consider that. Maybe it has already been considered and negotiated in the Executive, but, at least, there should be potential to consider it when we deal with it in the future.

I repeat again that Scotland is saying that its revenue stream is £4 million, with a

potential revenue stream of more than £20 million. We are talking about the possibility of around £400,000. That is a drop in the ocean compared to the £4 billion, but there is no reason why the Executive should agree that the Treasury should also take the £400,000, or that it should set itself in a way that restricts the potential for increasing the amount of money that it can take. We are talking about a small number of offshore wind farms now, but there will be thousands in the future. Renting that and other processes along the shoreline provides an opportunity to have a bigger revenue scheme than we have at present.

It comes down to whether the Assembly wants power to manage its own affairs or whether it wants to be continually dependent on mother England. We, in the Assembly, should be saying that we can manage this ourselves and gather the revenue so that it can come back into the Assembly to be distributed by the Assembly and not by a quango.

Does anyone here even know who the commissioners are who decide what money should go to coastal communities? You might say that it does not matter, but it matters to coastal communities if they are being deprived of that money and it goes to other communities. Let us look at what we can bring into our own communities and not deprive ourselves by cutting off our nose to spite our face.

There is an opportunity here, and that is what the motion outlines. We should take the opportunity to devolve as much power to the Assembly as possible to ensure that we maximise the potential of the revenue scheme for the future. In that way, we will bring in funds that can help the Assembly to build for the future. That is the issue.

Let us get out of our heads completely the idea that it is a separation motion or has something to do with the Queen or the Crown; it is about a company called the Crown Estate, which is completely separate. The Queen will be well funded by the new process that has been proposed. The process has been going on for years. Do not worry about that, anyone.

There seemed to be a certain panic in Simon Hamilton's voice today when it came into his head all of a sudden that we would be cut off and deprived. The motion is not about that. It is about creating the potential for the Assembly in the North of Ireland to maximise its own revenue and to ensure that it is not completely

dependent on what is handed down in the block grant. Let us negotiate on that.

Many agree that the block grant is not the be-all and end-all and that it cannot deliver for the future expectations of this community; therefore, we need to look at how we can maximise revenue ourselves. One way of doing that is to maximise the future potential of the coastline. I hope that Members will set aside their fears to see the future potential of the Assembly.

**Mr Storey:** On a point of order, Mr Deputy Speaker. Will you, through the Office of the Speaker, ask the Member who proposed the motion, Mr McMullan, what the actions were that he made to me across the House? He made a sign to me on three occasions. I would like him to clarify to the Speaker what he meant by that.

**Mr Deputy Speaker:** Thank you for that, but it is not a point of order.

**Mr Storey:** Further to that point of order, Mr Deputy Speaker —

**Mr Deputy Speaker:** I will be generous.

**Mr Storey:** Will you ask the Speaker to ask the Member what exactly he was engaged in?

**Mr Deputy Speaker:** It is part of the cut and thrust of debate. The Speaker will examine anything that Members request him to.

Question put, That the amendment be made.

*The Assembly divided: Ayes 32; Noes 51.*

## AYES

*Mr Agnew, Ms M Anderson, Mr Attwood, Mr D Bradley, Mr Brady, Mr Byrne, Mr W Clarke, Mr Doherty, Mr Durkan, Mr Flanagan, Ms Gildernew, Mrs D Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McGlone, Mr McKay, Mr McLaughlin, Mr McMullan, Mr A Maginness, Mr P Maskey, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mrs O'Neill, Ms Ruane, Mr Sheehan.*

*Tellers for the Ayes: Mr D Bradley and Mr A Maginness.*

## NOES

*Mr Allister, Mr S Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mr T Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster,*

Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Kinahan, Ms Lewis, Ms Lo, Mr Lunn, Mr McCallister, Mr McCarthy, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr D McIlveen and Mr Spratt.

Question accordingly negatived.

Main Question put.

The Assembly divided: Ayes 32; Noes 51.

#### **AYES**

Mr Agnew, Ms M Anderson, Mr Attwood, Mr D Bradley, Mr Brady, Mr Byrne, Mr W Clarke, Mr Doherty, Mr Durkan, Mr Flanagan, Ms Gildernew, Mrs D Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McGlone, Mr McKay, Mr McLaughlin, Mr McMullan, Mr A Maginness, Mr P Maskey, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mrs O'Neill, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr W Clarke and Mr McMullan.

#### **NOES**

Mr Allister, Mr S Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mr T Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Kinahan, Ms Lewis, Ms Lo, Mr Lunn, Mr McCallister, Mr McCarthy, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr D McIlveen and Mr Spratt.

Main Question accordingly negatived.

Motion made:

That the Assembly do now adjourn. — [Mr Deputy Speaker.]

## Adjournment

### **Sixmilewater River: Pollution**

**Mr Deputy Speaker:** I remind Members that the proposer of the Adjournment topic will have up to 15 minutes in which to speak. The Minister will have 10 minutes to respond, and all other Members who are called to speak will have approximately six minutes.

**Mr Kinahan:** I have never seen a room clear so quickly.

At the beginning of the debate, I declare two interests. First, I own land next door to the Sixmilewater and, indeed, have enjoyed walking along its edges for most of my life, hence my passion for what I am speaking about. Secondly, I am Danny Kennedy's Assembly Private Secretary (APS), and certain matters on which I will speak briefly will touch on his role as Minister for Regional Development.

I will point out the main polluters of the Sixmilewater and, I hope, edge us towards zero tolerance of all pollution on rivers. I want today's debate to be used as an example for all rivers, whether that be the Sixmilewater, the Blackwater, the Bush, the Faughan or any other river. We have to ensure that we look after all our rivers, which are the lifeblood of our beautiful country. Therefore, I will call for certain actions as I go through my speech and for education all the way through everything that we do so that the public and everyone who is involved learn how to look after their rivers better.

