



Northern Ireland
Assembly

**COMMITTEE FOR INFRASTRUCTURE
MINUTES OF PROCEEDINGS**

WEDNESDAY, 21 OCTOBER 2020

THE SENATE CHAMBER, PARLIAMENT BUILDINGS

Present: Ms Michelle McIlveen MLA (Chairperson)
Mr David Hilditch MLA (Deputy-Chairperson).
Ms Martina Anderson MLA
Mr Roy Beggs MLA
Mr Cathal Boylan MLA
Mr Keith Buchanan MLA
Mrs Dolores Kelly MLA (Via Starleaf)
Ms Liz Kimmins MLA
Mr Andrew Muir MLA

Apologies: None

In Attendance: Mrs Alison Ross (Assembly Clerk)
Mr Vincent Gribbin (Assistant Assembly Clerk)
Mr Johnny Lawless (Clerical Supervisor)

The meeting commenced in open session at 10:39 am.

1. Apologies

As above.

2. Chairpersons Business

A member of the Committee referred to a complaint they had received.

The Chairperson advised that the Committee had received the complaint and that it was not a matter for the Committee and the complainant had been directed to the proper channels.

3. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Wednesday 14 October 2020.

4. Matters Arising

None.

5. Correspondence

Copy of the Examiner of Statutory Rules Twenty-Fourth Report of the 2019-2020 Session.

Agreed: The Committee agreed to note the report.

Correspondence from the Committee for Agriculture, Environment and Rural Affairs regarding potential overlap on Committee business on EU Exit matters.

Agreed: The Committee agreed to note the correspondence.

Response from the Motorcycle Action Group UK to the Department for Infrastructure response regarding wire crash barriers.

Agreed: The Committee agreed to forward the correspondence to the Department for information and comment.

Correspondence from the Minister for Infrastructure providing a copy of the final report of the Ministerial Advisory Panel on Infrastructure.

Agreed: The Committee agreed to schedule a briefing from the panel in the forward work programme.

Response from Translink regarding the withdrawal of the Belfast-Dublin X1 service by Bus Éireann.

Agreed: The Committee agreed to note the correspondence.

Response from the Minister for Infrastructure to Committee correspondence regarding issues arising from the Committee meeting on 30 September 2020.

Agreed: The Committee agreed to note the correspondence.

Correspondence from Derry City and Strabane District Council inviting the Committee to discuss infrastructure of the North West and offer of the use of their facility at the Guildhall when they visit the District.

Agreed: The Committee agreed to schedule a briefing in the forward work programme when Covid restrictions allow.

Correspondence from the Northern Ireland Assembly EU Affairs Officer providing details on upcoming Brexit Business.

Agreed: The Committee agreed to note the correspondence.

Copy of the Examiner of Statutory Rules Twenty-Fifth Report of the Session 2019-2020.

Agreed: The Committee agreed to note the report.

Correspondence from the Minister for Infrastructure giving notice of her intention to make an oral statement on the North South Ministerial Council Transport Sector Meeting.

Agreed: The Committee agreed to note the correspondence.

Correspondence from the Department for Infrastructure regarding the removal of the Statutory Option for drink driving testing.

Agreed: The Committee agreed to note the correspondence.

Copy correspondence from Protect Our North Coast Group to the Minister for Infrastructure regarding permitted development rights.

Agreed: The Committee agreed to note the correspondence.

Ministerial response to Committee correspondence regarding the impact of mitigation measures on the Driver & Vehicle Agency due to the current restrictions.

Agreed: The Committee agreed to write to the Department to request information on the current availability of dual role staff now no longer engaged in driver testing and whether this will assist with removing the MOT backlog.

Agreed: The Committee agreed to write to the Department requesting an update on the funding package and proposed timetable for the Taxi, Coach and Haulage Sectors.

6. SL1 - The Regulation (EC) No 1370/2007 (Public Service Obligation in Transport) (Amendment) (EU EXIT) (Northern Ireland) Regulations 2020

The Committee considered the SL1 - The Regulation (EC) No 1370/2007 (Public Service Obligation in Transport) (Amendment) (EU EXIT) (Northern Ireland) Regulations 2020

Mr Andrew Muir left the meeting at 10:48 am.

Agreed: The Committee agreed that it is content to note the proposal for the Statutory Rule.

