



**Northern Ireland
Assembly**

COMMITTEE FOR THE ENVIRONMENT

MINUTES OF PROCEEDINGS

THURSDAY, 22 OCTOBER 2015

SENATE CHAMBER, PARLIAMENT BUILDINGS

Present: Ms Anna Lo MLA (Chairperson)
Mrs Pam Cameron MLA (Deputy Chairperson)
Mr Barry McElduff MLA
Mr Gary Middleton MLA
Mrs Sandra Overend MLA
Lord Morrow MLA

In Attendance: Miss Ciara McKay (Assembly Clerk)
Mr Mark McQuade (Assistant Clerk)
Mr Neil Sedgewick (Clerical Supervisor)
Ms Suzi Cave (Research & Information Service)
Ms Stephanie Mallon (Bill Clerk)

Apologies: Mr Cathal Boylan MLA
Mr Colum Eastwood MLA
Mr William Irwin MLA
Mr Alban Maginness MLA
Mr Ian Milne MLA

The meeting opened in public session at 10.20am.

1. Apologies.

The apologies are noted above.

2. The Environmental Better Regulation Bill - Deliberation of clauses

The Committee moved to item 15.

Officials joined the meeting at 10.21am.

Mr Robert Gray Regulatory and Natural Resources Policy Division

Mr Dave Foster Director, Regulatory and Natural Resources Policy
Division

The Committee noted that it had considered clauses 1 to 5 at its meeting on 15 October 2015 and was content with clauses 2 and 4.

The Committee noted a response from the Department to issues raised on clauses 1, 3 and 5.

The Committee carried out an informal deliberation of the following clauses while officials remained in attendance:

Clause 1 - General purpose: protecting and improving the environment.

Mr Middleton joined the meeting at 10.28am.

Agreed: The Committee agreed that it was content with the Department's proposed amendment on this clause.

Clause 3 - Regulations relating to protecting and improving the environment: consultation

Agreed: The Committee agreed that it was content with the Department's proposed amendment on this clause.

Clause 5 – Interpretation

Officials agreed to provide additional information in the Explanatory and Financial Memorandum.

Agreed: The Committee agreed that it was content with the Department's intention to add additional information surrounding this clause into the Explanatory and Financial Memorandum. Officials agreed to provide the wording for the Committee's consideration on 5th November.

Clause 6 - Repealing, etc. unnecessary or inappropriate powers of entry, etc.

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 7 - Adding safeguards to powers of entry

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 8 - Rewriting powers of entry

The Committee noted the proposed technical amendment by the Department to this Clause.

Agreed: Officials agreed to provide additional information on the amendment in the Explanatory and Financial Memorandum.

Agreed: The Committee agreed that it was content with the Department's proposed amendment on this clause.

Clause 9 - Review of powers of entry

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 10 - Consultation requirements

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 11 – Regulations

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 12 - Code of practice in relation to powers of entry

Agreed: The Committee agreed to ask the Department to consider an amendment to allow for further Assembly scrutiny of the Code of Practice.

Clause 13 – Interpretation

Mrs Overend left the meeting at 10.59am.

Officials agreed to provide additional information in the Explanatory and Financial Memorandum on the definition of “premises”.

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill. Officials agreed to provide the wording to be added into the Explanatory and Financial Memorandum to the Committee at its meeting on 5th November.

Clause 14 - Authorised fuel

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 15 - Exempt fireplaces

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 16 - Removal of assessments under Article 13

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 17 - Amendments consequential on the amendments to Article 13

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 18 - Enforcement authorities

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 19 - Regulations relating to wholesomeness of water

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 20 - Appointment and powers of inspectors

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 21 - Publication of certain information and advice

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 22 - Transitional provisions

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 23 - Regulations and orders

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 24 – Interpretation

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 25 - Repeals and revocations

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Clause 26 - Commencement

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Lord Morrow left the meeting at 11.22am.

The meeting was suspended due to loss of quorum at 11.22am.

Lord Morrow rejoined the meeting at 11.27am.

The meeting resumed at 11.27am as quorum was restored.

Clause 27 - Short title

Agreed: The Committee agreed that it was content with the clause as drafted in the Bill.

Schedule 1 - Matters for, or in connection with, which regulations may be made under section 2

Agreed: The Committee agreed to ask the Department to consider an amendment to remove the words 'Further defining environmental activities' in paragraph 1.

Agreed: Officials agreed to provide to the Committee clarification of the reason why a maximum fine is defined in the Bill in paragraph 13(10) but not a minimum fine; and to further explain paragraph 13(11).

Schedule 2 Repeals

Agreed: The Committee agreed that it was content with Schedule 2 as drafted in the Bill.

Schedule 3 Revocations

Agreed: The Committee agreed that it was content with Schedule 3 as drafted in the Bill.

Officials left the meeting at 11.47am.

3. Chairpersons Business

The Committee moved to item 2.

The Chairperson informed members that she had participated in an education video for students, discussing current environment issues.

4. Minutes

The Committee moved to item 3.

The minutes from the meeting held on 15th October 2015 were agreed.

5. Matters arising

The Committee moved to item 4.

The Committee noted a response from the Department regarding the availability of planning information for wind energy developments and grid connection agreements.

The Committee noted correspondence from the Committee for Agriculture & Rural Development advising that it is content that the Nitrates Action Programme.

The Committee noted a response from Armagh City, Banbridge and Craigavon Council regarding fire protection for oil tanks.

6. Synopsis of Responses to the consultation on amending NIEA's Financial Provision Policy

The Committee moved to item 5.

The Committee considered a synopsis of responses to the consultation on amending NIEA's Financial Provision Policy.

The Committee also noted that it had agreed at its meeting on 18 June 2015 to invite officials to brief it on the outcome of the consultation.