The Sixmilewater's Irish name is Abhainn na bhFíodh, and although I am not very good at Irish, I think that I have pronounced it correctly. It is a rather lovely name and is also the name of one of the holes on the golf course at the Hilton Templepatrick Hotel. It was originally called the Ollar and changed its name to the Sixmilewater in line with soldiers from Carrickfergus moving six miles to a fort that was on the river. The river is 20 miles long and runs through Ballynure, Ballyclare, Doagh, Parkgate, Templepatrick, Dunadry and Antrim. Of course, do not forget all the farms and the other land

that it runs through. It is the key waterway in the South Antrim constituency.

It would not be in the good order that it should be in if it were not for the fishermen, the Antrim and District Angling Association and many others who have been managing it since the 1950s. I will go into that in more detail later. They have been managing it phenomenally well, considering that polluters and others have been doing their best to destroy it.

Pollution is something that we all forget about. The general public need to be wary of what they are throwing away and how they throw it away, whether that be litter being washed into the rivers or the unmentionables that people put into their septic tanks and elsewhere. That all builds up and causes the breaks that often lead to pollution. With that go the septic tanks themselves. Last night, I heard that there are 70,000 septic tanks in County Down alone. If that figure is taken throughout Northern Ireland, there is a phenomenal mass of septic tanks, all of which put water into our rivers. One would hope that that water is always treated, but it is not. We need to educate the public and look at our planning processes and at how we enforce the use of septic tanks and try to get away from their overuse.

I will move on to the issue of farming, and I stress that I am not picking on farmers. Sadly, I was not in the Chamber when the Minister of the Environment answered the question for urgent oral answer on slurry spreading. I am pleased to see him here for the debate, but we should probably have four different Ministers here as four different Departments are involved with rivers. Slurry being spread on the ground and going into the rivers is not the only problem. There is also the clearing of habitat by farmers and the damage done by cattle. We need to educate the farming world and, of course, learn from it, as it has many good ways to do things.

There is also the problem of illegal activities at the sides of rivers. For example, last year, some cat litter was thrown into the Sixmilewater, and it took five days to remove it. It had been used for cleaning fuel, and because it was toxic and the council did not know where the farm was even though there was a large building 200 yards away that looked like a farm building, it took five days to clear. There is a mass of illegal ways to pollute our rivers.

Planning and development can pollute rivers in many different ways. A simple planning site for two buildings needs to be enforced properly to make sure that the buildings are not moved and allowed to be built by the river. In many cases, that has not happened or we have put too much scale into the building with too much run-off so that the waters pour quickly into rivers and create flooding at a much earlier stage. Again, that does much damage to the rivers and brings with it all the pollution. There is also an issue while the buildings are being put up; for example, heavy rain may wash silt and all the other things that come from building sites into rivers. We have to ensure that we have good enforcement at all times, not just examples of it here and there. Enforcement needs to be checked at every possible opportunity.

#### **4.45 pm**

From the sports side, the spraying of weeds has an impact. In one case, such spraying all the way alongside the river has killed all the weeds. Spraying weeds stops the plants binding, and, in time, the sides of the banks will collapse. So, you have to be very careful there. Again, combating that comes down to education.

Moving again to south Antrim, we should look at the car washes there. Euro car wash, for example, is one of many car wash providers. It is legal, because it has a permit, but we need to check why we are giving permits and whether the water from those car washes is going into the rivers. There are many more car washes, but we must look at enforcing the regulations that deal with them. I ask people to follow my example and just keep a good dirty car: it is much better that way, and it saves a lot of pollution going into the rivers.

The building and gritting of roads contribute to pollution. We should look at the bad weather that we had last year and think of the amount of grit that was placed on all the roads. That grit then washed into our ditches and went from the ditches into our rivers. I do not think that we think along those lines at all.

Then there are the various wastewater treatment plants in Northern Ireland. There is one in particular near Ballyclare. Whenever that plant overflows in times of flooding, the sewage goes into the river and pollutes. It is a fact that that happens, and the Department for Regional Development (DRD) will have to take that on board. In Scotland last week, we met

representatives of Scottish Water, which has exactly the same problem. Such wastewater treatment plants are part of the system for treating our water, but we must find a way as quickly as we can to stop the treatment works that overflow and flood into rivers when, typically, we have more rain than we expect.

The worst polluter of all on the Sixmilewater was industry. We do not know who was responsible for the pollutions, but we still want to know who was involved, and we would still like to see prosecutions. Some 10,000 fish were killed. If you think that through, you will realise that the grubs and the invertebrates in the river were killed and cleared away and the fish and the birds had gone. For example, the kingfisher, which would normally be up and down the river and which the Hilton Hotel has as its logo, has not been back since, even though there are kingfishers elsewhere. If we think about the food chain, there are humans at the end of it, so we have to be very careful.

Those are your polluters, and that was a fairly good gallop through all the different types of pollution. However, rather than be negative all the time, I would like to thank many people. I already touched on the anglers. Last night, I had the pleasure of listening to the Ballinderry trust showing how rivers can be managed better. I hope that the Minister will go away and find out how Ballinderry trust and the excellent Six Mile Water Trust are planning to do things, as there is a mass of good volunteers with expertise who, with a little bit more training, can help us to enforce and monitor our rivers.

There are also excellent staff in all the different agencies. There are probably too many agencies involved at the same time. I would hate to go through a list of thanks without mentioning Alan Kirkpatrick, who we lost a few years ago. He who was one of those passionate people who would ring you up at midnight if he found something on a river. There was no getting out of joining him to see the pollution.

So, we are asking for joined-up government. We want to see the four Departments working closely together. I asked each of the Departments whether they were planning to pull all the agencies together under one agency or whether they would share responsibility, and all of them indicated that they would not be doing so in the near future.

