

# Written Answers to Questions

Official Report (Hansard)

**Friday 19 July 2013**

**Volume 86, No WA6**



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They should be sent to:

The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.  
Tel: 028 9052 1135 · e-mail: [simon.burrowes@niassembly.gov.uk](mailto:simon.burrowes@niassembly.gov.uk)

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Spratt, Jimmy (South Belfast)  
Storey, Mervyn (North Antrim)  
Swann, Robin (North Antrim)  
Weir, Peter (North Down)  
Wells, Jim (South Down)  
Wilson, Sammy (East Antrim)

# Northern Ireland Assembly

Friday 19 July 2013

## Written Answers to Questions

### Office of the First Minister and deputy First Minister

#### **Sexual Orientation Strategy**

**Mr Brady** asked the First Minister and deputy First Minister why a Sexual Orientation Strategy has not been published.

**(AQO 3824/11-15)**

**Mr P Robinson and Mr M McGuinness (The First Minister and deputy First Minister):** As outlined in Together: Building a United Community, we are committed to publishing a Sexual Orientation Strategy this year. A consultation document that will inform public consultation on the strategy is currently under consideration in the Department. The Strategy will be published once the consultation process has been completed. Our officials continue to engage with the sector on a regular basis to update it on the development of the consultation document.

#### **Help and Assistance to the Gallagher Family**

**Mr Allister** asked the First Minister and deputy First Minister, pursuant to AQO 3823/11-15, whether the use of the first person singular by the First Minister indicates that the deputy First Minister is not willing to provide the Gallagher family with all available help and assistance.

**(AQW 22112/11-15)**

**Mr P Robinson and Mr M McGuinness:** We would refer the member to the answer to AQO 3823/11-15 which was given in the Assembly on 22 April 2013.

#### **Extension to the Defamation Act 2013**

**Mrs D Kelly** asked the First Minister and deputy First Minister what discussions they have had with the Minister of Finance and Personnel regarding an extension to the Defamation Act 2013.

**(AQO 4067/11-15)**

**Mr P Robinson and Mr M McGuinness:** The Defamation Act 2013 is now law but does not extend to Northern Ireland. There were no discussions with the Minister of Finance and Personnel about the Defamation Bill during its passage through Parliament

#### **Current or Planned Legislation**

**Mr Weir** asked the First Minister and deputy First Minister to list the current or planned legislation that their Department will bring to the Assembly before the end of the current term.

**(AQW 24252/11-15)**

**Mr P Robinson and Mr M McGuinness:** The Programme for Government contains our commitment to progress legislation to extend age discrimination legislation to the provision of goods, facilities and services. The Programme also refers to our plan to introduce any Assembly legislation necessary to implement any agreed changes to post-2015 structures of Government, and this will be confirmed in due course.

Other requirements for primary legislation relating to OFMDFM responsibilities may arise during this mandate and these will be reviewed on a regular basis.

### **Legislative Timetable**

**Mr Easton** asked the First Minister and deputy First Minister for an indicative Executive legislative timetable for 2013 – 2015.

**(AQW 24547/11-15)**

**Mr P Robinson and Mr M McGuinness:** We are currently considering how Executive Ministers' future legislative intentions might best be conveyed to the Assembly at a time and in a way most helpful to the conduct of its business.

### **Play and Leisure Implementation Plan**

**Mr Eastwood** asked the First Minister and deputy First Minister for an update on the Play and Leisure Implementation Plan.

**(AQW 24667/11-15)**

**Mr P Robinson and Mr M McGuinness:** Officials are currently reviewing the Executive's existing Play and Leisure Implementation Plan. The review will outline progress to date as well as identifying any barriers to delivery of actions within the lifespan of the Plan which runs to 2016 and how to address these. UNCRC adopted a General Comment on Article 31 (Play & Leisure) on 1st February 2013. The General Comment will inform the review. Initial findings are that there has been substantial progress across the Executive in delivering the plan.

### **Childcare Strategy**

**Mr Lyttle** asked the First Minister and deputy First Minister when the childcare strategy will be published, given that the target date for publication was 30 June 2013.

**(AQW 25005/11-15)**

**Mr P Robinson and Mr M McGuinness:** We expect to make an announcement on the Childcare Strategy in due course.

### **Victims and Survivors Service: Consultation on Changes**

**Mr Eastwood** asked the First Minister and deputy First Minister what consultations were embarked upon before changes were made to the Victims and Survivors Service.

**(AQW 25013/11-15)**

**Mr P Robinson and Mr M McGuinness:** A public consultation on the Strategy for Victims and Survivors was undertaken in August 2008, followed by a public consultation on the Victims and Survivors Service in August 2009.

### **Victims and Survivors Service**

**Mr Eastwood** asked the First Minister and deputy First Minister why assessment by the Victims and Survivors Service is compulsory before victims can gain support from voluntary and community groups.

**(AQW 25014/11-15)**

**Mr P Robinson and Mr M McGuinness:** A Needs Review by the Victims and Survivors Service (VSS) is not required for victims and survivors who wish to avail of services and assistance provided by Victims and Survivors Groups through the Social Support Programme.

A Needs Review by the VSS is only required for victims and survivors who wish to avail of interventions from the Health and Wellbeing Programme.

# Department of Agriculture and Rural Development

## Hardship Scheme Payments

**Mr Swann** asked the Minister of Agriculture and Rural Development when farmers will receive payments under the Hardship Scheme, which had been scheduled for payment at the end of June 2013.

**(AQW 24840/11-15)**

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** As at 30 June 2013, 1,395 Letters of Offer have been issued to farmers advising them of their hardship payment entitlement and including a claim form for signature and return to my Department.

As at 2 July, 930 hardship payments have been made to farmers.

It is expected that all agreed claims will be paid by 5 July. Any remaining cases, where numbers or type of animal are being queried, will be paid once these matters have been cleared.

## Registered Herd Keepers

**Mrs Dobson** asked the Minister of Agriculture and Rural Development, pursuant to AQW 24422/11-15, to detail the total number of registered herd keepers, in each of the last three years.

**(AQW 24915/11-15)**

**Mrs O'Neill:** The number of operational registered herd keepers, on 31st March in each of the last three financial years (i.e. 31-3-11, 31-3-12 and 31-3-13), is given in the table below.

### OPERATIONAL REGISTERED KEEPERS

	2010/11	2011/12	2012/13
Cattle	27,357	27,446	27,226
Sheep	11,994	12,420	12,834
Pigs	1,431	1,527	1,429
Goats	546	541	487

## Animal Cruelty Offences

**Mr Weir** asked the Minister of Agriculture and Rural Development to detail (i) the range of offences that can be prosecuted as cruelty to animals; and (ii) the maximum sentence for each offence.

**(AQW 24935/11-15)**

**Mrs O'Neill:** The welfare of animals here is protected by the Welfare of Animals Act 2011. The word "cruelty" does not appear in the Act. There are however, a range of offences relating to activities which may cause an animal to suffer unnecessarily.

- (i) Section 4 of the Act sets out the circumstances in which a person who causes or permits an animal to suffer commits an offence. It is an offence to cause physical or mental suffering, whether by a positive act or an omission, to an animal;

Section 5 makes it an offence to carry out a prohibited procedure on any protected animal. Prohibited procedures are those which involve interference with the sensitive tissues or bone structure of the animal for example, ear cropping of dogs;

Section 6 creates a number of offences regarding the cosmetic docking of dogs tails;

Section 7 creates offences relating to the administration to a protected animal of any poisonous substance or drug without lawful authority or reasonable excuse;

Section 8 creates a number of offences regarding animal fighting including keeping or training an animal for use in such a fight or organising or attending an animal fight;

Section 9 creates an offence for failing to ensure the welfare of animals for which a person is responsible; and

Section 14 creates offences regarding the abandonment of animals for which a person is responsible.

- (ii) Section 31 sets out clearly the penalties for breaches of the Act. A person found guilty of a range of offences under the Act is liable by summary conviction to imprisonment for a term not exceeding 6 months and/or a fine not exceeding level 5 (currently £5,000). Section 31 also sets out the serious offences which the prosecutor can decide to try either by summary conviction or by indictment. The maximum penalty for conviction on indictment is imprisonment for a term not exceeding two years and/or an unlimited fine.

As well as the penalties set out above, Section 32 of the Act enables the courts to confiscate an animal from an owner who has been convicted of an offence in relation to that animal. Section 33 confers a power on a court to disqualify a person from owning, keeping or participating in the keeping of animals; and from being party to any arrangements to control or influence the way in which animals are kept.

### **Animal Cruelty Offences**

**Mr Weir** asked the Minister of Agriculture and Rural Development whether, in relation to cruelty to animals, convictions can include offences committed against all species of animal, and if not, to detail which animals are excluded.

**(AQW 24940/11-15)**

**Mrs O'Neill:** The welfare of animals here is protected by the Welfare of Animals Act 2011. The word "cruelty" does not appear in the Act, this has been replaced by the term "unnecessary suffering" which is all embracing. Within the Act "animal" means a vertebrate other than man. The Act does not therefore apply to any invertebrate animals.

However, the Department may by regulations, in the future, extend the definition of "animal" so as to include invertebrates of any description but only if the Department is satisfied, on the basis of scientific evidence, that animals of the kind concerned are capable of experiencing pain or suffering.

The offences in Section 4 of the Act in relation specifically to unnecessary suffering apply to all vertebrate animals including wild animals. However, it is important to note that many of the other offences in the Act apply only in relation to "protected animals". A "protected animal" is one which is: (a) commonly domesticated here; (b) is temporarily or permanently under the control of man; or (c) is not living in a wild state. Whether or not an animal is considered a protected animal will therefore be based on the circumstances rather than its species.

### **Central Investigation Service**

**Mr Swann** asked the Minister of Agriculture and Rural Development to detail all Memoranda of Understanding and Service Level Agreements that the Central Investigation Service holds with any other organisation.

**(AQW 24941/11-15)**

**Mrs O'Neill:** The Central Investigation Service currently has 6 Service Level Agreements with other organisations. They include the Office of the First Minister and Deputy First Minister, the Special European Union Programmes Body, the Department of Finance and Personnel, the Department of Culture Arts and Leisure, the Public Prosecution Service and the NI Prison Service.

## Branded Apparel for Non-Frontline Staff

**Mr Allister** asked the Minister of Agriculture and Rural Development how much her Department has spent on branded apparel for non-frontline staff, in each of the last three years.

**(AQW 24992/11-15)**

**Mrs O'Neill:** Details of the spend on branded apparel, defined as clothing bearing the departmental logo, for non-frontline staff is set out in the table below. The spend information for 2010/11 is incomplete as records which identified spend for front and non frontline staff from April 2010 to 12 December 2010 were destroyed when the store area in Dundonald House was flooded during the heavy rainfall in June 2012.

Year	Spend
2010-11 (13 Dec 2010 – 31 March 2011)	£30.67
2011-12	£141.30
2012-13	£967.34

## Central Investigation Service

**Mr Swann** asked the Minister of Agriculture and Rural Development whether she has lobbied Central Investigation Service staff in relation to a case they were investigating.

**(AQW 24999/11-15)**

**Mrs O'Neill:** I have not lobbied Central Investigation Service staff in relation to any case they were investigating.

## Department of Education

### First Preference Nursery School Places

**Mr Storey** asked the Minister of Education how many children in each Education and Library Board area did not receive their first preference choice of nursery school.

**(AQW 24956/11-15)**

**Mr O'Dowd (The Minister of Education):** The pre-school admissions process is preference based: therefore those children not offered a place by their 1st preference setting may be offered a place in another setting listed by their parents as a preference on their application.

The table below details the number of children in each education and library board area who were not offered a place by their first preference provider broken down between statutory nursery and voluntary and private pre-school settings.

	No. of children not offered 1st preference statutory nursery	No. of children not offered 1st preference voluntary/private setting
BELB	467	60
WELB	604	49
NEELB	561	81
SEELB	641	98
SELB	749	72
<b>Total</b>	<b>3022</b>	<b>360</b>

At the end of the 2013/14 pre-school admissions process, 99.9% of target aged children, whose parents fully engaged with the process, were offered a funded place in a pre-school setting.

### First Preference Pre-School Places

**Mr Storey** asked the Minister of Education how many children in each Education and Library Board area did not receive their first preference choice of pre-school provision.

**(AQW 24957/11-15)**

**Mr O'Dowd:** The pre-school admissions process is preference based: therefore those children not offered a place by their 1st preference setting may be offered a place in another setting listed by their parents as a preference on their application.

The table below details the number of children in each education and library board area who were not offered a place by their first preference provider broken down between statutory nursery and voluntary and private pre-school settings.

	<b>No. of children not offered 1st preference statutory nursery</b>	<b>No. of children not offered 1st preference voluntary/private setting</b>
BELB	467	60
WELB	604	49
NEELB	561	81
SEELB	641	98
SELB	749	72
<b>Total</b>	<b>3022</b>	<b>360</b>

At the end of the 2013/14 pre-school admissions process, 99.9% of target aged children, whose parents fully engaged with the process, were offered a funded place in a pre-school setting.

### Extra Capacity for Nursery Schools in Cookstown

**Mr McGlone** asked the Minister of Education whether extra capacity is available for over-subscribed nursery schools and nursery units in the Cookstown District Council area.

**(AQW 25018/11-15)**

**Mr O'Dowd:** Figures provided by the Southern Education and Library Board (SELB) indicate that at the end of stage two of the pre-school application process, only one child whose parents had participated in the full process had not been allocated a pre-school placement.