Agreed: The Committee agreed to defer consideration of this consultation until officials provided an oral briefing to the Committee.

7. Synopsis of Responses to the consultation on draft second cycle River Basin Management Plans

The Committee moved to item 6.

The Committee noted a response from the Department following a briefing from the Freshwater Taskforce.

The Committee considered a synopsis of responses the consultation on draft second cycle River Basin Management Plans.

Agreed: The Committee agreed to proceed with an oral briefing from NIEA on the river basin management plans, but to postpone a briefing with NI Water until it had commenced its review into river pollution.

Agreed: The Committee agreed to commission research outlining the different government responsibilities regarding water quality and river pollution; the impact and implementation of the Water Framework Directive; and examples of partnership approaches.

Agreed: The Committee agreed to schedule an additional meeting on either Tuesday 3rd November or Tuesday 10th November to accommodate time-bound oral briefings.

8. Synopsis of Responses to Consultation on Draft Local Government Pension Scheme (Amendment No.3) Regulations (Northern Ireland) 2015

The Committee moved to item 7.

The Committee considered a synopsis of responses to the consultation on the Draft Local Government Pension Scheme (Amendment No.3) Regulations (Northern Ireland) 2015.

Agreed: The Committee agreed that it was content that the Department proceed to draft the Statutory Rule.

9. Synopsis of Responses to Consultation on Proposals related to downloading timescales for digital tachograph data.

The Committee moved to item 8.

The Committee noted a response from the PSNI regarding the proposed legislation.

The Committee considered a synopsis of responses to the consultation on proposals related to downloading timescales for digital tachograph data.

Agreed: The Committee agreed that it was content that the Department proceed to draft the Statutory Rule and that it no longer required an oral briefing on this matter.

10. Synopsis of Responses to the UK Wide Consultation on Transportation of EU Regulation 165/2014 Tachographs in Road Transport

The Committee moved to item 9.

The Committee considered a synopsis of responses to the consultation on the UK Wide Consultation on Transportation of EU Regulation 165/2014 Tachographs in Road Transport.

Agreed: The Committee agreed that it was content that the Department proceed to draft the Statutory Rule.

11. SR 2015/344 The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015

The Committee moved to item 10.

Question put and agreed:

“The Committee for the Environment has considered SR 2015/344 The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015 and, subject to the report of the Examiner of Statutory Rules, has no objection to the Rule.”

12. SR 2015/349 The Road Traffic (Fixed Penalty) (Offences) (Amendment) Order (Northern Ireland) 2015

The Committee moved to item 11.

Question put and agreed:

“The Committee for the Environment has considered SR 2015/349 The Road Traffic (Fixed Penalty) (Offences) (Amendment) Order (Northern Ireland) 2015 and, subject to the report of the Examiner of Statutory Rules, has no objection to the Rule.”

13. SR 2015/351 The Water Framework Directive (Classification Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015

The Committee moved to item 12.

Question put and agreed:

“The Committee for the Environment has considered SR 2015/351 The Water Framework Directive (Classification Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015 and, subject to the report of the Examiner of Statutory Rules, has no objection to the Rule.”

14. SR 2015/352 The Snares Order (Northern Ireland) 2015

The Committee moved to item 13.

Question put and agreed:

“The Committee for the Environment has considered SR 2015/352 The Snares Order (Northern Ireland) 2015 and, subject to the report of the Examiner of Statutory Rules, recommends that the rule is affirmed by the Assembly.”

15. Issues arising from the spread of Knotweed - Briefing from RaISe

The Committee was briefed on the spread of Knotweed.

16. Issues arising from the spread of Knotweed - Briefing from Knotweed NI

The Chair of the Committee, Ms Anna Lo, left the meeting at 12.22pm. The Deputy Chairperson, Mrs Pam Cameron, took the Chair.

Mrs Overend rejoined the meeting at 12.22pm.

Witnesses joined the meeting at 12.22pm.

The Committee took evidence from:

Mr Mark Johnston Consultant, Knotweed NI

Mr Colin Eve Managing Director, Knotweed NI

Mr Mark Armstrong Consultant, Knotweed NI

Agreed: The Committee agreed to write to the Department to ascertain what measures it is taking to address issues with Japanese Knotweed.

Witnesses left the meeting at 12.56pm.

17. European issues - RaISe Written Briefing

The Committee noted a written briefing paper on European issues.

18. Correspondence

The Committee moved to item 19.

The Committee noted a call for evidence from AERC on the Assembly and Executive Reform (Assembly Opposition) Bill.

The Committee noted correspondence from the Department providing advance notice of its intention to consult on the use of seat belts by child passengers on large buses and coaches.

The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a report from the Carnegie Trust – ‘Towards a Wellbeing Framework Report on Measuring Wellbeing in Northern Ireland.’

The Committee noted correspondence from the Assembly’s European Union Affairs Manager about a Meet Your MEP event on 30th October 2015.

19. Forward Work Programme

The Committee moved to item 20.

The Committee noted its Forward Work Programme.

20. European issues - Departmental briefing

The Committee moved to item 18.

Officials joined the meeting at 13.00pm.

The Committee was briefed by:

Mr Tim Irwin Environmental Policy Division, DOE

Mr Brendan Forde EU Funding Team, DOE

Following questions, officials left the meeting at 1.14pm.

21. Any Other Business

No other business was discussed.

22. Date, Time and Place of next meeting.

The Committee agreed that its next meeting will be held at 10.00am on Thursday 5th November 2015 in the Senate Chamber, Parliament Buildings.

The Deputy Chairperson adjourned the meeting at 1.15pm.

Anna Lo, MLA
Chairperson, Committee for the Environment
5 November 2015