We need independent sampling. Last night, we heard of an excellent initiative called the Anglers

Monitoring Initiative, which has 22 people monitoring 28 sites on the Ballinderry river. We want to see the same happening all the way along the Sixmilewater and, of course, on other rivers.

We also should know all the people who discharge into rivers — I think that some 38 discharge into the Sixmilewater — and all the owners and others who may be discharging into a river. If we know who they are, using the same example of the cat litter, we can immediately go to them and get permission to take whatever action is needed. We need strong and quick enforcement. We need good communication. We have an excellent hotline but it could work that much better. What I am asking for today is joined-up Government, independent sampling and training, and even maybe more bailiffs. Let us really pull together and move forward.

On being made Chairman of the Audit Committee, the most exciting Committee here, I was slightly surprised to find something pertinent to the Sixmilewater. When visiting the Audit Office in Belfast, however, they said that they monitor the Chamber, the questions and concerns of Members and then choose various items to look into and report on. They mentioned the 'Control of River Pollution in Northern Ireland', a report of 30 April 1998 with 21 recommendations. I would lay a bet that those are the same recommendations some 13 years later.

I call on the Assembly and all of us here to push to make sure that documents that do exist have all the right recommendations, come off the shelves and are used because there we have exactly what we should be doing and exactly what I am asking for today. I am very pleased to see so many of you here supporting this matter, and I look forward to seeing things get much better on pollution.

**Mr T Clarke:** My colleague from South Antrim referred to Alan Kirkpatrick. In my time on Antrim Borough Council — I should declare an interest as a member of Antrim Borough Council — I had the good fortune to meet Alan when he attended the council's countryside recreation committee. What Danny said about Alan is spot on. Alan had a passion.

I suppose I am in the unfortunate position in that I do not know many other fishermen, and maybe that is my own fault; maybe I have not familiarised myself with them. Sorry, I should not say fishermen. I think there are maybe women as well because I note that we have men

and women in the Public Gallery. So, I suppose it is not a sport that is primarily for just men; it is open to women also, so I would like to put that on the record, just for political correctness.

What Danny outlined is not a new problem or unique to the Sixmilewater. Unfortunately, it is familiar on many rivers across Northern Ireland. However, I am not trying to take anything away from the emphasis on the Sixmilewater. I am glad that the Minister of the Environment has come today to speak about that. I suppose we could also have had the Ministers with responsibility for roads and agriculture. We are not going to pick on the Minister today, and I hope that he does not feel that we are going to pick on him.

One issue concerns me greatly, and Danny did not focus on it with regard to pollution on the Sixmilewater. Yesterday's heavy rain was an example, and hopefully that was the most severe such event we will have this year and there will not be a repeat of 2008. However, there have been a number of planning applications close to the river. I am thinking primarily more at the Antrim end, where there is a concentration of houses. Danny spoke about run-off from roads and septic tanks. However, there is more than that. We have had a concentration of new developments that have placed extreme pressures on rivers and their flows, and I know from conversations that I had with the late Alan Kirkpatrick that he was very much against that. I am sure that if I spoke to most fishermen and women today, they would have the same concerns.

There have been incidents, going back to 2008, with oil tanks floating about and running back to the rivers. We also have raw sewage. Although we can criticise the Minister about development and how to bring forward development proposals, I would criticise proposals that have allowed houses to be built on flood plains and close to river banks.

I am thinking of the Seven Mile Straight in the Antrim area and houses closer to the Dublin Road in Antrim, which all suffered in 2008. I know that this debate is not about flooding, but a consequence of the flooding was a negative impact on the river. I ask the Minister to take cognisance of that and feed down to his Department that we need to take more care and caution with planning applications and rivers.

Danny touched on many other aspects, including roads, and referred to today's question about the slurry ban. A farmer said to me last week — I stand to be corrected — that 24 tons of urea are used at the International Airport every day that there is frost. That all goes to our watercourse. Danny touched on salting, and it is OK to touch on all the things that are happening and their effect. I am not trying to put down the debate but, unfortunately, these debates have no teeth. What other method have we come up with for gritting roads? Rivers are important to the people who use them for all sorts of activity, not just fishermen but people who engage in other leisure pursuits. They do not want them to be polluted, and neither do I. However, it is OK to say that we can be careful about how we grit the roads, but how else do we do that? We need to come up with more imaginative ideas on what products we use so that we do not cause river pollution. I do not think that that debate has ever taken place.

Danny touched on flooding, and there is also the issue of oil tanks. If we drive around the Province, and, again, it is not unique to Sixmilewater, we see spills of oil and petrol from vehicles. All of that goes into the rivers. Today, it is OK to have tongue-in-cheek conversations and give out tea and sympathy because that might sound right to people sitting in the Public Gallery. However, they might be more interested in hearing what we will do to tackle pollution rather than about the issues and problems. They might prefer to hear what we, as a Government, can do in Northern Ireland to address pollution as a whole.

I support Danny's topic for debate, but I am a wee bit disappointed because I sometimes feel that we talk for the sake of talking. If I had an opportunity to speak to people upstairs, I am sure that they would say that they want to know what we will do about pollution and how we will prevent it in the future. However, I support the emphasis of the debate, and I look forward to hearing what the Minister has to say and whether he is prepared to think outside the box about what we can do differently to prevent some instances of pollution, not only in Sixmilewater but in all rivers across the Province.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. I apologise in advance: other Assembly business ran on a bit, and I have a 5.00 pm meeting with the Minister of Education. I want to put on record my appreciation

of my colleague's efforts in securing the debate, notwithstanding Trevor's valid point about the impact of these discussions.