7. SR 2020-218 The Planning Act 2011 (Review) Regulations (Northern Ireland) 2020

The Committee considered the SR 2020-218 The Planning Act 2011 (Review) Regulations (Northern Ireland) 2020. The purpose of the Rule is to set out the terms of the review of the Planning Act (Northern Ireland) 2011. The statutory rule is required under section 228 “Review of Act” of the 2011 Act which requires the Department to review and issue a report on the implementation of the Act 3 years after the commencement of Part 3 (of the 2011 Act) and at least once in every 5 years after that.

Agreed: The Committee considered SR 2020-218 The Planning Act 2011 (Review) Regulations (Northern Ireland) 2020 and, subject to the Examiner of Rules has no objection to the rule.

8. SR 2020-222 The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations (Northern Ireland) 2020

The Committee considered SR 2020-222 The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations (Northern Ireland) 2020. The purpose of these Regulations is to reinstate the Department of Agriculture, Environment and Rural Affairs (DAERA) as the competent authority for Northern Ireland with responsibility in relation to the carriage of radioactive (ADR class 7) goods by road under the European Agreement concerning the International Carriage of Dangerous Goods by Road (known as the ADR Treaty).

Agreed: The Committee considered SR 2020-222 The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations (Northern Ireland) 2020, and, subject to the Examiner of Rules has no objection to the rule.

Mr Andrew Muir re-joined the meeting at 10:51 am.

9. Briefing from the Utility Regulator

The representatives joined the meeting at 10:51 am.

Ms Tanya Hedley, Director of Compliance and Network Operations, Utility Regulator Northern Ireland

Mr John Mills, Head of Network Price Regulation, Utility Regulator Northern Ireland

The representatives provided the Committee with an oral briefing.

The oral evidence session was reported by Hansard.

A question and answer session followed.

Mr David Hilditch left the meeting at 11:32 am.

Agreed: The Committee agreed to write to the Utility Regulator / NI Water for information on the increased costs of Brexit and the Covid-19 pandemic to NI Water.

Mr David Hilditch re-joined the meeting at 11:39 am.

The Chairperson thanked the representatives for their attendance.

The representatives left the meeting at 12:04 pm.

Agreed: The Committee agreed to schedule a briefing with the Regulator after the Brexit negotiations are finalised.

Agreed: The Committee agreed to write to the Committee for Economy to ascertain what, if any, communication they have had with the Department for Economy in respect of issues around connections by NIE to new homes in rural areas and Wayleave agreements. In particular:

- Where responsibility for establishing compulsory Wayleave agreements lies?
- How many such agreements exist?
- What is the process and how easy is it for consumers to navigate?
- How many applications for new connections are received as opposed to the number of Wayleave agreements?

10. Departmental Briefing – Transport Regulation Unit

The Departmental officials joined the meeting at 12:05 pm

Mr Chris Hughes, Director of Safe & Accessible Travel
Mr David Mullan, Head of Transport Regulation Unit

The Departmental officials provided the Committee with an oral briefing.

The oral evidence session was reported by Hansard.

A question and answer session followed.

Ms Liz Kimmins left the meeting at 12:44 pm.

Ms Martina Anderson left the meeting at 12:57 pm.

The Chairperson thanked the Departmental officials for their attendance.

The Departmental officials left the meeting at 12:59 am

Agreed: The Committee agreed to write to the Minister highlighting its concerns regarding the operation and leadership of the Transport Regulation Unit and to request clarity on a range of questions the Committee still has at the conclusion of the briefing:

- Explain the circumstances through which the backlog of cases has reached its current level.
- Explain the details of the finding by the Upper Tribunal about the inadequacies of the decision making process and the reasons outlined for a small number of cases being returned to be reheard by an alternative presiding officer.
- Explain how companies with more than one vehicle are able to be found in disrepute in respect of one vehicle but are still able to operate other vehicles.
- What is the process for progressing an inquiry if an operator does not consent to an online hearing?
- What are the structures in place for sharing information between regulatory and enforcement bodies responsible for vehicles?

11. Forward Work Programme

The Committee considered the Draft Forward Work Programme.

Agreed: The Committee agreed the Forward Work Programme.

12. Any Other Business

13. Date, Time and Place of next meeting

The Committee agreed that the next meeting would be on Wednesday, 4 November 2020 at 10:00 am in the Senate Chamber, Parliament Buildings.

The Committee adjourned at 1:01 pm

Ms Michelle McIlveen MLA
Chairperson, Committee for Infrastructure

4 November 2020