A number of parents decided not to nominate further preferences at stage two and a number of children, therefore, remain unplaced. However, I understand that the Southern Education and Library Board Pre-School Education Advisory Group is actively seeking to engage a new provider, located in Cookstown, to cater for the unplaced children in the area.

In relation to the statutory sector, I will consider all Development Proposals submitted to me in light of demand.

### Cost of Defending Legal Cases

**Mr Agnew** asked the Minister of Education to detail (i) the number of legal cases, including judicial reviews, that his Department has defended since 2007; (ii) the number of these legal challenges the Department lost; and (iii) the total costs incurred by his Department on the cases which it lost.

**(AQW 25026/11-15)**

**Mr O'Dowd:**

Number of Legal Cases Defended Since 2007	14*
Number of Legal Cases Lost by the Department	4
Payments made to Date for Legal Cases Lost by the Department	£1,762,000

\* For 6 of these cases final judgements have not yet been received.

**Cost of Hospitality**

**Mr Allister** asked the Minister of Education, pursuant to AQW 19484/11-15, whether the figures includes the hospitality spend by arm's length bodies in 2011/12; and to detail any hospitality spend by arm's length bodies in 2011/12.

**(AQW 25045/11-15)**

**Mr O'Dowd:** The response to AQW 19484/11-15 does not include the Department's arm's-length bodies. The amount spent on hospitality by the Department's arm-length bodies in 2011/12 was £638k.

**Pre-School Places**

**Mr Weir** asked the Minister of Education how many children in each constituency did not receive their first choice pre-school place.

**(AQW 25085/11-15)**

**Mr O'Dowd:** The pre-school admissions process is preference based: therefore those children not offered a place by their 1st preference setting may be offered a place in another setting listed by their parents as a preference on their application.

Information on the number of children who did not receive their first choice pre-school place is not held in the format requested and could be obtained only at disproportionate cost. Education and Library Boards are, however, able to provide the information requested broken down by District Council.

District Council	No. of children not offered a place by their first preference pre-school provider
Antrim	73
Ards	50
Armagh	114
Ballymena	102
Ballymoney	7
Banbridge	130
Belfast	527
Carrickfergus	42
Castlereagh	202
Coleraine	47
Cookstown	82
Craigavon	210
Derry	282
Down	81

<b>District Council</b>	<b>No. of children not offered a place by their first preference pre-school provider</b>
Dungannon	112
Fermanagh	100
Larne	8
Limavady	68
Lisburn	251
Magherafelt	69
Moyle	5
Newry & Mourne	173
Newtownabbey	289
North Down	155
Omagh	127
Strabane	76
<b>Total</b>	<b>3382</b>

At the end of the 2013/14 pre-school admissions process, 99.9% of target aged children, whose parents fully engaged with the process, were offered a funded place in a pre-school setting.

### **Delivery Savings Plan**

**Mr Weir** asked the Minister of Education why his Department has yet to produce a savings delivery plan.

**(AQW 25086/11-15)**

**Mr O'Dowd:** Your assertion that my Department has not produced a Savings Delivery Plan is incorrect. A Savings Delivery Plan for the Budget 2011-15 period was first published by my Department in 2011. This has been kept under review and updated to reflect changes in spending plans. Any subsequent revisions have been notified to the Education Committee, with the latest version of the plan the subject of discussion with the Committee on 24 April 2013. The plan is published on the Department's website at [www.deni.gov.uk/index/about-the-department/8-admin-of-education-pg/departamental-budgets-and-accounts/budget\\_2011-2015\\_savings\\_delivery\\_plan.htm](http://www.deni.gov.uk/index/about-the-department/8-admin-of-education-pg/departamental-budgets-and-accounts/budget_2011-2015_savings_delivery_plan.htm). The latest version is reproduced below.

### **BUDGET 2011-15: SAVINGS DELIVERY PLAN FOR THE DEPARTMENT OF EDUCATION**

<b>Savings Area</b>	<b>£ms</b>			
	<b>2011-12 Plan</b>	<b>2012-13 Plan</b>	<b>2013-14 Plan</b>	<b>2014-15 Plan</b>
Home to School Transport	5.0	5.0	5.0	5.0
ICT in Schools	12.0	16.5	16.9	16.8
Professional Support for Schools	15.0	25.0	20.5	25.0
Entitlement Framework	6.0	8.0	11.0	12.7
AccessNI Costs	1.0	1.0	1.0	1.0
Capacity Building	3.8	3.8	2.2	1.8

Savings Area	£ms			
	2011-12 Plan	2012-13 Plan	2013-14 Plan	2014-15 Plan
ELB Centre Resource Budget Efficiencies	2.0	6.3	6.3	6.3
ALB Administration & Management Costs	15.0	15.3	11.9	15.3
Procurement Goods & Services and Energy	5.0	10.0	15.0	20.0
Teacher Substitution Costs	3.0	5.3	5.5	5.8
GTCNI	1.0	1.0	1.0	1.0
School Meals Service (ELB School-related Centre Resource Budget)	0.0	1.0	1.0	1.0
Departmental Administration (incl ESAIT)	2.7	3.2	3.7	4.2
Funding for RPA Institutions	2.9	0	0	0
Primary Principals - Transfer Interviews (ELB School-related Centre Resource Budget)	0.5	0.5	0.5	0.5
Aggregated Schools Budget	26.55	45.15	74.05	89.85
<b>Total Savings</b>	<b>101.5</b>	<b>146.9</b>	<b>175.5</b>	<b>206.1</b>

Note: Table may not add due to roundings.

### Saving Delivery Plan

**Mr Weir** asked the Minister of Education to outline the cooperation to date between his Department and the Department of Finance and Personnel on a savings delivery plan.

**(AQW 25088/11-15)**

**Mr O'Dowd:** The Executive did not define nor agree savings targets for each Department across the Budget 2011-15 period. Rather it was left to each Minister to deliver their priorities and Programme for Government commitments from the resources allocated to them.

In view of this I agreed and published a clear and transparent Savings Delivery Plan (SDP) which sets out the level of savings to be delivered by my Department between 2011-12 and 2014-15 so as to remain within budget. I remain firmly of the view that the SDP for education was for me to agree as Minister and I did not see the need for engagement with the Department of Finance and Personnel.

### Free School Meals: Eligible Pupils

**Mr Lyttle** asked the Minister of Education, in light of his announcement to extend the free school meals eligibility criteria by September 2014, what similar support will be available for Year 8 students who are starting post-primary education in September 2013.

**(AQW 25091/11-15)**

**Mr O'Dowd:** On 11 June 2013 I announced my intention to apply the same eligibility criteria for free school meals for both primary and postprimary pupils. This will mean that postprimary pupils from the lowest income families will be supported with access to free school meals in the same way as primary pupils.

I am pleased to advise that an estimated 15,000 children from lower income households will benefit as a result of the change. It will also ensure that the postprimary schools they attend will be supported in a similar way. This will require further additional funding which I will make available.

The changes to the criteria will take effect from September 2014 hence students starting postprimary education in the 2013/14 school year will continue to be assessed for free school meals eligibility under the existing free school meal criteria.

All applications for free school meals for the 2014/15 school year, however, will be assessed under the extended free school meal eligibility criteria. Consequently, in the 2014/15 academic year those eligible will include a number of students who may be ineligible under the current criteria.

I would emphasise, therefore, that if an application for free school meals for the 2013/14 school year is deemed ineligible under the current criteria this should not deter parents or guardians from applying for free school meals for the 2014/15 school year.

### **Qualifying Period for Graduate Teachers**

**Mrs Dobson** asked the Minister of Education, in light of the concerns raised by teachers who graduated before 2010, for his assessment of the impact of the requirement by some schools that applicants for teaching posts, who are not in permanent teaching posts, must be qualified in the period from June 2010 up to and including the June 2013 cohort of graduate teachers.

**(AQW 25115/11-15)**

**Mr O'Dowd:** The requirement that teachers must be qualified in the period from June 2010 to June 2013 applies only to the additional 230 teaching posts being provided by the Delivering Social Change Signature Project on improving literacy and numeracy as announced by OFMdFM - "An additional 230 recent graduate teachers who are not currently in work will be employed to deliver tuition, where appropriate, for children in primary and post primary schools who are currently struggling to achieve even basic educational standards."

A copy of an extract of the project implementation plan, which explains the rationale for the June 2010 date, is provided below\*<sup>1</sup>.

This worthwhile project will provide much needed employment opportunities for many newly qualified teachers (NQTs).

I am aware of the concerns raised by teachers who graduated prior to June 2010; over the last few years I have taken a number of significant steps to improve employment prospects of NQTs. These steps include:

- urging employers to give preference to NQTs and experienced non retired teachers when vacancies arise;
- providing guidance to schools about using the Substitute Teacher Register when booking substitute teachers, thus enabling schools to identify younger teachers;
- challenging schools and employing authorities as to why prematurely retired teachers are being re-employed in preference to NQTs or non-retired teachers;
- making schools liable for the total cost of employing prematurely retired teachers;
- restricting the pay of prematurely retired teachers who have received discretionary compensation ("added years") but who subsequently return to teaching.

\*<sup>1</sup> Rationale - Employment Of 230 Recent Graduate Teachers

Recent Graduate Teachers, defined as those who have graduated from June 2010, year-on-year, up to and including the potential cohort of graduates in June 2013, who are not in a permanent teaching post are eligible to apply for the 230 additional teaching posts being made available to support selected schools deliver the two-year Delivering Social Change Signature Project to improve Literacy and Numeracy.

In furtherance of the stated policy aims of the Northern Ireland Executive and in keeping with all the legal requirements to ensure employment equality, this programme has been developed in consultation with the Equality Commission for Northern Ireland and the Teaching Unions. It takes account of the

Equality Commission's publication 'Age Discrimination in Northern Ireland - A Guide for Employers' and relevant case law.

The objective justification for establishing eligibility from the year 2010, as an interpretation of the term "recent", is based on statistical information from GTCNI issued in Jan 2013. (Please see Table 1 below).

These statistics confirm that in June 2010 fewer than 50% (i.e. 45%) of the recently graduated teachers were gaining employment. Furthermore they demonstrate that from this year up to and including graduation in June 2012 there has been a 15% year-on-year decline in the number of graduates gaining employment either in a permanent or significant temporary capacity.

**TABLE 1<sup>1</sup>**

	<b>Totals for all institutions, all programmes and all subjects</b>				
<b>Year of Graduation</b>	<b>No of Graduates</b>	<b>Currently registered</b>	<b>% of total graduates who are currently registered</b>	<b>Currently registered with an Open job record</b>	<b>% of those registered who are employed</b>
June 2012	629	475	75.52%	78	16.42%
June 2011	649	524	80.74%	160	30.53%
June 2010	681	540	79.30%	243	45.00%
June 2009	691	558	80.75%	335	60.04%
June 2008	735	591	80.41%	379	64.13%
June 2007	812	644	79.31%	482	74.84%

When these statistics are further analysed by age (please see Table 2 below) it can be clearly demonstrated that the youngest age band (i.e. 24 years and under) constitutes only 1% of the total current active working teaching population locally.

The next age band (25-29 years) accounts for a total of 10% of the total active teaching population. These statistics, demonstrate that setting eligibility criteria from June 2010 will target the "24 and under" and "25-29" age bands which, when combined, constitute a smaller proportion of the total number of teachers employed (i.e.11.05%) compared with the majority of other single age bands.

Such information serves to support the proposition that to define "recent graduate teachers" as those who have graduated from June 2010, in effect aims to target the cohort of qualified teachers who are experiencing the greatest difficulty in securing employment. To widen the scope of eligibility beyond June 2010, to encompass other graduate year groups, would in fact dilute the objective to target teachers who are most disadvantaged in terms of their ability to secure meaningful employment.

As the eligibility criterion is widened so would there be a consequential increase in the number of applicants. This would have a detrimental impact on recent graduate teachers on the basis that they would be the first candidates eliminated in a shortlisting exercise which serves to facilitate a manageable shortlist for interview by increasing the work experience criterion. Therefore, defining eligibility as those who have graduated from June 2010 up to and including the cohort who will graduate in 2013 is deemed to be in keeping with the OFMDFM's target to recruit 230 recently graduated teachers.

1 Source: GTCNI data January 2013

**TABLE 2<sup>2</sup>**

<b>Teachers by Age Range</b>	<b>Totals</b>	<b>Percentage</b>
24 and under	204	1.05%
25 to 29	1940	10.00%
30 to 34	3348	17.27%
35 to 39	3349	17.27%
40 to 44	3312	17.08%
45 to 49	2525	13.02%
50 to 54	2234	11.52%
55 to 59	2042	10.53%
60 to 64	406	2.09%
65 and over	31	0.16%
<b>Totals</b>	<b>19,391</b>	<b>100%</b>

Consideration has been given to the legitimacy of targeting recently graduated teachers, as has been referenced in the Office of the First Minister and deputy First Minister's announcement on the Delivering Social Change Programme: "An additional 230 recent graduate teachers who are not currently in work will be employed to deliver tuition, where appropriate, for children in primary and post primary schools who are currently struggling to achieve even basic educational standards".