Now that we have set out the number of occasions on which this particular watercourse has been poisoned, we must reflect that the same thing happens right across the region. At times, Departments have been found to be culpable as well as private individuals. I do not wish to repeat what has been said — it has been presented perfectly well. I apologise to the Minister that I will not be here to hear his response, but I hope that he might give some consideration to publishing a list of those who, after investigation, are found to be responsible. That list need not go into the detail of sanctions that could be applied from time to time. However, if people are aware of who is responsible, they can make judgements, particularly if that responsibility extends across the spectrum from Departments and their agencies to private enterprise, private individuals or farmers.

Water is a precious resource, and waterways are immensely important to our economy, tourist industry and leisure industry. Often, the voluntary efforts made in conjunction with statutory support are completely undermined. We hear and read about fish kills in the tens of thousands, which must be heartbreaking for those who had made the effort to restock and nurture their fish. So I strongly endorse the comments made by Trevor and Danny.

Raising public consciousness would be best served if people could read for themselves who was responsible for the pollution. It is more than a trend: it is almost a tradition that rivers are treated in a cavalier fashion. We must challenge that. Let us start with a consciousness exercise, draw attention to the repeat offenders and ensure that the sanctions fit the crime, because very often they do not.

### 5.00 pm

**Mr Ford:** I am afraid that I will have to emulate Mitchel McLaughlin by giving my apologies, as I shall also be leaving before the debate is over. However, I appreciate the opportunity to take part. I thank Danny for having secured the debate. It may be an issue of particular concern to those of us who represent South Antrim, but it is also one that highlights more general issues about the way in which we manage watercourses in general.

A generation ago, the Sixmilewater was, effectively, a river flowing through an almost totally rural area. Even the Ballymartin tributary was something much the same. There was a limited amount of housing and industry around Ballyclare and, until you got to below Templepatrick, it was almost all pristine and rural. Now, the increasing growth of housing and industry in Ballyclare and the significant growth of industry around Mallusk have meant that we have seen a significant increase in pollution incidents almost annually. Serious fish kills are occurring due to carelessness or criminal activity by people who are not concerned about what they are doing and allow waste to be dumped into the rivers or who are doing it quite deliberately. Although there are ongoing problems around rural issues involving the potential for herbicides, pesticides or fertiliser run-off that have some effect on the river, there is absolutely no doubt that the most serious effects have been those associated with industrial development and the pollution of various poisons that have ended up in the waterways.

In June 2009, an answer to a question for written answer to the Department of the Environment stated that there had been a 20% reduction in the number of confirmed water-pollution incidents between 2000 and 2008. That was fine as regards a general trend. However, we continue to see major episodes, including one in January this year, which add to the background history. Whatever may be happening to make some general improvements, far too many serious incidents are still happening. Those serious incidents undermine the good work being done by a number of agencies, in particular, local angling clubs and the work being done together by the Six Mile Water Trust and the two councils in Antrim and Newtownabbey and in a variety of other local instances.

I remember attending a public meeting in the Antrim Forum about three years ago when there had been a further pollution incident, and I have no doubt that some Members in the Chamber were also present. A variety of proposals were put forward by anglers, and people made various suggestions. However, it seemed that we did not have a joined-up way of approaching the needs of the Sixmilewater. The fact that the trust is now in operation, and Danny gave a report on what happened last night, at least shows that we are starting to make things move particularly well.

However, because of the different agencies responsible, I am not sure that we have really got to grips with what is happening around Mallusk. I am aware of the good work that is being sought. A suggestion put to me by a local angler was that we should look at some sort of settlement pond so that run-off from Mallusk would not go straight into the Ballymartin but would be caught, potentially diluted, and potentially even extracted before it could get into the waterway. It seems that the river is extremely vulnerable when the water level is low; in particular, the Ballymartin water and then from Templepatrick on down the Sixmilewater. However, it is not just that. There is also the issue of what we are seeing around Ballyclare with the growth in its development, and there are problems around the main part of the Sixmilewater because of that.

I noted the reference made to the Ballinderry trust, and that is a useful example that can be quoted. However, we also have to recognise that, in some senses — I am not suggesting that life is completely easy for Ballinderry — there is a relatively easy position there, a rural area with relatively little urbanisation and industry. Nevertheless, as I said, the generation change for the Sixmilewater has meant that all those problems have occurred.

I certainly welcome the fact that the Environment Agency has been involved in a lot of pollution prevention inspections around Mallusk. There has clearly been an effort to engage, but I am not sure whether we have really cracked it. There is more work to be done.

There are also issues such as the waste water treatment works in Ballyclare. There is a new sewerage works in the area, but there are already concerns about its capacity. There are also issues about the continuing development around Ballyclare, the new housing and industry and the fact that, during the bad weather last December, a significant number of tanker-loads of waste water sludge had to be carted out of a site. All those things mean that there are issues that could add to the pollution.

We have seen the benefits of a partnership approach. I pay tribute to all the volunteers who played a part in it, and I add my references to the work and commitment that was initially shown by Alan Kirkpatrick. However, much more needs to be done to build up partnership and for agencies to work together.

The Minister's work on re-engaging on the issue of an independent environmental protection agency also needs to be dealt with. Realistically, we could have expected to see the Ministers for Agriculture and Rural Development, Regional Development and, given the issues around Mallusk, possibly Enterprise, Trade and Investment sitting here alongside the Minister of the Environment. That is a measure of the lack of a joined-up position among our public agencies, and an independent environmental protection agency would be one way to start to address the problem in a more joined-up fashion than we have so far seen.

**Mr Girvan:** I congratulate Danny for securing the debate this evening. I declare an interest as having a family involvement in the ownership of land along the banks of the Sixmilewater and also on the lower Ballyboley tributary.

It is important to take Members' comments on board, such as the pollution to which David Ford referred. In 2008, there was a major incident. Some form of chemical made its way into the Ballymartin river and wiped out all habitat, invertebrate and fish life from there to the entry into Lough Neagh. It was important to get a sample at an early opportunity to identify where the incident had originated. Unfortunately, for one reason or another — I will reserve judgement on that matter — the sample never seemed to make its way through to enable the authorities to find out who the culprit was on that occasion. I believe that there was a smoking gun, but insufficient evidence was gathered early enough.

That has exercised a number of people who have an interest in the issue. We attended many meetings with the Six Mile Water Trust and discussed how to conduct sampling that will be acceptable to the Department. We also discussed how to gather statistical data that can be used evidentially to identify a timeline as to when pollution has occurred in an area of water. A move needs to be made to allow some type of local bailiff, because the custodian of the Sixmilewater is not the Environment Agency. None of the people who identified the incidents have been government officials but people who have a vested interest in what is going on in the river. They have, primarily, been anglers.

I go back to an incident that took place on the Sixmilewater in January 2010. There was a problem, and all the indications were that

it came from the sewage treatment works on the Templepatrick Road in Ballyclare, because everything from that point to the Doagh bridge was wiped out.

The only godsend was that there was a fairly high water level in the river and the pollution was well diluted. However, it created a problem, and there was a large fish kill along that stretch of river. If local people had been given the opportunity to identify the pollution and to take water samples, the problem could have been identified before the Department came on site.

Mention was made of discharges and consents to discharge, and Danny mentioned the 70,000 non-designated discharges into water courses in County Down. If you multiplied that to include County Antrim, the Sixmilewater and its catchment area, which is some 20 miles long, that number would be much higher. If a property is built beside a river, the overflow of its septic tank will flow directly into it without passing through filter beds or reed beds. Owners feel that it is safe to allow their septic tanks to overflow as it does not create a problem for them; their waste goes into the river, which takes it away.

**Mr T Clarke:** Although I referred in my contribution to things that cannot be done, something that can be done, and I hope that the Minister takes this on board, is that proper measures should be put in place to prevent overflows from septic tanks when consents are applied for.

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr Girvan:** Thank you. There is a major problem in that area, and overflows from septic tanks are not being checked properly. People do not use their septic tanks correctly: we know about bleaches and how they destroy the balance in septic tank, and, if they are used, bleaches will also make their way into rivers. The policing of septic tanks needs to be looked at.

I am not going to let the Northern Ireland Environment Agency (NIEA) off the hook, because it has a key role in ensuring that issues are properly policed. However, it is not the only agency involved, and other government agencies seem to have turned a blind eye despite having control. For example, the Fisheries Conservancy Board plays a role in Lough Neagh into which the Sixmilewater runs, yet it has turned a blind eye to certain activities. However, those days are

gone, and we must ensure that the board is called to account for its actions.

It is important that we support those with an interest in ensuring that we retain something that is not just an asset but which could also be a great tourist attraction. Angling is one of the most common sports; there are probably more people involved in it than in football or other sports. It is vital that, instead of allowing our rivers to turn into open sewers, we make use of them and clean them up. We must also ensure that, from an agricultural point of view, farmers, who are also custodians of the rivers, do not farm right up to riverbanks. They must leave a space so that they do not pollute the water with slurry spread and everything else and allow such pollution to filter through the ground. Those points all need to be brought forward.

It is good that we are having the debate this evening, but it is only one way of introducing the issue. Other major players such as the Department of Agriculture and Rural Development, the Department of the Environment (DOE) and DRD must also be brought on board.

#### 5.15 pm

**Ms Lewis:** I thank my colleague Danny Kinahan for raising the issue in the House this evening. I welcome the opportunity to speak on an issue of great concern to many in the South Antrim constituency: the pollution of the Sixmilewater. I declare an interest as a member of Antrim Borough Council.

We were all disappointed to hear about the latest pollution incident in the river, which was not an isolated episode. Indeed, such incidents are, sadly, regular occurrences. Pollution has done huge damage to the river and has been responsible for thousands of dead fish over the past few years. That is a terrible loss for the natural life of the river. It is also a blow to those who have worked so hard to replenish fish stocks in the river and who have effectively sought grants and lottery funds to help them with their work. In particular, I think of the work of the Antrim and District Angling Association, and it is right that the Assembly recognises the work that its members have done in trying to keep the river free from pollution.

However, it is important to note that this is not just an environmental problem or one that just affects those directly involved in fishing; it is

also an economic problem. Through fishing and angling, the river provides economic benefit for the area. As one who wants to see the tourism potential of the constituency enhanced, I am greatly disappointed when I hear that the river cannot be used by anglers due to such pollution incidents. Often, it has only just recovered from one incident of pollution when another occurs, and that does serious and prolonged damage to the river's reputation. People are put off from coming to fish due to those incidents, and it affects not only the angling industry but the wider local economy. The extra benefits that visitors bring could be permanently lost to the area, and that should not be allowed to continue.

As the Sixmilewater flows directly into Lough Neagh, there is also the worry of wider implications and the possibility of an industrial discharge having a major impact on Lough Neagh itself. Lough Neagh touches five of the six counties of Northern Ireland; it is the largest freshwater lake in the British Isles, and the area around it is one of the most important bird habitats in western Europe. The lough provides a unique and valuable natural resource, offering a very productive ecosystem that supports thousands of wildfowl and a large scale eel-fishing industry. If pollution on that scale should occur, the damage would be catastrophic.

Obviously, we all want to see zero pollution in the Sixmilewater and, though there has been a reduction in the numbers of high, medium and low severity incidents over the past five years, the number remains at an unacceptable level. There were 63 incidents in 2006 and 48 in 2010. The trend is encouraging, but that is not good enough. I note that NI Water has been responsible for two incidents that led to prosecution and conviction since 2007; one at Massereene, the other at Clotworthy. That should be of great concern to us, and I look forward to receiving assurances from the Minister for Regional Development that NI Water has taken steps to ensure that there will be no repetition.