Consideration focussed initially on the skills set required to support raising standards in literacy and numeracy and it has been determined that in many instances the appropriate skills set can be accessed through experienced teachers employed within a school.<sup>3</sup>

This approach is based on advice received from the Equality Commission. It is supported by the statistical information on the composition of the teaching population accessed through GTCNI (table 1 and 2 above) and is a positive action measure deemed appropriate, under the Employment Equality (Age) Regulations (Northern Ireland) 2006.

The Regulations only permit two types of positive action to be taken by employers. These are:

- affording persons of a particular age or age group access to facilities for training which would help to fit them for particular work;
- encouraging persons of a particular age or age group to take advantage of opportunities for doing particular work.

The Regulations state that these two types of lawful positive action may only be taken where, in regard to the work in question, it reasonably appears to the employer that taking the action will prevent or compensate for disadvantages linked to age suffered by persons of the targeted age or age group. In addition to the educational benefit of this programme, it provides an opportunity to combat the disadvantage faced by recent graduate teachers in trying to obtain employment in the profession. Whilst the opportunities are limited to the two year period of the implementation of this programme it is anticipated that it will nonetheless substantially enhance the employment opportunities of this cohort of recently graduated teachers.

<sup>2</sup> Source: GTCNI data February 2013

<sup>3</sup> TIMSS and PIRLS 2011 found that, across countries, students who had teachers with at least ten years of experience had higher achievement in reading at the 4th grade, and in mathematics and science at the 4th and 8<sup>th</sup> grades.

In the predominant number of cases where the school eligible to access resources under this programme has the capacity to second an existing teacher, the recruitment exercise would seek to appoint a supernumerary teacher to backfill the release of the seconded teacher.

It is in this set of circumstances that meaningful employment, on a sustained two year basis, should be offered to recent graduate teachers as per the stated objective from the OFMDFM.

In line with this proposal it would then be reasonable to assume that in the main such an approach would serve to advantage younger people, but not exclusively so, as it could also be argued that anyone of any age could be a new or recently graduated teacher i.e. on the basis of a 35 year old re-training and being eligible. However, if it is accepted that younger people would in fact benefit from this approach the concept of "intergenerational fairness" ( i.e. facilitating access to employment by young people, enabling older people to remain in the workforce, sharing limited opportunities to work in a profession fairly between the generations) maybe a relevant factor in this case.

It would have to be highlighted that there will be no displacement of older teachers as a consequence of this programme as the additional resource will be supernumerary to the schools staffing structure. In addition, it could be argued that the secondment opportunities for experienced (older) teachers offer the chance to up-skill, capacity build and by implication create much needed employment opportunities to (potentially younger) recently graduated teachers.

## Department for Employment and Learning

### **Branded Apparel for Non-Frontline Staff**

**Mr Allister** asked the Minister for Employment and Learning how much his Department has spent on branded apparel for non-frontline staff, in each of the last three years.

**(AQW 24928/11-15)**

**Dr Farry (The Minister for Employment and Learning):** The Department did not incur any expenditure on branded apparel for non-frontline staff, in the last three years.

### **The One Plan**

**Ms Maeve McLaughlin** asked the Minister for Employment and Learning whether a business case from the University of Ulster on expanding the Magee campus and the physical expansion of the campus on the grounds of Foyle College would assist the target of 9,400 places as contained in the One Plan.

**(AQW 24969/11-15)**

**Dr Farry:** Although the One Plan contains the aspiration of a university with 9,400 full-time equivalent students by 2020, the current Programme for Government does not contain such a commitment. Rather the Programme for Government contains an undertaking to develop the One Plan for the regeneration of Derry/Londonderry, incorporating the key sites at Fort George and Ebrington.

If a proposal were to be taken forward to expand the Magee campus in line with the vision set out in the One Plan, then a full economic appraisal would be required. To date the university has submitted a strategic outline case (SOC) which is a precursor to the full business case. However, the full business case will need to prove that there is sufficient demand for higher education places in Derry~Londonderry and that the decision to fund the expansion of Magee would not be to the detriment of higher education in other parts of Northern Ireland. There is a risk that a business case would be unable to prove this and approval for expansion may not follow.

On the other hand, if higher education numbers in Northern Ireland are increased, as has been done over the last few years, there is no specific requirement for a business case. The funding of places is calculated annually on a formula funding basis and is approved by myself and this applies to any additional places made available during the year.

The One Plan itself contains an interim target of 1,000 additional undergraduate places by 2015. I have been working to increase the number of undergraduate places throughout the Northern Ireland higher education sector since taking office and, to date, I have allocated an additional 1,200 places to the sector with 572 of these going to the University of Ulster. The university has undertaken to deploy all these places at its Magee campus. I believe that this represents excellent progress towards the 2015 target.

I remain fully committed to the expansion of higher education provision in Northern Ireland and will continue to seek opportunities to secure the resources necessary to increase the numbers further. I have, for example, made a bid for an additional 450 undergraduate places under the Delivering Social Change framework. If the bid were to be successful, this would mark yet another significant step towards achieving the 2015 target.

I believe that my approach to the expansion of the Northern Ireland Higher Education sector, together with the University of Ulster's commitment to deploy its additional places at the Magee campus will benefit all institutions, our economy and best assist Magee in realising the interim target of 1,000 additional places by 2015.

### **Support for PhD Students**

**Lord Morrow** asked the Minister for Employment and Learning what financial support or grant package is available to full-time PhD students carrying out non-funded research as part of their degree.

**(AQW 24972/11-15)**

**Dr Farry:** My Department provides the funding to Queen's University Belfast and the University of Ulster to administer the postgraduate studentship awards scheme. Historically the Universities have allocated over 95% of these awards to PhD students. The universities have always selected, by open competition, the students to receive these awards, within the limits of the funding available. This year I announced funding for an additional 100 PhD places in economically relevant subjects split between Queen's University Belfast and the University of Ulster. Furthermore, I aim to increase the number of places year on year to double the total number of PhD awards to 1,000 by 2020.

The Department for Employment and Learning funded postgraduate studentship awards are non-means tested and non-repayable. The PhD studentships include a maintenance award for the student of £13,726 plus tuition fees and other expenses.

An alternative source of funding is a Professional and Career Development Loan (PCDL). This is a bank loan which is designed to help people pay for work-related learning to help gain experience, training and qualifications to improve job skills or launch a new career. The borrower must repay the money borrowed but, with PCDLs, the interest is paid on the loan while the borrower is learning and for up to one month afterwards. A learner can borrow anything between £300 and £10,000 to help fund up to two years of learning (or up to three years if the course includes one year of relevant practical work experience). Further information is available by telephoning 0800100900 or visiting:

<https://nationalcareersservice.direct.gov.uk/>

### **Expansion of the University of Ulster Magee Campus**

**Ms Maeve McLaughlin** asked the Minister for Employment and Learning why he did not bid in the June Monitoring Round for the physical expansion of the University of Ulster - Magee campus.

**(AQW 25001/11-15)**

**Dr Farry:** The monitoring rounds within the financial year are designed to deal with in-year pressures and easements. Funding transferred between programmes and between departments must be used by 31 March otherwise the funding is lost as it cannot be carried forward. In-year monitoring is, therefore, not a suitable mechanism to use when considering a project such as the expansion of the Magee campus of the University of Ulster which would require additional funding on a recurrent basis.

## ESOL Provision Pilot

**Ms Lo** asked the Minister for Employment and Learning for his assessment of the ESOL provision pilot to asylum seekers since its introduction; and to detail (i) how many people have participated in the pilot; and (ii) how many participants, who may have been given refugee status during the course, were able to obtain employment.

**(AQW 25056/11-15)**

**Dr Farry:** In August 2012 my Department introduced a pilot programme to enable colleges to deliver free English for Speakers of other Languages (ESOL) classes to asylum seekers and their dependants. The six months eligibility rule for access to ESOL and other further education provision for asylum seekers was also removed. Asylum seekers are defined as those who have applied to the UK Border Agency for refugee status.

Belfast Metropolitan College is the main provider of ESOL courses delivered to asylum seekers in Northern Ireland. Early indications from the college are that in the period from 1 August 2012 to 31 March 2013 some 123 asylum seekers participated in the pilot programme gaining the language skills necessary to help them integrate into the community and encourage a sense of belonging and equality. Since 1 April 2013, a further 64 asylum seekers have been assessed, although they are a mixture of returning learners and new applicants.

The pilot programme will be completed at the end of August 2013, after which my officials will be carrying out a full evaluation. The aim of the evaluation will be to ensure that the new policy is working effectively, and to consider if it is necessary to make any changes to its operation. The evaluation is not expected to be completed until the end of October 2013, and I will then be in a position to confirm the actual number of programme participants. Where possible, the evaluation will attempt to identify the number of participants who secured refugee status during the course of the pilot and who were, consequently, able to obtain employment.

I can also confirm that the current pilot arrangements will remain in place during the period of the evaluation.

## Supporting Refugees

**Ms Lo** asked the Minister for Employment and Learning what plans his Department has to support refugees in improving their chances of employment.

**(AQW 25057/11-15)**

**Dr Farry:** When asylum seekers are granted a positive decision (refugee status with indefinite leave to remain, Humanitarian Protection, leave outside the immigration rules or Discretionary Leave to Remain) they can claim state benefit on the same terms as a British National. Refugees may, therefore, claim Jobseekers Allowance and have access to work and training programmes.

All asylum seekers with refugee status are issued with a status document (which grants the leave) and a letter from the Home Office confirming this. These documents detail the type of leave that has been granted and statements relating to their right to work; and access to the NHS and social services.

As a condition for receipt of JSA, claimants must attend fortnightly interviews at their local Jobs and Benefits Office or JobCentre, where they receive tailored support from a Department for Employment and Learning (DEL) Personal Adviser and access to DEL programmes and services to help them into work.

My Department also provides English for Speakers of Other Languages (ESOL) courses as part of its mainstream further education provision. Having the opportunity to develop English language and employment skills is of vital importance to refugees. It provides economic independence, and enables refugees to integrate better within their local community. Colleges may charge a small fee for provision, with concession fees applicable to those entitled to means tested benefits. Refugees can also access the full range of further education provision.

In addition, although not aimed specifically at refugees, DEL funds a migrant workers employment rights project to deliver employment rights clinics and advice and information to migrant workers. The Employment Agency Inspectorate also prioritises inspections and complaints investigations if there is a concern for workers and work-seekers from migrant communities, and has provided information seminars on migrant workers' rights along with other agencies.

DEL has a place on a number of forums including the NI Strategic Migration Partnership, the Race Equality Forum's Immigration Sub-group and Belfast City Council's migrant forum, all of which are concerned with migrant worker (including asylum seeker and refugee) issues. DEL is also a member of DOJ's Organised Crime Task Force, Immigration and Human Trafficking sub-group.

## Support for Postgraduate Students

**Mr Durkan** asked the Minister for Employment and Learning whether his Department plans to provide funding and support to students wishing to study to Masters and Doctorate level, given the lack of employment opportunities.

**(AQW 25146/11-15)**

**Dr Farry:** My Department provides the funding of some £20 million to Queen's University Belfast and the University of Ulster to administer the postgraduate studentship awards scheme. This enables the universities to offer fully funded post-graduate places. Around 500 places are currently available. Historically, the Universities have allocated over 95% of these awards to PhD students. They select, by competition, the students to fill these awards within the limits of funding available. This year I announced further funding for an additional 300 PhD places over the next three years in economically relevant subjects. My aim is to double the number of places available by 2020.

The Department for Employment and Learning funded postgraduate studentship awards are non-means tested and non-repayable. They include an award to the student of £13,726 for PhD studentships (or £6,863 for Masters studentships) plus tuition fees and other expenses.

## Department of Enterprise, Trade and Investment

### Evaluation of NI2012

**Ms Maeve McLaughlin** asked the Minister of Enterprise, Trade and Investment for a breakdown of the (i) £17,836,506 Tourism Impact; and (ii) £42,200,518 Economic Impact, as identified in the evaluation of ni2012.

**(AQW 24774/11-15)**

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** The ni2012 evaluation identified that the economic impact was £17,836,506 and the tourism impact was £42,200,518.

#### (i) Economic impact - £17 million

The economic impact measures the net additional benefit to the economy from outside Northern Ireland. It includes expenditure from visitors from out of state coming to Northern Ireland because of ni2012; expenditure by event organisers in Northern Ireland; and income generated by event organisers. It excludes any expenditure by event organisers that went out of state, for example artist fees.

#### (ii) Tourism impact - £42 million

The tourism impact includes the above economic impact and adds in the impact from domestic tourism. A domestic visitor is defined as someone who travels to an event or short break outside their local authority area. The tourism impact does not include those who attended events within their own local area.

## Branded Apparel for Non-Frontline Staff

**Mr Allister** asked the Minister of Enterprise, Trade and Investment how much her Department has spent on branded apparel for non-frontline staff, in each of the last three years.

**(AQW 24785/11-15)**

**Mrs Foster:** The Department of Enterprise, Trade and Investment does not provide branded apparel for non-frontline staff.

## Connecting Wind Turbines

**Mr Weir** asked the Minister of Enterprise, Trade and Investment to outline the actions her Department is taking to connect wind turbines to the electricity network.

**(AQW 24860/11-15)**

**Mrs Foster:** The connection of wind turbines to the electricity grid is a matter for Northern Ireland Electricity (NIE) operating under a regulatory framework determined by the Utility Regulator and as detailed in the company's licence. My Department has no statutory role or remit in this process.

## Review of Business Red Tape

**Mrs Overend** asked the Minister of Enterprise, Trade and Investment to detail (i) the future involvement of her Department in the recently announced review of business red tape; (ii) how she will involve the business sector in this review; (iii) how the review will take account of other ongoing work such as the Review of Employment Law by the Department for Employment and Learning.

**(AQW 24893/11-15)**

**Mrs Foster:**

- (i) My Department will take the lead role in ensuring completion of this review. Consideration is currently being given to identifying the best approach to conducting the review.
- (ii) The review will provide business with the opportunity to share and articulate their views on red tape, and I will also want it to draw upon the experiences of the UK Government in delivering its regulatory reform policies.
- (iii) This review of business red tape will build on the commitments to better regulation that are already being taken across the Executive, including the Review of Employment Law being undertaken by the Department for Employment and Learning.

## Hydraulic Fracturing

**Mr Flanagan** asked the Minister of Enterprise, Trade and Investment, given her statement in the Impartial Reporter of 28 March 2013 on hydraulic fracturing in Co. Fermanagh, 'Gas exploration should have a relatively small impact on the local community and landscape', (i) to outline how many exploration wells and appraisal wells she believes would be required to determine shale gas potential in the area; and (ii) for her assessment of the view of a geologist from the Petroleum Affairs Division of the Department of Communications, Energy and Natural Resources who stated that 'many exploration and appraisal wells' would be required to assess the potential for shale gas.

**(AQW 24916/11-15)**

**Mrs Foster:**

- (i) The sole Petroleum Licence currently issued by my Department in respect of Co. Fermanagh is held by Tamboran Resources Pty Ltd. Tamboran has indicated that a test site of about 6 acres within which about 7 test wells would be drilled should be sufficient to establish the technical and commercial viability of the shale gas resources in Fermanagh.
- (ii) It is important to distinguish between exploration and production phases. If the DCENR geologist means that extended production testing from a substantial number of wells would be required to

define the variability in the shale gas potential within the sedimentary basin, then my Department would agree. Indeed the characterisation of production from the Bundoran Shale Formation throughout the basin would inevitably continue into the development or production phase rather than be restricted to the exploration phase. Many production wells could also be termed appraisal wells in this context.

### **InvestNI: Job Promotion and Creation**

**Ms Maeve McLaughlin** asked the Minister of Enterprise, Trade and Investment to outline (i) the reason that all information regarding jobs promoted and created by InvestNI is not made publicly available, given that public money is funding this work; and (ii) how the accountability of InvestNI can be demonstrated in the absence of this information.

**(AQW 24975/11-15)**

**Mrs Foster:**

- (i) All information regarding the number of jobs promoted by Invest NI is publicly available and is regularly reported on in press releases and in the Invest NI Annual Report. Where job creation data is currently available, such as for the Jobs Fund, this is also made publicly available.

Invest NI has recently developed a system to enable the reporting of jobs created; however, as offers typically have a three to five year life span, a detailed and meaningful analysis of this job creation data will not be possible until the end of each contract period. In the interim Invest NI will continue to report on the number of jobs promoted, as this is the only employment-based measure available, apart from the Jobs Fund, when an offer of assistance is provided.

- (i) Invest NI's performance has been scrutinised by the Northern Ireland Audit Office whose report stated that performance in Invest NI's most recent Corporate Plan period has been the strongest to date. They also stated that "Invest NI's performance reporting has been relatively clear and transparent".

### **Departmental Operations**

**Mr Flanagan** asked the Minister of Enterprise, Trade and Investment to detail any current operations, within her Department's remit, that either directly or indirectly assist illegal Israeli settlements.

**(AQW 25046/11-15)**

**Mrs Foster:** The Department does not have any current operations.

### **Trade Partners**

**Mr Flanagan** asked the Minister of Enterprise, Trade and Investment whether she would consider banning trade and investment that is unethical, damaging to human rights and complicit in illegal activities such as the settlement of occupied territory.

**(AQW 25049/11-15)**

**Mrs Foster:** Invest NI is responsible for targeting overseas markets that represent the best opportunity for Foreign Direct Investment (FDI) or Northern Ireland exports. That is not to say that the agency acts without regard to other factors.

When considering whether to target a new market for either FDI or export development, advice is sought from colleagues at both the Foreign and Commonwealth Office and UK Trade and Investment on human rights and other issues.

I am therefore satisfied that any of the countries in which Invest NI is active can be considered suitable trading partners.

## Broadband Facilities in North Down

**Mr Weir** asked the Minister of Enterprise, Trade and Investment what action is being taken to improve broadband facilities in North Down.

**(AQW 25075/11-15)**

**Mrs Foster:** My Department has initiated the Northern Ireland Broadband Improvement Project, which aims to ensure that, by 2015, virtually all premises in Northern Ireland, including North Down, are able to avail of a broadband download speed of at least 2Mbps, and at least 90% of premises are provided with superfast broadband, with speeds in excess of 24Mbps.

DETI proposed a potential area of intervention and engaged with the industry and the public in September 2012 to help affirm where it might intervene. The area of intervention has to comply with State Aid rules and has been subject to continual refinement, both from the market and consumers.

On 5 July 2013, my Department published the outcome of this initial engagement, coupled with a refined intervention area, which is subject to a further public consultation. I can confirm that, at this time, a number of postcodes in the North Down area have been included for consideration.

## Next Generation Broadband Project

**Mrs Hale** asked the Minister of Enterprise, Trade and Investment whether there are plans to upgrade rural broadband service in the Blackskull area, under the Next Generation Broadband Project.

**(AQW 25077/11-15)**

**Mrs Foster:** The Next Generation Broadband Project has now been completed.

The Department has initiated a new Broadband Project, the Northern Ireland Broadband Improvement Project. (NIBIP)

The intervention area is being finalised and a consultation document has recently been issued. I can confirm that, at this time, the Blackskull area (BT25 1JL), has been included for consideration under the superfast element of the project.

## Electricity Generation

**Mr Gardiner** asked the Minister of Enterprise, Trade and Investment to detail the average cost of generating one kilowatt of electricity from (i) coal; (ii) natural gas; (iii) wind; (iv) hydro; (v) solar; and (vi) nuclear.

**(AQW 25136/11-15)**

**Mrs Foster:** Information on estimated, levelised generation costs has been published in a report by the Department of Climate Change and relates to the main technologies likely to be deployed in the UK over the next 15 years.

The report acknowledges that these cost estimates are highly sensitive to a range of factors, such as the underlying data and assumptions used, including assumptions on capital costs, fuel and carbon costs, operating costs and load factors.

The October 2012 Report on Electricity Generation Costs can be referenced at:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/65713/6883-electricity-generation-costs.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/65713/6883-electricity-generation-costs.pdf)

## Generating Electricity from Wind

**Mr Gardiner** asked the Minister of Enterprise, Trade and Investment to detail the approximate number of megawatts currently being taken from the national grid by wind farms in order to provide the power necessary to assist in generating electricity from wind.

**(AQW 25138/11-15)**

**Mrs Foster:** According to information provided by Northern Ireland Electricity, during the period 1 April 2012 to 31 March 2013, participating wind farms i.e. those selling electricity into the Single Electricity Market, imported a total of 1,113 MWh of electricity. This is equivalent to 0.13% of the 868,573 MWh of electricity exported by these wind farms over the same period.

## Department of the Environment

### Quarry in Drumnakilly Flooding Issue

**Mr Agnew** asked the Minister of the Environment what action he intends to take to bring a resolution to the flooding issue with the quarry in Drumnakilly, given that the situation is impacting on the cancer treatment of a local resident.

**(AQW 18546/11-15)**

**Mr Attwood (The Minister of the Environment):** I refer the Member to the answer of AQW 18854/11-15.

### Flooding in Drumnakilly

**Mr Agnew** asked the Minister of the Environment when the flooding in Drumnakilly, County Tyrone was first reported to his Department; and what action departmental organisations have taken to resolve this issue.

**(AQW 18854/11-15)**

**Mr Attwood:** I have personally visited the affected residents and I have made it very clear that every stone will be turned over to address this issue. I have deployed a series of interventions in doing so, as I believe this is an intolerable situation.

Flooding is primarily an issue for the Department of Agriculture and Rural Developments (DARD) Rivers Agency. However I am acutely aware of the issues surrounding this site and in addition to the flooding issue there are planning and water quality issues currently ongoing, which do fall within my Department's remit.

I directed officials in the Northern Ireland Environment Agency to take the lead on finding a resolution to this issue acknowledging that issues of planning and water fall to DOE and flooding fall to DARD. NIEA encouraged a multi-agency approach to this issue.

As part of this approach, at a meeting between NIEA and Rivers Agency, on 24 January 2013, it was identified that a number of investigatory actions were required to identify the specific cause or causes of the flooding and ultimately to determine how the issue can be resolved.

There are no designated watercourses in the immediate vicinity and maintenance of drainage systems is the responsibility of landowners, however NIEA, Rivers Agency and Road Service have undertaken investigations on the site to determine the cause of the flooding. These investigations revealed two significant blockages. One blockage consisted of a plastic fertiliser bag in a gully on the McKiernan's property and the second blockage, in the storm line below the McKiernan's property, consisted of silt and other debris.

The plastic bag blockage was removed and the sand and gravel cleared by jetting the pipeline. Once the 2nd blockage was removed the floodwater began to dissipate immediately. A follow up Rivers Agency inspection of the site, on 14 February 2013, confirmed that the flooding had ceased.

Further investigatory works of the drainage system around the property at this location were undertaken by Rivers Agency on 8 March 2013. This investigation has identified a number of issues related to the culvert network system. Rivers Agency has informed me that a condition report and CCTV surveys of this network will be forwarded to the residents for their information and action.

There continues to be an issue with discharge of water from the sand quarry upstream of the affected property. There is no record of the quarry owner having received consent from Rivers Agency, to

discharge storm water from the quarry. In order to get retrospective consent the Quarry owner made application on 31 January 2013 in accordance with the Drainage (NI) Order 1973 to discharge storm water into the upstream end of the culvert that runs through the affected property. I am advised that Rivers Agency is currently withholding consent until a detailed drainage assessment has been carried out and submitted to the Agency for approval.

I will write to Minister O'Neill on this issue to express both my thanks for the efforts of her Agency so far in resolving this issue in the short term, but also to ask her to make every effort to bring this discharge under her Department's regulatory control.

The owner of the site has previously been prosecuted by NIEA, found guilty and been fined a total of £40,000 for past incidents of pollution. NIEA has also submitted a file to the Public Prosecution Service recommending a further prosecution be taken against the site owner for a number of further pollution incidents that occurred between November 2011 and April 2012.

In addition to this action, an Article 8 Prevention Notice was issued to the site owner under the Water (Northern Ireland) Order 1999. This required that the discharge from the site must cease with immediate effect and that an application for the discharge must be made to the Department. Adequate treatment facilities to ensure compliance with any consent issued are also to be provided. Once the Discharge Consent has been obtained the discharge can recommence.

An application for the Water Order consent has not yet been received by the Department and this is not expected until the site owner has received Rivers Agency Consent to discharge the quantity required. NIEA have raised the need to consider the application, with Rivers Agency, as a matter of urgency.

NIEA has visited the site and have confirmed that a non-polluting discharge is occurring. As this discharge is a combination of natural drainage and natural springs the Department is currently considering whether sufficient evidence exists to support a prosecution for breach of the Article 8 Notice.

DOE Planning has also previously prosecuted the owner of the quarry, for an unauthorised development, and are currently progressing an existing enforcement case in relation to the location of a washing plant on the site.

Moreover, planning applications for the site were presented to Omagh District Council on 14 February 2013 with recommendations for refusal, which the Council concurred with.

More recently, there have been some further developments in respect of proposed action including possible remedial action by the quarry owner. I have written to a local resident in respect of these matters

This is representative of the seriousness with which I take this matter. The conduct of the owner - in the past and now is unacceptable and these measures aim to take action and mitigate/end flooding risks.

### **Parkgate Quarry: Planning Application**

**Mr Kinahan** asked the Minister of the Environment for an update on the Parkgate Quarry planning application.

**(AQW 20086/11-15)**

**Mr Attwood:** Following the deferral meeting the Department undertook a further round of consultations regarding the issues raised by objectors and a number of local Councillors.

Following this both Rivers Agency and NIEA asked for further information. Rivers Agency requested a drainage assessment (received on 26 March 2013) and has confirmed that a hydrological survey is not required. NIEA Natural Heritage asked for an updated newt survey (received 20 June 2013).

This information will be advertised as required by the EIA regulations. Given the public interest in the application, advertisement will be after the July fortnight holidays. A period for public comment and consultation will then take place. My officials will bring this application back to Antrim Borough Council for consideration once all comments and consultation responses have been received and considered.

## DVA: Drivers' Registration Details

**Mr Ross** asked the Minister of the Environment to detail (i) the companies that paid for drivers' registration details from the Driver and Vehicle Agency (DVA) in the last financial year; and (ii) the total amount that DVA received from these sources.

**(AQW 21813/11-15)**

**Mr Attwood:** Vehicle licensing is an excepted matter which is the responsibility of the Secretary of State for Transport. It is administered in Northern Ireland by the Driver & Vehicle Agency (DVA) under a formal agreement with the Driver and Vehicle Licensing Agency (DVLA) of the Department for Transport.