The Assembly, the DOE and the NIEA need to do two things to ensure that we can continue to reduce the number of pollution incidents in the Sixmilewater. The first involves education; the second, serious punishment for those convicted. We need to let people know the dangers that pollution causes and the consequences of their actions. They need to know how they can prevent it from happening and the steps that they can take. However,

education alone is not enough. In spite of all the advice and information that we can give to people, there will be those who choose to ignore it. People who offend persistently need to be prosecuted and fined heavily on conviction. More often than not, business or industry is at fault, and I am concerned that the fines are at a level insufficient to deter. The rest of us are left to count the cost, both in economic and environmental terms.

If we are serious about taking those actions, it will go a long way towards freeing the river from pollution, sending a message to the polluters and ensuring that the Sixmilewater can be enjoyed by us and by generations to come.

**Mr Agnew:** I thank Danny for bringing forward the motion. I chose to speak in the debate although the Sixmilewater river is not in my constituency. In 2008, when there was the major fish kill — 35,000 fish were killed by pollution — Brian Wilson hosted the anglers who came to the Long Gallery in Stormont and called for an independent environmental protection agency.

As has been pointed out, this is not something that affects only the Sixmilewater, though that seems to be where a significant number of such incidents take place. When I was working for Brian, I remember that a major fish kill occurred in the River Quoile. I am sure that Members check the BBC news website regularly, and it seems that every few months there is another fish kill, some more significant than others. Unfortunately, we do not hear about prosecutions subsequent to those news stories. I would like to make the following point today: clearly, what we are doing is not sufficient. Prosecutions are not sufficient in number or in severity.

At the time of the March 2008 fish kill, my colleague Brian Wilson called for an independent review of the Northern Ireland Environment Agency's investigative capabilities. Ultimately, I do not think that that body, as it is currently constituted, can be the solution to this problem. To highlight the crux of the problem: in 2011 to date, there have been 89 industrial discharges and 12 Northern Ireland Water asset discharges — legal pollution of the Sixmilewater river. The NIEA grants those consents and is then required to go and investigate pollution when there is a kill.

**Mr Frew:** Some of those issues would have been part of what was a planning application in relation to industrial procedures that were going

on. The NIEA is a consultee in relation to those applications, and it did not even highlight any concerns when it was consulted on that. The particular one that I am talking about concerns a car wash.

**Mr Agnew:** I thank the Member for making that point because I was not aware of it. However, it highlights the issue: we have a body that on the one hand grants permission to pollute while on the other investigates pollution. That does not sit comfortably with me.

I back up David Ford's call. We need an independent environmental protection agency that will have environmental protection at its core, based on the "polluter pays" principle. We need restoration orders, so that people found guilty of illegal pollution are required to restore rivers as much as possible — it cannot always be done entirely with our natural environment — to how they were before a pollution incident. We need profit orders and administrative penalties. As I said, the level of fine does not reflect the level of damage caused. To give an example: there were 292 incidents of pollution in the Sixmilewater between 2003 and 2008, for which fines worth £4,350 were issued. Across so many incidents, £4,350 in fines is clearly not acting as a deterrent.

Other Members have pointed out the benefits of our natural environment to our economy. Angling contributes an estimated £10 million annually to the Northern Ireland economy. Tourism is currently 1.9% of our GDP but, as a member of the Enterprise, Trade and Investment Committee, I know that the Northern Ireland Tourist Board has significant plans to increase our tourism revenue, and our natural environment is a vital part of that strategy. Also, as was mentioned, there is the matter of our water security. With winter coming, we are aware of issues around our water infrastructure. The more that we pollute our water, the more pressure we put on that infrastructure.

I thank the Minister and welcome him because he has opened up a conversation on the issue of an independent environmental protection agency. It is time that we agreed in principle to have one and started a debate on what that protection agency should look like. I note that three DUP Members are here to highlight those issues. I hope that they will see, through the debate, the importance of environmental protection and take that back to their party,

which was the main objector when we originally called for an independent protection agency.

**Mr T Clarke:** Does the Member accept that, whether the agency is independent or government-run, if it is run correctly it could do the same job or deliver the same outcomes? We need a Northern Ireland Environment Agency that does its job better as opposed to introducing an independent agency. There is no reason why our own in-house agency, if it does its job correctly, cannot deliver the same outcomes.

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr Agnew:** Thank you, Mr Deputy Speaker.

I thank the Member for his intervention. However, when the then Minister, Arlene Foster, announced the new Northern Ireland Environment Agency, we were told that it would do the job better than the previous Environment and Heritage Service. The continuing problems with the Sixmilewater are an example of what I believe is the failure in how that body is constituted. It cannot, on the one hand, give out licences to discharge and, on the other hand, seek to investigate instances of pollution. If it finds that its discharge consents are responsible for fish kills —

**Mr Deputy Speaker:** Will the Member draw his remarks to a close, please?

**Mr Agnew:** — it might not seek to prosecute or even admit to those results.

I thank Mr Kinahan for bringing the issue to the House, and I look forward to the Minister's response.

**Mr Attwood (The Minister of the Environment):**

I thank all Members who contributed to the debate. I know that other Members wished to contribute but could not do so because of other business. We must all acknowledge Danny Kinahan's speech and his securing of an Adjournment debate on the topic. His personal interest in that part of the North of Ireland, which he clearly values and cherishes, was very much reflected in the eloquence, structure and content of his speech.

As other Members indicated, what everybody has said over the past hour forms the basis of proposals for best practice that could apply to any stretch of river. That is the power and importance of debates such as this. If you

extract and then interrogate the content of the debate, you should be able to develop a charter of best practice that applies to the Sixmilewater and any other river with similar problems. That is what I intend to do. I will not offer, in the words of Mr Clarke, “tea and sympathy”, but I will try to think outside the box. A spotlight must be shone on DOE so that no stone is left unturned in finding out what work might be forthcoming from across its functions, and I will apply the same rigour to addressing this issue.