In relation to the release of information, DVA acts in accordance with the policy set by DVLA. The relevant legislation permitting the release of information from the vehicles register is regulation 27 (1) (e) of the Road Vehicles (Registration and Licensing) Regulations 2002 which states "(1) The Secretary of State may make any particulars contained in the register available for use - ... (e) by any person who can show to the satisfaction of the Secretary of State that he has reasonable cause for wanting the particulars to be made available to him".

Under these provisions, vehicle keeper data is released to a range of undertakings such as finance companies, car park enforcement companies,

insurance companies, garages and solicitors.

The table below shows the main companies to which vehicle keeper information was released within the last financial year (April 2012 to March 2013).

Category	Company
Finance Companies	Black Horse Ltd Bluestone Credit Burlington Credit Close Motor Finance Ltd Eurodebt Recovery Ltd FGA Capital UK Ltd Ford Credit GMAC UK PLC Hermes Property Services Lexus Financial Services Liberty Leasing Logbook Loans NI Lombard Mobile Money Ltd Motability Operations NIIB Group Ltd RCI Financial Services Toyota Finance Volkswagen Financial Services Ltd

Category	Company
Car parking enforcement companies	Anchor Security Services Ltd Car Park Services Ltd Civil Enforcement Ltd Euro Parking Collection Excel Parking Services National Parking Control ParkingEye UK Parking Patrol
Insurance Companies	A1 Claims Solutions Acromas Admiral Insurance Albany Assistance Ltd Allianz Aviva Insurance AXA Insurance City Underwriting Services Claims Management & Adjusting Ltd Cunningham Lindsey UK Diamond Insurance Direct Line Drive Assist UK Ltd Elephant Endsleigh Insurance Services Europa General Highway Insurance Liability and Motor Service Ltd Liverpool Victoria MIS Claims Markerstudy Insurance NIG Insurance Nabneys Insurance Claims NFU Mutual Prestige Underwriting Services Priority Investigations Quinn Insurance RSA Insurance Sabre Insurance Company Ltd Service Underwriting Sims Swift Cover Tesco Underwriting Translink Claims Zenith Insurance Zurich Insurance

Category	Company
Mileage Companies	HPI VMC Ltd
Garages	DA Stewart Accident Repair The Motor Gym Ltd

The DVA does not sell keeper details but, a £2.50 or £5.00 administrative fee (dependant on the nature of the enquiry) is charged to cover the cost of dealing with requests under the reasonable cause provisions. In the last financial year, the total revenue received for release of keeper information to companies was £44,912.50. This revenue goes to the Driver and Vehicle Licensing Agency of the Department for Transport.

However, I am concerned about the release of information and have written to DfT in that regard and the conduct of car park companies. I would refer the matter to AQW 21814/11-15 in that regard.

### DVA: Data Protection

**Mr Ross** asked the Minister of the Environment what importance is placed by the Driver and Vehicle Agency on drivers' data protection; and how his Department ensures the integrity of companies who pay for getting information on drivers.

**(AQW 21814/11-15)**

**Mr Attwood:** Vehicle licensing is an excepted matter which is the responsibility of the Secretary of State for Transport. It is not a devolved matter. It is administered in Northern Ireland by the Driver & Vehicle Agency (DVA) under a formal agreement with the Driver and Vehicle Licensing Agency (DVLA) of the Department for Transport.

In relation to the release of information, DVA is governed by the policy as set by DVLA. The relevant legislation permitting the release of information from the vehicles register is regulation 27 (1) (e) of the Road Vehicles (Registration and Licensing) Regulations 2002 which states "(1) The Secretary of State may make any particulars contained in the register available for use - ... (e) by any person who can show to the satisfaction of the Secretary of State that he has reasonable cause for wanting the particulars to be made available to him".

Some of the circumstances considered to be 'reasonable cause' include

- matters of road safety
- events that occur as a result of vehicle use
- the enforcement of road traffic legislation
- the collection of taxes

Enquirers are required to give full details of why they want the information and how it will be used and DVA evaluates this information very carefully, in line with procedures and on a case by case basis, before deciding if the information will be disclosed.

The evidence that enquirers are required to produce varies depending on the nature of the enquiry. For example, enquirers are asked to provide details of their Companies House registration, if applicable, and their Data Protection Registration Number. Enquirers may also be required to produce further supporting documentation, such as a court order, a copy of a finance agreement, or a copy of a landowner's agreement. If the enquirer is unable to provide the documentation required, the information is not disclosed and the application is rejected.

The DVA takes its responsibility to protect personal details on the vehicle register seriously and any complaints about alleged abuse of information supplied are investigated fully. Abuses would result

in future requests being refused. Additionally, any legitimate complaints about information obtained unlawfully would be passed to the Information Commissioner to consider prosecution.

As a result of careful handling of these enquiries there have been very few legitimate complaints from customers in Northern Ireland, none of which have identified abuse of the facility to obtain information for unlawful or malicious purposes.

There is a particular arrangement entered into by DVLA in relation to the release of information to companies which manage car parks. Again, DVA is governed in this regard by the arrangement DfT have entered into. I have concerns about this arrangement – I met the BPA in London on 8 March 2013, together with one of their members (Civil Enforcement Ltd.). As I outlined my concerns including: punitive “fines”, failure to properly advertise “terms and conditions”, the appearance of the “demand” and its contents, no right of appeal (etc).

Since then, I have met the Chief Executive of BPA in Belfast and received unsatisfactory answers to a series of questions and issues. As a result, I have taken a series of further actions:

- Written to BPA repeating concerns that the approach of BPA is to protect its fee paying members, not the customer;
- Written to DRD suggesting that DRD should review its membership of BPA;
- Asked for Counsels advice on the legal basis on which BPA members issue and seek payment of “penalties”;
- Sent a letter to DfT requesting a review by DfT of the code of practice issued by BPA and it’s evident inadequacies and how the release of driven information should be handled meanwhile;
- A ‘notice’ has been drafted for release to the Northern Ireland public so that the public know more fully their entitlements.

I am determined that aggressive conduct is addressed and the industry better regulated and the customers protected.

### **Single Use Plastic Bag Levy**

**Ms McCorley** asked the Minister of the Environment for an estimate of how much capital will be raised by the Single Use Plastic Bag levy in the first financial year of its operation.

**(AQO 3845/11-15)**

**Mr Attwood:** The primary purpose of the levy is to protect the environment by reducing the estimated 250 million bags used in Northern Ireland every year. The amount of revenue raised through the levy will be dependent on how shoppers adjust their behaviour in response to the levy. Total revenue estimates are £1.7m in 2013/14 and £3.4m in 2014/15. These estimates are lower than previous assessments of £2.3m and £4.6m respectively. These are adjusted figures, informed by the recent Welsh experience, reduced from the £2.3million and £4.6million respectively in recent assessments.

### **Environmental Impact Assessment**

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 20926/11-15, whether the original minerals Environmental Impact Assessment (EIA) screenings that were reviewed by the Strategic Planning Division’s Minerals Team, with assistance from the Development Management Guidance Team, were carried out in compliance with the EIA Directive (Directive 85/337/66C); and what records have been kept of these reviews.

**(AQW 22228/11-15)**

**Mr Attwood:** The exercise to check that EIA screening was done properly was to ensure that the requirements of the Planning (Environmental Impact Assessment) Regulations 1999 and 2012 were fulfilled. The Regulations transpose the EU Directive. I am satisfied that there is full compliance. Any actions arising from the review are recorded on the individual planning application files.

## Together: Building a United Community

**Mr Hussey** asked the Minister of the Environment what discussions he has had with the Office of the First Minister and deputy First Minister in relation to the proposals included in “Together: Building a United Community.”

**(AQW 22925/11-15)**

**Mr Attwood:** The First Minister and deputy First Minister held no discussions with me prior to their statement of 9 May 2013. At the subsequent Executive meeting, I raised with and expressed at length to FM&DFM my views on their 9 May statement. At the Executive meeting of 23 May 2013, FM&DFM presented the Publication of the Good Relations Strategy - Together: Building a United Community. It was noted that FM&dFM were publishing their document and that a special Executive meeting would be convened. A special Executive meeting was not convened, but the issue was discussed at the Executive meeting of 27 June 2013. The FMDFM Strategy did not receive endorsement and I explained why this was not the right step to take. The Executive agreed its determination to work to build a united community, acknowledged the ‘Together: Building a United Community’ document as a positive starting point, and committed itself to its delivery.

## Planning Applications under PPS 21

**Mr I McCrea** asked the Minister of the Environment how many planning applications have been granted under PPS 21 where the farm dwelling is situated on a site across a road from the established group of farm buildings, broken down by Planning Office.

**(AQW 24775/11-15)**

**Mr Attwood:** The Department does not hold the required information on its IT system. A manual search of all planning application files would be required to retrieve the information and this would result in the diversion of staff from normal duties for an unreasonable period of time. This would have an adverse impact on the Department’s ability to provide the statutory public service for which it is obligated.

In the period June 2010 to 31 March 2013, the Department has granted planning permission for a total of 12,486 planning applications for single dwellings in the rural area. Table 1 below details the number of new single dwellings in the rural area that were granted planning permission since June 2010, broken down by Local Government District and grouped by local area office.

**TABLE 1 - THE NUMBER OF APPROVED APPLICATIONS FOR NEW SINGLE DWELLINGS IN RURAL AREAS, FROM JUNE 2010 TO MARCH 2013, BROKEN DOWN BY LOCAL GOVERNMENT DISTRICT AND GROUPED BY LOCAL AREA OFFICE**

		<b>2010-11 (from June 2010)</b>	<b>2011-12</b>	<b>2012-13</b>	<b>Total</b>
Belfast	Belfast	1	0	0	1
	<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>
Downpatrick	Ards	61	73	85	219
	Castlereagh	22	17	11	50
	Lisburn	82	113	129	324
	North Down	16	9	13	38
	<b>Total</b>	<b>181</b>	<b>212</b>	<b>238</b>	<b>631</b>

		<b>2010-11 (from June 2010)</b>	<b>2011-12</b>	<b>2012-13</b>	<b>Total</b>
Northern	Ballymoney	44	74	47	165
	Coleraine	69	74	68	211
	Derry	41	49	44	134
	Limavady	51	69	60	180
	Moyle	46	49	47	142
	Strabane	47	63	50	160
	<b>Total</b>	<b>298</b>	<b>378</b>	<b>316</b>	<b>992</b>
South Antrim	Antrim	64	99	71	234
	Ballymena	95	119	96	310
	Carrickfergus	10	14	5	29
	Larne	35	36	45	116
	Newtownabbey	25	40	29	94
	<b>Total</b>	<b>229</b>	<b>308</b>	<b>246</b>	<b>783</b>
Southern	Armagh	133	248	150	531
	Banbridge	64	89	81	234
	Craigavon	56	84	87	227
	Down	69	112	119	300
	Newry And Mourne	165	263	212	640
	<b>Total</b>	<b>487</b>	<b>796</b>	<b>649</b>	<b>1,932</b>
Western	Cookstown	88	132	71	291
	Dungannon	151	135	94	380
	Fermanagh	125	213	125	463
	Magherafelt	153	115	123	391
	Omagh	125	156	98	379
	<b>Total</b>	<b>642</b>	<b>751</b>	<b>511</b>	<b>1,904</b>
<b>Total</b>		<b>1,838</b>	<b>2,445</b>	<b>1,960</b>	<b>6,243</b>
					<b>12,486</b>

### Stonebridge Development

**Mr Agnew** asked the Minister of the Environment whether the stone bridge in the Stonebridge village development in Green Road, Newtownards is listed, or is likely to be listed, for preservation purposes. **(AQW 24945/11-15)**

**Mr Attwood:** I have been informed that this structure is not listed and that it was considered for listing in the past. However I have been informed that in the most recent survey of this area in 2010/11, the

Department asked for an updated record and received a report indicating that the bridge had been demolished.

This is clearly not the case and I have therefore asked departmental officers to visit the structure to reconsider its architectural and historic interest. To meet the statutory test of Article 42 of the Planning Order (1991) such a structure must be of 'special architectural or historic interest' to be protected as a listed building. I will let you know the outcome of this consideration.

### **Stonebridge Development**

**Mr Agnew** asked the Minister of the Environment whether his Department is aware of a threat to the stone bridge in Stonebridge village development, Green Road, Newtownards; and whether they intend to take any action to ensure that the bridge remains intact.

**(AQW 24946/11-15)**

**Mr Attwood:** Concern has been expressed to my department by a member of the public who resides in the Stonebridge Development. He has noted that works have recently commenced beside the bridge which in his view appear to be providing access to a new development called 'Bridgelee'. I have been informed that permission for this work (Planning reference W/2007/0273/F) issued in 2008 and that though this involves alterations to the slip road to the bridge, to provide sightlines to the entrance of the development, this does not involve the removal of the bridge.

You will be aware from my answer to your other question on this structure (AQW 24945/11-15), that this feature is not listed but that this will now be the subject of a review. Under Article 42 of the Planning Order (1991) only buildings of 'special architectural or historic interest' can be protected in this way.

### **Illegal Landfill Site at Mobouy Road, Derry**

**Mr Agnew** asked the Minister of the Environment whether the illegal landfill at Mobouy Road, Derry poses any threat to the integrity of the River Faughan and Tributaries Special Area of Conservation.

**(AQW 24955/11-15)**

**Mr Attwood:** I am fully aware of the ecological significance of this area, particularly in terms of our salmon population and the general biodiversity the river system supports. I have instructed officials to closely monitor the site in question and the river itself for as long as is necessary.

Since closure of the waste premises, regular NIEA inspections have taken place to monitor the site. We have also undertaken significant additional chemical and biological monitoring of the River Faughan close to and downstream of this site. This programme of monitoring is in addition to the normal monitoring of the River Faughan, as part of the routine monitoring of all Northern Ireland's rivers and water bodies.

NIEA is also working closely with a number of other agencies, including Derry City Council, Northern Ireland Water and the Northern Ireland Fire and Rescue Service, to ensure that any wider risks from the site are recognised and addressed.

To date no significant water quality impacts in the River Faughan have been identified through this monitoring programme, although pollution of a tributary that flows past the formerly licensed waste management facility has been detected – enforcement action in relation to this will form part of the wider investigation. This monitoring will continue in order that any problems are picked up early in order that action can be taken. The monitoring on site and in water are extensive and I have directed they continue to be so.

## Consents to Fell Trees

**Mr Agnew** asked the Minister of the Environment how many consents have been given by his Department, and its agencies, to fell trees between the period 1 March to 31 August, in each of the last three years.

**(AQW 24961/11-15)**

**Mr Attwood:** There are 3 types of request for works to trees, felling trees protected by a Tree Preservation Order, felling within a Conservation Area and felling those trees covered by a retention condition in a planning approval.

The Department does not hold the information requested on the planning portal and it is not held centrally on one single database. To collate this would require each Tree Officer to manually check the issued consent notices. Currently there are around 800 confirmed TPOs which would need to be searched manually. In addition to this, records for Conservation Areas and retention conditions would also need to be searched manually.

A manual search of all the relevant files would result in the diversion of staff from normal duties for an unreasonable period of time. This would have an adverse impact on the Department's ability to provide the statutory public service for which it is obligated.

## Wind Turbines

**Mr Weir** asked the Minister of the Environment how many wind turbines are located in each constituency.

**(AQW 25050/11-15)**

**Mr Attwood:** The Department welcomes the contribution that renewable projects make to the reduction of carbon emissions and acknowledges the importance of processing these applications in a consistent and timely manner.

The Department can provide the number of applications for wind turbines that have been approved for each constituency; however it does not gather information on the number of wind turbines that have been constructed following approval.

Table 1 below details the number of wind turbine approvals, broken down by parliamentary constituency, for each of the last 5 years.

TABLE 1 WIND TURBINES APPROVED FROM 2008/2009 TO 31ST MAY 2013\*

	2008/2009				2009/2010				2010/2011			
	Single wind turbine	Small Wind farm	Large wind farm	Total	Single wind turbine	Small Wind farm	Large wind farm	Total	Single wind turbine	Small Wind farm	Large wind farm	Total
Belfast East	0	0	0	0	0	0	0	0	0	0	0	0
Belfast North	0	0	0	0	0	0	0	0	0	0	0	0
Belfast South	0	0	0	0	1	0	0	1	0	0	0	0
Belfast West	0	0	0	0	2	0	0	2	0	0	0	0
East Antrim	10	1	0	11	4	0	0	4	2	0	0	2
East Londonderry	19	0	0	19	8	0	2	10	3	0	1	4
Fermanagh and South Tyrone	12	1	1	14	7	2	0	9	11	1	1	13
Foyle	1	0	1	2	2	0	0	2	0	0	0	0
Lagan Valley	16	1	0	17	7	0	0	7	8	0	0	8
Mid Ulster	5	0	0	5	11	0	0	11	12	1	0	13
Newry and Armagh	33	0	0	33	6	1	0	7	4	0	0	4
North Antrim	20	0	1	21	10	2	1	13	16	1	0	17
North Down	2	0	0	2	3	0	0	3	1	0	0	1
South Antrim	13	0	0	13	10	1	1	12	5	2	0	7
South Down	49	0	0	49	10	0	0	10	12	0	0	12
Strangford	21	0	0	21	6	0	0	6	2	0	0	2

	2008/2009				2009/2010				2010/2011			
	Single wind turbine	Small Wind farm	Large wind farm	Total	Single wind turbine	Small Wind farm	Large wind farm	Total	Single wind turbine	Small Wind farm	Large wind farm	Total
Upper Bann	6	0	0	6	3	0	0	3	2	0	0	2
West Tyrone	17	1	3	21	12	0	4	16	39	2	4	45
<b>Total</b>	<b>224</b>	<b>4</b>	<b>6</b>	<b>234</b>	<b>102</b>	<b>6</b>	<b>8</b>	<b>116</b>	<b>117</b>	<b>7</b>	<b>6</b>	<b>130</b>

\* Up to 31st May 2013 is the date of our latest published information on Renewable Energy.

#### WIND TURBINES APPROVED FROM 2008/2009 TO 31ST MAY 2013\*

	2011/2012				2012/2013				1st April 2013 to 31st May 2013			
	Single wind turbine	Small Wind farm	Large wind farm	Total	Single wind turbine	Small Wind farm	Large wind farm	Total	Single wind turbine	Small Wind farm	Large wind farm	Total
Belfast East	0	1	0	1	1	0	0	1	0	0	0	0
Belfast North	0	0	0	0	1	0	0	1	0	0	0	0
Belfast South	0	0	0	0	0	0	0	0	0	0	0	0
Belfast West	2	0	0	2	1	0	0	1	1	0	0	1
East Antrim	9	0	0	9	22	0	0	22	1	0	0	1
East Londonderry	18	0	2	20	48	2	1	51	9	0	1	10
Fermanagh and South Tyrone	31	0	1	32	111	0	2	113	7	0	0	7
Foyle	1	0	0	1	5	0	0	5	1	0	0	1
Lagan Valley	1	0	0	1	14	0	0	14	1	0	0	1

	2011/2012				2012/2013				1st April 2013 to 31st May 2013			
	Single wind turbine	Small Wind farm	Large wind farm	Total	Single wind turbine	Small Wind farm	Large wind farm	Total	Single wind turbine	Small Wind farm	Large wind farm	Total
Mid Ulster	33	2	0	35	68	2	1	71	8	0	0	8
Newry and Armagh	13	0	0	13	42	0	0	42	4	0	0	4
North Antrim	40	1	0	41	48	4	0	52	8	0	0	8
North Down	2	0	0	2	1	0	0	1	1	0	0	1
South Antrim	20	1	0	21	5	1	0	6	5	0	0	5
South Down	15	0	0	15	28	1	0	29	3	0	0	3
Strangford	8	0	0	8	14	0	0	14	3	0	0	3
Upper Bann	7	0	0	7	3	0	0	3	0	0	0	0
West Tyrone	69	1	1	71	86	1	2	89	15	0	0	15
<b>Total</b>	<b>269</b>	<b>6</b>	<b>4</b>	<b>279</b>	<b>498</b>	<b>11</b>	<b>6</b>	<b>515</b>	<b>67</b>	<b>0</b>	<b>1</b>	<b>68</b>

\* Up to 31st May 2013 is the date of our latest published information on Renewable Energy.

## Decentralising Public Sector Jobs

**Mr Ó hOisín** asked the Minister of the Environment what plans his Department has to decentralise public sector jobs.

**(AQO 3848/11-15)**

**Mr Attwood:** My Department provides a wide range of public services to the local community and consequently its 2,560 staff are widely dispersed in approximately 50 offices and facilities in many cities and towns in Northern Ireland and also in locations such as country parks and historic monuments. Of these, 55% are already located outside Belfast with 19% located in Co Derry, 15% in Co Antrim, 7% in Co Armagh, 6% in each of Counties Down and Tyrone, and 2% in Co Fermanagh. Consequently, there is significant dispersal, but clearly on a differential basis!

I have also secured the dispersal of public sector jobs from the Greater Belfast area such as new posts in Derry for Road Traffic Examiners, the Carrier Bag Levy team and Planning's Divisional Support Team and in Coleraine for Estate Management Branch.

I also expect that a substantial number of posts, possibly as many as 400 and mainly from the local planning and the Northern Ireland Environment Agency functions, will be transferred to Local Government from 1 April 2015.

I will however continue to actively explore all opportunities to disperse public sector jobs from the greater Belfast area where it is practicable to do so. I have adopted a two principle approach both decentralisation and decentralisation to heritage property. That is the approach which is being adopted and actively considered.

## Department of Health, Social Services and Public Safety

### Neuroblastoma

**Mr Flanagan** asked the Minister of Health, Social Services and Public Safety to outline how his Department helps patients suffering from neuroblastoma, as well as their families, to deal with the illness; and to detail the range of treatments available and the financial support provided for patients who have to travel abroad for trials.

**(AQW 24835/11-15)**

**Mr Poots (The Minister of Health, Social Services and Public Safety):** Clinical management of Neuroblastoma depends on the individual patient's condition and circumstances, and the majority of cases in Northern Ireland are managed by the clinical team in the Royal Belfast Hospital for Sick Children (RBHSC) who work hard to ensure children with the condition have access to the most up to date specialist treatments and can participate in clinical trials of new treatments where this is appropriate. Some highly specialist aspects of care may be accessed from tertiary centres in other parts of the UK.

The Children's Cancer Trials team at the Cancer Research Clinical Trials Unit (CRTCU) in the University of Birmingham co-ordinate clinical trials for children with cancer in the UK and Ireland. The CRTCU have a portfolio of childhood cancer clinical trials and they invite centres to enrol patients into these multi-centre, national and international trials. Each Paediatric Oncology centre (20 covering the UK and Ireland) will open as many trials as they can.

The decision to seek admission of patients into trials is a matter for the clinicians involved in the patient's care. If there is a suitable trial open in the treating centre, and providing the patient meets all the eligibility requirements for such a trial, the parents/guardians and the patient (if appropriate) will be invited to participate in this trial. Age appropriate information will be supplied both to parents/guardians and the patient. The trial will then be fully discussed by the principal investigator and/or members of the research trial team. Provided that the reason for the trial is fully understood, they then

sign a consent form for participation into the trial. They can at any stage withdraw that consent for any reason and this decision should not affect the standard of clinical care that they subsequently receive.

Northern Ireland cancer patients are also able to participate in clinical trials through the Northern Ireland Cancer Trials Centre and province-wide through the Northern Ireland Cancer Trials Network.

Should there be a trial which is not open in Belfast but which is open in another appropriate centre in the UK, the Health and Social Care Board will consider funding patient transfer costs associated with the pre-assessment of the patient's suitability for participation in a trial should these arise.

Should the patient be accepted onto a trial, the Board's understands that trial organisers will fund all costs, including patient transfer and accommodation costs, for the duration of the trial.

Cancer services are provided to everyone regardless of age so once detected all cancer patients, irrespective of age, will have full access to the services delivered through the cancer services delivery framework. The cancer service framework sets out the standards of care that patients, carers and their wider family can expect to receive – a copy is available at:

[http://www.dhsspsni.gov.uk/service\\_framework\\_for\\_cancer\\_prevention\\_\\_treatment\\_and\\_care\\_-\\_consultation\\_-\\_easy\\_access\\_version.pdf](http://www.dhsspsni.gov.uk/service_framework_for_cancer_prevention__treatment_and_care_-_consultation_-_easy_access_version.pdf)

## **Business Services Organisation's Corporate Risk and Assurance Report 2012/2013**

**Mr McClarty** asked the Minister of Health, Social Services and Public Safety for a detailed explanation of the risks in the Business Services Organisation's Corporate Risk and Assurance Report 2012/2013 where (i) the likelihood is classified as either likely or almost certain; and (ii) the total impact is either major or catastrophic.

**(AQW 24881/11-15)**

### **Mr Poots:**

- (i) At 31 March 2013, eight risks were classified as either likely or almost certain, as follows:
- Four risks related to various aspects of the shared services project, including the timing of implementation and the stability of the new business systems, the impact of these on the reputation of BSO and the deliverability of business case outcomes;
  - Other risks were in relation to the potential qualification of BSO's 2012/13 accounts (following the issue with its 2011/12 accounts), the risk to Data Centres from unstable power supply, the impact of extant legislation on BSO's growth strategy and major high value regional procurement contracts.
- (ii) At 31 March 2013, 12 risks were classified as either major or catastrophic, as follows:
- Four risks related to various aspects of the shared services project, including the timing of implementation and the stability of the new business systems, the impact of these on the reputation of BSO and the deliverability of business case outcomes;
  - Two risks were in relation to the potential qualification of BSO's 2012/13 accounts (following the issue with its 2011/12 accounts) and the risk to Data Centres from unstable power supply;
  - Six other risks were assessed as either unlikely or possible and were in relation the challenging financial environment, including the potential impact of this on BSO's customers, the operation of IT and other legacy business systems and accountability frameworks for screening programmes.

The BSO is robustly managing these risks through a range of mitigating actions aimed at minimising the likelihood of these risks materialising and their impact. As a result, progress has been made in a number of key areas, such as the implementation of shared services.

## Health Trusts: Exemption from Transport Act

**Mr Kinahan** asked the Minister of Health, Social Services and Public Safety whether Health and Social Care Trusts have an exemption from the Transport Act (Northern Ireland) 1967 for vehicles not for hire or reward.

**(AQW 24912/11-15)**

**Mr Poots:** The Transport Act (Northern Ireland) 1967 is the responsibility of the Department of the Environment (DOE). I am advised by that Department that the Transport Act requires that all those who are providing bus passenger transport for reward are licensed. Reward is defined as any benefit whether monetary or not. The Act also provides for an exemption from an operator licence for organisations concerned with social welfare, education etc who operate on a not for profit basis – this is known as a 10B permit.