Members know that, to try to interrogate issues in the Department that I thought needed to be addressed, and which people told me needed to be addressed, I ran a series of gatherings over the summer months on issues such as beach and water quality, planning, urban planning, road traffic, crime and built heritage. I was trying to identify what could reasonably be done in the short term and more strategically through policy and legislation. I will apply the same discipline to this issue, and Danny Kinahan’s concluding remarks are the reason why I will do so. He outlined a number of principles that should govern the policy and approach of government to the problems faced by Sixmilewater and similar river systems. What were some of those principles that quite a number of other Members touched on during the debate?

First, given that I represent the Government here but should be speaking on behalf of four Departments, Mr Kinahan asked whether it was time to consider how we could bring together, in a much more joined-up or perhaps more integrated way, all the functions of government that impact on rivers, including Sixmilewater. We have to get our heads round that, because I intend to introduce a marine Bill in the near future. I will be asking people to endorse the concept of a marine management organisation that gathers in one place all the functions of government in an effort to maximise marine management. Is the same principle not applicable to the management of our river systems, including Sixmilewater?

Secondly, he asked whether it was time to start thinking about an independent environment agency. In a matter of days, we might have no alternative but to more actively consider that. A decision from the European Court is forthcoming on environmental assessments in the North and whether our processes are seen to be and, in fact, are independent and rigorous enough to satisfy European standards on environmental

testing. That might be the impetus for us to consider more generally what I tried to accelerate over the summer, namely a testing of the concept that an independent environment agency is the best model and mechanism to deal with issues of water management, including those around Sixmilewater.

I agree with the argument that has been made that, independent of what structures there are, rigour of approach when it comes to penalties and criminal actions in respect of rivers is the front line in ensuring that river management and water quality is maintained. I will not go into details now. However, across the scope of enforcement in the Department, be it on the planning side, environment side or the crime unit, I have instructed officials to be robust in pursuing polluters, especially the most severe polluters, in all of that.

### 5.30 pm

I want to acknowledge, as I have done before, that, in his opening speech at the beginning of term on 5 September and in private correspondence with me, Sir Declan Morgan, the Lord Chief Justice, has made the issue of environmental crime a priority going forward. Furthermore, the Judicial Studies Board is looking at the issue and working with the judiciary in an effort to ensure that the court system’s penalties and practices on environmental crime are — as I see it, although it is for Sir Declan Morgan to say — more demanding and rigorous in order to ensure that the polluters of the Sixmilewater, tyre depots or any other aspect of the life and quality of the North are dealt with robustly.

One thing that I will make a commitment about is that the planning system produced a schedule of all cases that went before the courts in recent years. That has been forwarded to the Judicial Studies Board. Last week, at the reconvened built heritage crime summit at Conway Mill on the Falls Road, I asked officials to do the same in respect of built heritage crime. We need to do the same in respect of issues that have been identified here so that we pass over to the judiciary the profile and outcome of all cases in a way that might assist it to determine whether all is being done on the criminal justice or court side that should be done. I want to acknowledge all of that.

Obviously, in the little time that I have left, I want to comment on the particular circumstances

of the Sixmilewater in respect of criminal prosecutions. People are absolutely right that there were two severe penalties in 2008. In my briefing, Mr Agnew, I was not given the figure of 38,000 fish killed.

**Mr Agnew:** It was 35,000.

**Mr Attwood:** The figure is 35,000. The system tells me every time that there is a fish kill in any river in the North of Ireland, but I was not given that figure. The scale of that worries me. That is why, in respect of both cases — one, which was dismissed in court, arising from prosecution and the other, which was touched upon by Mr Girvan, in which the evidence was not beyond a reasonable doubt — that is the advice that I have been given. However, given what Mr Agnew has said and other information that has been made available to me in the past hour and a half, I will go off and interrogate that further to examine the quality of that judgement; whether it was the judgement of the NIEA or the Public Prosecution Service with regard to the threshold.

I confirm that, in respect of the January 2011 incident, which is more current, I have been advised that the Department is following “a definite line of inquiry”. Given that it is important that I do not be seen to comment on due process and ongoing investigations, I will leave it at that. However, in that narrative on severe and high pollution incidents, there is a story to be told, and it is one that I need to look at further.

Clearly, the situation with regard to the Sixmilewater is a difficult one to manage because of the profile and character of the area; the length of the river; the tributaries that flow into the river; and the industrial and populated nature of the area. That is why I can confirm that, during 2012, there will be a local management area plan for the Sixmilewater river. It will be drawn up in order to better manage the river. Better management is only as good as better enforcement and the work of the agency, other Departments and stakeholders.

I acknowledge the work of the Ballinderry group and the Six Mile Water Trust. I keep saying that we are gifted in Northern Ireland through having a scale of natural built heritage that is unequalled in any other part of these islands. However, given the constraints of government power and money, the more that local communities take responsibility for our local

waterways, local buildings and other examples of local built natural heritage, the better.

I also acknowledge that, because of the critical incidents a short while ago, the NIEA and the Department are working more closely with local stakeholders to maximise the opportunities to protect that natural asset. That has been the tone of much of the conversation and advice that I have picked up. However, Members will not get any argument from me today or over the next while that we are doing all that we can. There is clearly more that we should do, and that is the undertaking that I make to the House.

*Adjourned at 5.35 pm.*

# Written Ministerial Statement

**The content of this written ministerial statement is as received at the time from the Minister. It has not been subject to the official reporting (Hansard) process.**

## Environment

### **Spreading of Slurry under the Nitrates Action Programme**

*Published on Tuesday 18 October 2011*

**Mr Attwood (The Minister of the Environment):**

#### **Background**

As Members are aware the Nitrate Action Programme (NAP) Regulations (which implements the EU Nitrates Directive) were introduced to improve the use of nutrients on farmland and as a result improve water quality throughout the North of Ireland.