The DOE also advises that Trusts in fulfilling their statutory role, that is, in providing patient transport, do not come within the scope of the Act. However, the Trusts from time to time also hire their buses to associated groups on a not for profit basis, thus providing benefits in terms of social welfare. Those Trusts wishing to provide this service must have 10B permits. The DOE has advised that they are satisfied that those Trusts which are required under the legislation to have 10B permits have obtained them.

## Residential and Nursing Homes

**Mr Nesbitt** asked the Minister of Health, Social Services and Public Safety to detail the total cost to his Department of providing care in (i) statutory; and (ii) independent residential and nursing homes, in each of the last five years.

**(AQW 25143/11-15)**

**Mr Poots:** The cost to my Department of providing care in statutory and independent sector nursing homes and residential homes for adults, children and the elderly from 2008/09 to 2011/12 (latest information available) is as follows:

	<b>2011/12</b> <b>£m</b>	<b>2010/11</b> <b>£m</b>	<b>2009/10</b> <b>£m</b>	<b>2008/09</b> <b>£m</b>
Nursing Homes(1) – Independent	270	265	249	241
Residential Homes – Independent	89	86	83	80
Residential Homes – Statutory	91	90	91	91
<b>Total</b>	<b>450</b>	<b>441</b>	<b>423</b>	<b>412</b>
Client Contributions	121	114	101	93
<b>Total Less Client Contributions</b>	<b>329</b>	<b>327</b>	<b>322</b>	<b>319</b>

(1) There are no statutory nursing homes in Northern Ireland

## Western Health and Social Care Trust: Complaints

**Mr McElduff** asked the Minister of Health, Social Services and Public Safety to detail (i) the number of complaints made against the Western Health and Social Care Trust in relation to patient care, in each of the last three years; (ii) the number of complaints related to people over 65 years of age; (iii) the number of these cases that have been referred to the Ombudsman; (iv) how these figures compare to other Trust areas; and (v) the complaints relating to patient care broken down by hospital.

**(AQW 25145/11-15)**

**Mr Poots:**

- (i) Information on the number of complaints received by Health and Social Care (HSC) Trusts is published annually by the Department, and is available to view or download from:

[http://www.dhsspsni.gov.uk/index/stats\\_research/hospitalstats/patient\\_safety/complaints.htm](http://www.dhsspsni.gov.uk/index/stats_research/hospitalstats/patient_safety/complaints.htm)

Appendix 1, Table 1e of this publication details the number of complaints issues received by the Western HSC Trust by subject of complaint during each of the last four years.

- (ii) Information on the number of complaints received by HSC Trusts relating to people over 65 years of age is not collected by the Department, and could only be provided by manually trawling through patient records, which would incur disproportionate cost.
- (iii) During the last three years, the Western HSC Trust indicated that it referred 17 complaints to the Ombudsman, 10 in 2010/11, 4 in 2011/12 and 3 in 2012/13.
- (iv) Information on the number of complaints received by HSC Trusts referred to the Ombudsman is not routinely collected by the Department. However, in response to this AQW, HSC Trusts provided this information in Table 1 below.

**TABLE 1: NUMBER OF COMPLAINTS RECEIVED BY HSC TRUSTS THAT WERE REFERRED TO THE OMBUDSMAN (2010/11 – 2012/13)**

HSC Trust	Year		
	2010/11	2011/12	2012/13
Belfast	19	9	4
Northern	10	7	5
South Eastern	10	10	3
Southern	9	9	9
Western	10	4	3
NIAS	3	4	2
<b>Northern Ireland</b>	<b>61</b>	<b>43</b>	<b>26</b>

\*Information for the SHSCT refers to the calendar years 2010, 2011 and 2012

Over the last 3 years, the number of complaints referred to the Ombudsman decreased by 35 (57.4%), from 61 in 2010/11 to 26 in 2012/13 (Table 1).

- (v) Information on the number of complaints received by each hospital is not currently collected. Complaints to specific hospitals are referred to the relevant HSC Trust, and are included within the HSC Trusts complaints figures detailed in the statistical report at the link below:

[http://www.dhsspsni.gov.uk/index/stats\\_research/hospitalstats/patient\\_safety/complaints.htm](http://www.dhsspsni.gov.uk/index/stats_research/hospitalstats/patient_safety/complaints.htm)

## Services for Haemophilia

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety what services are available for patients suffering from haemophilia in the Western Health and Social Care Trust.

**(AQW 25148/11-15)**

**Mr Poots:** Patients suffering from haemophilia are under the care of the Northern Ireland Regional Haemophilia Centre at Belfast City Hospital.

Altnagelvin Area Hospital provides diagnostic and emergency therapeutic support to haemophilia patients and facilitates a monthly outpatient review clinic by a visiting consultant from the Regional Centre.

# Department of Justice

## Collation of Acts of Self Harm

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 24026/11-15, given that in the Northern Ireland Prison Service Annual Report and Accounts for 2009/2010 the Director General stated, 'from April 2009 all acts of self harm, however minor, are centrally collated in order to identify patterns and trends', (i) whether the Northern Ireland Prison Service follows this practice, and if not, to outline the rationale and responsibility for non-compliance; and (ii) if the practice is followed, to outline patterns and trends that have been identified since 2009 and how they are being addressed.

**(AQW 24724/11-15)**

**Mr Ford (The Minister of Justice ):** I refer the member to the answer provided to AQW 24598 in relation to recording of all acts of self harm prior to 2010.

Since January 2010 all acts of self harm have been recorded on the Prison Record Information System (PRISM). Each prison establishment has a safer custody coordinator who monitors and reviews self harming incidents and develops and maintains local systems to support vulnerable offenders and promote a safe custodial environment. Where trends are identified, underlying causes and levels of support required to minimise further incidents will be discussed at the local safer custody fora and appropriate strategies put in place to address local operational needs.

The prison population comprises a high proportion of very vulnerable individuals with complex needs. Prisoners who have been identified as being at increased risk of self harm include: new committals, foreign nationals, and those who are vulnerable due to mental health issues or addictions.

A range of support services have been introduced across the prisons to respond to the needs of a vulnerable population, including access to Mental Health Teams, CRUSE Bereavement counselling; abuse counselling; Samaritans Listener Scheme; Prison Chaplaincy; family support; befriending services and diversionary activities. A dedicated Samaritans helpline is also available 24 hours a day to prisoners in distress and in need of support. In addition, prisoners can access a number of free counselling services including Lifeline, the NI crisis response helpline. The Donard Programme in Maghaberry Prison provides a range of therapeutic interventions for the most vulnerable offenders including individually designed programmes delivered on a multi-agency basis.

## Death in Custody of Mr Joseph Abraham

**Lord Morrow** asked the Minister of Justice, in relation to the NI Prisoner Ombudsman report on the death in custody of Mr Joseph Abraham, whether both issues of concern highlighted in the report have been addressed by the Prison Service.

**(AQW 24820/11-15)**

**Mr Ford:** I can confirm that the Prison Service and the South Eastern Health and Social Care Trust (SEHSCT) have addressed the two issues of concern highlighted in the Prisoner Ombudsman's report.

## Prisoners: Self-Harmed or Committed an Act of Suicide or Attempted Suicide

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 24026/11-15, why Prison Service information does not differentiate between the act of self harm and an attempt or act of suicide.

**(AQW 24821/11-15)**

**Mr Ford:** Since January 2010, information relating to self harm and Supporting Prisoners At Risk (SPAR) have been recorded electronically on the Prison Record Information System (PRISM).

When a prisoner self harms this is recorded on an 'injury report form' on PRISM. This will not identify whether the act of self harm was a suicide attempt. Further information will only be determined during a SPAR interview with the prisoner, when the intentions are probed and recorded electronically on the SPAR screen on PRISM.

The details surrounding a death in custody are not recorded on PRISM but are recorded on a separate database.

A review of the Suicide and Self Harm Prevention policy is currently underway, and a variety of issues relating to the recording of information on safer custody matters are being considered as part of that review.

### **Serious Case Review**

**Lord Morrow** asked the Minister of Justice whether he will order a serious case review into the monitoring and supervision of Ian Kernohan following his re-arrest for breaching his Sexual Offences Prevention Order twenty four hours after being freed from custody, particularly as he was residing at a hostel operated by the Probation Board for Northern Ireland.

**(AQW 24858/11-15)**

**Mr Ford:** The basis for instigating a serious case review under the public protection arrangements is provided for in guidance to agencies issued under Article 50 of the Criminal Justice (NI) Order 2008. The guidance, published on the Department of Justice website, requires the agencies to commission a serious case review in defined circumstances. Those circumstances are not present in this case.

### **Criticisms of Northern Ireland Prison Service**

Lord Morrow asked the Minister of Justice, pursuant to AQW 24166/11-15 and AQW 24239/11-15, given the recent criticisms of the Northern Ireland Prison Service by the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), and by external agencies, since the implementation of the Supporting Prisoner at Risk process in 2009, and the Northern Ireland Prison Service Suicide and Self Harm Prevention Policy in 2011 (i) to provide an interim evidence based assessment as to the evaluation of the findings of the review and any recommendations to date, in conjunction with the South Eastern Health and Social Care Trust; (ii) whether the Northern Ireland Prison Service Key Performance Target, as outlined in the Northern Ireland Prison Service Business Plan, to reduce the number of instances of self harm by 10 per cent from the 2011-12 baseline has been met, including the present percentage; and (iii) if not, to provide his assessment as to the reasons it was not met.

**(AQW 24919/11-15)**

**Mr Ford:**

- (i) I would refer the Member to the answer I provided to AQW 24239/11-15 on 27 June 2013. Information for an evidence based evaluation is not available. As previously advised there has been no formal review, the procedures are subject to continual, ongoing informal review. A review will be undertaken following the restructuring of the Headquarters functions as part of the wider Reform Programme, in conjunction with the South Eastern Trust.
- (ii) There was a 4% increase in the number of self harm cases using the average prison population as the basis for measurement.
- (iii) Self harming behaviour in custody is a highly challenging and complex issue and prisons contain a disproportionate number of distressed and vulnerable people. An increase in self harm incidents may be associated with an increase in the prison population, including those held on remand, and a high prevalence of mental health issues and personality disorders. The risk factors identified in the wider community such as alcohol and substance abuse, poor coping skills, social isolation and multiple family breakdowns are all increased among the prison population. The impact of imprisonment may also contribute to acute self harm crisis for those experiencing overwhelming emotional distress. The Prison Service takes the responsibility of keeping prisoners safe extremely seriously and will continue to take all practicable measures to prevent prisoners inflicting harm on themselves.

## **Compromise Agreements between the Northern Ireland Prison Service and Staff**

**Lord Morrow** asked the Minister of Justice to detail (i) where the monies to effect Compromise Agreements between the Northern Ireland Prison Service and staff originate; and (ii) the audit processes that are in place to ensure accountability.

**(AQW 24920/11-15)**

**Mr Ford:** Budgetary provision was secured from existing baselines in advance of the Compromise Agreements being drawn up; and decisions are made on the basis of legal advice and approved at Director level.

## **Custodial Sentences**

**Mr Clarke** asked the Minister of Justice how many prisoners, who served custodial sentences in Foyle View, had to be transferred back to Magilligan Prison for a breach of prison rules, in each of the last five years.

**(AQW 24924/11-15)**

**Mr Ford:** Information in the form requested is not readily available and could only be obtained/compiled at disproportionate cost.

For clarification, Foyleview is a residential area located within the confines of Magilligan Prison, it is not a separate facility.

## **Complaints Against Prison Officers**

**Mr Givan** asked the Minister of Justice to outline the protocols in place in the Northern Ireland Prison Service to inform staff of complaints made against them by prisoners.

**(AQW 24926/11-15)**

**Mr Ford:** Where a complaint alleges misconduct against a member of staff an appropriate Prison Service official is appointed to investigate. This individual will interview the member of staff and inform them of the nature of the complaint.

If a complaint alleges unlawful actions by a member of staff the PSNI will be informed.

## **Security Intelligence**

**Mr Givan** asked the Minister of Justice to outline the steps that the Northern Ireland Prison Service are taking to assess the security intelligence that identifies the veracity of threats against staff.

**(AQW 24930/11-15)**

**Mr Ford:** The Northern Ireland Prison Service has a formal arrangement with PSNI to share intelligence regarding the personal security and safety of staff. All information relating to threats is assessed and if it is deemed appropriate, steps are taken to put necessary measures in place.

If concerns are reported regarding a specific officer, that officer will be informed of the details. An individual threat assessment will be carried out; all factors including those that have come to light within the prison will form part of this assessment.

## **Personal Welfare of Prison Staff**

**Mr Givan** asked the Minister of Justice to outline the protocols in place between the Northern Ireland Prison Service and the Police Service of Northern Ireland when assessing the personal welfare of prison staff against intelligence indicating a threat exists.

**(AQW 24931/11-15)**

**Mr Ford:** The Northern Ireland Prison Service has a formal arrangement with PSNI to share intelligence regarding the personal security and safety of staff. All information relating to threats is assessed and if it is deemed appropriate, steps are taken to put necessary measures in place.

If concerns are reported regarding a specific officer, that officer will be informed of the details. An individual threat assessment will be carried out; all factors including those that have come to light within the prison will form part of this assessment.