Given the emphasis which is being placed on the North's "clean and green" image, not only in relation to attracting tourists, but in marketing produce and products from our agri-food sector, the importance of good water quality is self-evident.

The NAP Regulations specify a closed period for the spreading of livestock manures, except dirty water, from midnight on 15 October to 31 January. This measure promotes best practice to obtain maximum benefit from nutrients in those manures for crop fertilisation whilst protecting the environment.

#### **The Issue**

I very much appreciate the difficulties that have been and are being faced by farmers in a number of places in the North. The numbers are significant. In particular farmers have faced difficult circumstances over the past few weeks preventing them from spreading slurry. These circumstances include cases of flooding and inability to harvest crops.

I have received a number of representations from elected representatives and farming organisations asking that I consider whether

the circumstances were so extreme that a delay to the start of the Nitrates Action Programme "closed period", when the spreading of slurry is prohibited, should be considered. I am also aware that the DARD Minister has commented on this issue.

In seeking to determine the best course of action for the affected farmers and the environment I have examined the Met. Office weather records over the last weeks and months and I continue to do so. I have received strong and clear legal advice from a number of authorities and there have been conversations with relevant EU officials and colleagues in the Republic of Ireland. I have reviewed the recent experience in Scotland, met with farming representatives and considered the matter from all viewpoints.

#### **My Decision**

The decision I have made aims to provide relief to farmers who have reasonable excuse for non compliance with the Nitrates Action Programme when the season for spreading organic manures ended at midnight on 15 October. At the same time, the decision I have made aims to act within the limits of the law and, crucially, protect farmers and the Government from EU penalties which potentially could be severe in relation to the management of the Nitrates Action Programme.

Therefore, having taken into account the relevant legal advice from a number of sources, the views of farmers' leadership, advice from DOE and NIEA officials, and having reviewed Met. Office statistics I announced last Tuesday (11/10/11) and now confirm that under regulation 25(2) of the Nitrates Action Programme Regulations (Northern Ireland) 2010, farmers on a case by case basis may be able to rely on the defence of "reasonable excuse" in relation to spreading of organic manures and non compliance with the closed period.

I again confirm, that where farmers have reasonable excuse and have grounds for their actions, this would inform how my Department subsequently assesses compliance with the Nitrates Action Programme.

Let me also say again – I will be supportive of farmers in these circumstances to the limits of my office. I made it clear to NIEA that where individual farmers have taken all reasonable steps to manage the situation and had no alternative other than to spread organic manures during the closed period, the Agency should look positively at those cases.

As Members will be aware breaches of the Nitrates Action Programme Regulations are reported to DARD under cross compliance procedures and may lead to reductions in direct aid payments for non-compliant farm businesses. Every case will be assessed on an individual basis and only after a assessment has been made of individual circumstances can a decision be made on a referral for penalties under the Cross-compliance elements of the Single Farm Payment. However, to assist in this process, I have made it clear that the relevant NIEA staff should look positively at cases, where evidence is produced in each particular case and taking into account information from other sources such as rainfall pre-coded in each area in NI.

### Reasonable Excuse

‘Reasonable excuse’ has an accepted legal meaning of something beyond the control of, and not foreseeable by an individual. In the context of slurry spreading, wet weather, is something a farmer would normally be expected to anticipate and farmers are required to have sufficient storage both for the closed period and for periods of adverse weather conditions when, due to extended wet weather, spreading of organic manure is not permitted.

However given the defence of reasonable excuse which exists in law and upon which farmers can seek to rely upon, it is fair for farmers to ask what this might mean.

In assessing whether a farmer had taken “all reasonable steps” to manage the situation the Northern Ireland Environment Agency would consider a number of factors including:

- if the farmer had sufficient slurry storage in accordance with the regulations
- if slurry had been properly managed outside the closed period and had been spread as appropriate when conditions permitted;
- if clean storm water, e.g. roof water had been diverted away from slurry storage tanks;
- if farmers had exhausted reasonable alternatives such as renting extra storage space or using straw bedding, and where forced to breach the closed period,
- if farmers had taken additional steps to protect against water pollution such as increasing safety margins, spreading to flat land etc;
- if only the minimum necessary was spread to provide sufficient capacity to the end of the closed period.

### Practicalities

To be able to rely on the defence of reasonable excuse a farmer should provide a record of evidence showing that they had taken all reasonable steps to manage the situation and had no alternative other than to spread organic manures during the closed period. Subsequently this record would be important in informing the assessment of the NIEA in relation to compliance issues. I have advised the NIEA that on a case by case basis where a farmer provides a record of evidence, the NIEA must take full account of this evidence.

Where it comes to the attention of NIEA that a farmer has spread slurry over the closed period, NIEA officers will do the following:-

- Visit the farm in question
- Check for evidence of water pollution arising from the spreading
- Ascertain the circumstances that led to the farmer spreading slurry or manure during the closed period
- Confirm the evidence that the farmer had taken all reasonable steps, as outlined earlier, to manage the situation.
- Consider rainfall, pattern in the area in the period before the end of the season, which may be a factor in the actions of a farmer.

I am aware that the UFU has produced guidelines for its members on what this might mean in practice. I very much appreciate the Union’s approach on these guidelines, which are a very helpful contribution to addressing this

problem responsibly. NIEA has provided input to this document, which it endorses. The approach outlined in the document is something NIEA would reasonably expect to see.

**Conclusion**

I believe what I have confirmed in this statement will result in relief to, and protection of, farmers in genuine difficulty, in a way that protects the interests of the farmer, the government, economy and environment. I believe that this is a proper intervention and a proportionate response to a difficult situation.







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