### **Sexual Offences Prevention Order**

**Lord Morrow** asked the Minister of Justice, in relation to Ian Kernohan and given the seriousness of his previous offences as well as breaches of Sexual Offences Prevention Orders and the speed at which he reoffended following his release, whether he intends to recommend that he is reassessed as dangerous, as defined by the Criminal Justice (NI) Order 2008.

**(AQW 24959/11-15)**

**Mr Ford:** It is for the court to make an assessment of the dangerousness of an individual and section 15 of the Criminal Justice (Northern Ireland) Order 2008 provides that this assessment is made at the time of conviction on indictment for a specified sexual or violent offence.

There is no statutory basis for such reassessment in relation to an extant sentence though licence conditions can be varied by criminal justice agencies in response to any revised risk assessment. This would be considered when an offender who has been recalled to custody is re-released at the direction of the Parole Commissioners.

The court will consider the alleged breach of a Sexual Offences Prevention Order in due course and, if this results in a conviction on indictment, can make an assessment of dangerousness in relation to that offence prior to sentencing.

### **Northern Ireland Prison Service: Procedures**

**Lord Morrow** asked the Minister of Justice, in relation to the alleged assaults by an inmate on three prison officers at Hydebank Wood on 7 October 2012 and given that the Prisoner Ombudsman found in favour of the complainant (i) what is the procedure within the Northern Ireland Prison Service for dealing with those who initially decided the complaint was groundless; and (ii) whether the Northern Ireland Prison Service reviewed CCTV footage before reaching its decision.

**(AQW 24960/11-15)**

**Mr Ford:** The Director of Offender Policy and Operations has commissioned an internal investigation to be conducted by Senior Prison Staff as recommended by the Prisoner Ombudsman. This investigation was commissioned on 4 July 2013 to be completed by 19 July 2013. I have attached a copy of the Terms of Reference.

**Annex A**

**FROM:**

**Date: 4 July 2013**

**TO:**

**RE: ALLEGATIONS AND FINDINGS RELATING TO AN INCIDENT AT HYDEBANK WOOD ON 7 OCTOBER 2012 CONTAINED IN THE MAY 2013 REPORT BY THE PRISONER OMBUDSMAN INTO COMPLAINTS MADE BY A FORMER PRISONER ON 5 SEPTEMBER 2012**

I wish you to conduct a Code of Conduct and Discipline investigation with regards to the above, and with particular reference to the Prisoner Ombudsman's Conclusions in paragraphs 59 – 61 of the report and Recommendation 1 in paragraph 80 of the report.

You should provide a detailed account and interpretation of the actions taken, and any written reports made, by the two Prison Officers who sustained injuries in this incident, and any accompanying reports made by other members of staff. You should also make recommendations for any further action (or not) to be taken with regards to each of the individual members of staff concerned.

You should submit your final report to myself by Friday 19 July 2013.

### **Compromise Agreements**

**Lord Morrow** asked the Minister of Justice, for each of the last three years, to detail (i) the number of Compromise Agreements entered into between the Northern Ireland Prison Service and its staff; (ii) on whose authority such agreements are sanctioned; and (iii) the total cost to his Department and the Northern Ireland Prison Service.

**(AQW 24971/11-15)**

**Mr Ford:**

- (i) The Northern Ireland Prison Service (NIPS) have entered into Compromise Agreements with individual members of staff during the last 12 months. The actual number of such Agreements has been withheld to protect the identity of those involved as disclosure would be contrary to the Data Protection Act 1998;
- (ii) each agreement was sanctioned at Director level in the context of legal advice; and
- (iii) the terms of each agreement are confidential.

### **Alleged Assaults by an Inmate at Hydebank Wood**

**Lord Morrow** asked the Minister of Justice, in relation to the alleged assaults by an inmate on three prison officers at Hydebank Wood on 7 October 2012, whether the Northern Ireland Prison Service and/or the prison officers notified the PSNI of the incidents.

**(AQW 24973/11-15)**

**Mr Ford:** I can confirm that the Northern Ireland Prison Service did not notify the PSNI of the incident which took place on 7 October 2012, although such action was taken by one of the individual Prison Officers concerned.

### **Prisoners who Absconded whilst on Compassionate Leave**

**Mr Weir** asked the Minister of Justice what additional steps his Department is taking to reduce the number of prisoners who have absconded after being released on compassionate leave.

**(AQW 24977/11-15)**

**Mr Ford:** The Northern Ireland Prison Service (NIPS) operates a comprehensive Compassionate Temporary Release (CTR) scheme which includes a requirement to complete a comprehensive risk assessment. I am satisfied that the current process is robust. However, risk management does not mean elimination of all risks and on occasions prisoners do fail to comply with the conditions of release by absconding. NIPS does review such cases to identify if there are any learning points.

Prisoners on remand applying for compassionate bail are subject to decisions of the Court.

### **Pay Rise for Prisoner Officers Recruited in 2012**

**Mrs D Kelly** asked the Minister of Justice, when a pay rise will be implemented for Prison Officers recruited in 2012.

**(AQW 25000/11-15)**

**Mr Ford:** The 2013 pay award, effective from 1st April 2013, was implemented in June with any arrears due included in June salary.

## Flag Flying Policy

**Mr Copeland** asked the Minister of Justice to outline the policy for flying flags at Court Service buildings.

**(AQW 25003/11-15)**

**Mr Ford:** The Northern Ireland Courts and Tribunals Service flies the Union Flag on designated days as set out in the Flags Regulations (Northern Ireland) 2000 as amended by Section 67 of the Justice (Northern Ireland) Act 2002.

## Disciplinary Investigations: Experienced Investigators

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 24242/11-15 and AQW 21834/11-15, in light of the absence of clarification on the consideration given to Dr Pearson's suggestions (i) whether the Prison Service, along with the relevant stakeholders, held any meetings to discuss and consider the issue of employing senior retired police officers to act as discipline investigating officers; (ii) if so, when and where these meetings took place; and (iii) to detail the rationale which formed the basis of his decision that external recruitment is not considered necessary.

**(AQW 25020/11-15)**

**Mr Ford:** As the Northern Ireland Prison Service and the wider Northern Ireland Civil Service already has a large pool of staff to draw from, it would not have been appropriate or cost effective to seek to recruit retired senior police officers to investigate internal employment related matters.

## Prison Service Code of Conduct and Discipline

**Lord Morrow** asked the Minister of Justice if he will place a copy of the new Prison Service Code of Conduct and Discipline and the Code of Ethics in the Assembly Library as soon as it becomes available.

**(AQW 25035/11-15)**

**Mr Ford:** I will place a copy of each of the new Codes in the library as soon as they become available.

## Prison Service Management Board Meetings

**Lord Morrow** asked the Minister of Justice when he will publish the April, May and June 2013 minutes of the Prison Service Management Board meetings on the departmental website.

**(AQW 25036/11-15)**

**Mr Ford:** I can confirm that a note for each of the meetings of the Prison Service Management Boards (PSMB) for April and May have been published on the NIPS website.

Notes of meetings are not published until they are approved by Board members at the next scheduled Board meeting. A note of the June meeting will be published after the next meeting on 25 July.

## Breach of Security in Postal Correspondence: Lay Magistrates

**Mr Copeland** asked the Minister of Justice, pursuant to AQW 24581/11-15, (i) why only lay magistrates' addresses were released; (ii) under what circumstances this would be regarded as a disclosure; and (ii) whether the Data Commissioner was consulted.

**(AQW 25070/11-15)**

**Mr Ford:** Only Lay Magistrates' address details were requested by the Youth Justice Agency (YJA).

A release of personal information in contravention of any one of the eight data protection principles may be considered a breach of the Data Protection Act 1998 (DPA).

The Information Commissioner was not consulted prior to sharing address information with the YJA. The Department of Justice (DOJ), which includes both the Northern Ireland Courts and Tribunals Service

(NICTS) and the YJA, is a registered organisation under the DPA. Under the DPA information can be shared between different parts of an organisation, in this case the DOJ, providing it is used for a similar purpose. On this basis the sharing of address information by NICTS to YJA would be allowed under DPA.

As previously advised, the subsequent release of information into the public domain was reported to the Information Commissioner.

## Legal Aid

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 21644/11-15, (i) for a breakdown of Legal Aid paid to (a) legal firms; (b) junior counsel; and (c) senior counsel; and (ii) to clarify if the same legal firm, junior counsel and senior counsel acted at their first trial, subsequent appeals and second trial. **(AQW 25082/11-15)**

**Mr Ford:** The breakdown of legal aid payments (including VAT and disbursements) to the legal teams of Christopher Francis Kerr and Aaron Cavana Wallace for their initial trial, Court of Appeal hearing and re-trial is set out in the tables in Annex A.

The legal team (solicitor firm, senior counsel and junior counsel) for Kerr was changed after the initial trial. The newly appointed legal team then represented Kerr at the Court of Appeal hearing and the re-trial.

The legal team (solicitor firm, senior counsel and junior counsel) for Wallace was also changed after the initial trial. Subsequently, the new solicitor firm represented Wallace at the Court of Appeal hearing and the re-trial. Wallace had the services of three senior counsel at the Court of Appeal hearing, with one continuing on to represent him at the re-trial. This counsel was then changed to another senior counsel during the re-trial. The junior counsel who represented Wallace at the Court of Appeal hearing was changed for the re-trial.

## Annex A

### CHRISTOPHER FRANCIS KERR

	Junior Counsel	Senior Counsel	Solicitor	Total
First trial	£109,652.28	£402,500.00	£264,500.00	£776,652.28
Appeal	£129,600.00	£194,400.00	£65,246.00	£389,246.00
Re-trial	Not assessed	Not assessed	£9,750.52	£9,750.52
<b>Total</b>	<b>£239,252.28</b>	<b>£596,900.00</b>	<b>£339,496.52</b>	<b>£1,175,648.80</b>

### AARON CAVANA WALLACE

	Junior Counsel	Senior Counsel	Solicitor	Total
First trial	£264,500.00	£402,500.00	£137,171.00	£804,171.00
Appeal	£129,600.00	£272,119.20	Not assessed	£401,719.20
Re-trial	Not assessed	Not assessed	Not assessed	-
<b>Total</b>	<b>£394,100.00</b>	<b>£674,619.20</b>	<b>£137,171.00</b>	<b>£1,205,890.00</b>

## Department for Regional Development

### Discounted Travel Fares for Students

**Mr Weir** asked the Minister for Regional Development why there is a disparity between Ulsterbus and Northern Ireland Railways in terms of the provision of discounted fares for students.

**(AQW 24373/11-15)**

**Mr Kennedy (The Minister for Regional Development):** I refer you to my response to AQW24372/11-15 which sets out the position on this issue.

### Magherafelt Bypass

**Mr I McCrea** asked the Minister for Regional Development whether there are sufficient funds in place to cover the cost of vesting orders for the Magherafelt by-pass.

**(AQW 24416/11-15)**

**Mr Kennedy:** The Executive has considered my paper tabling options for the reallocation of A5 funding to other major road projects and I am delighted to be able to confirm the approval of £40m for the construction of the Magherafelt Bypass, which includes the cost of the land to be vested for the scheme.

This early decision will pave the way for construction work to begin in autumn 2014.

### Railway Network

**Mr McKay** asked the Minister for Regional Development what upgrade work is planned for the railway network in each of the next four years.

**(AQW 24845/11-15)**

**Mr Kennedy:** Translink has provided the following details of upgrade work that is planned for the railway network in each of the next four years. The dates are based on latest

Translink information and/or the current Corporate Plan.

Programme / Project	Construction Start
User Worked Crossing Safety Improvement Programme	Ongoing
Park and Ride Programme (Various)	Ongoing
Upgrade of Signalling Equipment at Level Crossings	2013/14
Signal Duct Route and Cable Renewal Programme	2013/14
Moira Station New Footbridge	2013/14
Knockmore – Lurgan Track Rehabilitation and Line Speed Recovery	2014/15
Bridge Underwater Remedial Works	2014/15
Bridge Refurbishment & Strengthening Programme	2014/15
Lisburn West – New Halt and Park and Ride	2014/15
Coleraine – Londonderry Track Renewals Project – Phase 2	2014/15
Lisburn Interlocking Renewal	2015/16
Cross Border Line Speed Enhancements (Line speed upgrades at discreet locations)	2015/16

<b>Programme / Project</b>	<b>Construction Start</b>
New station – Londonderry (Currently at feasibility stage – no financial commitment)	2015/16
Lurgan Railway Station Refurbishment	2015/16
Embankment Strengthening Programme	2016/17
Ballymartin / Templepatrick Park and Ride	2016/17
Belfast Transport Hub (Currently at feasibility stage - no financial commitment)	2016/17
Yorkgate – Donegall Quay Dualling of the track. (Currently at feasibility stage – no financial commitment)	2016/17 – 2017/18
Monkstown – Templepatrick Dualling of the track (Feasibility to be completed - no financial commitment)	2017/18

## Extending the Railway Network

**Mr McKay** asked the Minister for Regional Development what assessment on extending the railway network has been completed.

**(AQW 24846/11-15)**

**Mr Kennedy:** The public consultation on future railways investment closed on 12 April 2013. A report containing the views of the 119 respondents to the public consultation will be published later this month. My Department's assessment of the response and its prioritisation of future investment options will be made available later.

## Blue Badges

**Lord Morrow** asked the Minister for Regional Development whether Blue Badges can only be issued to people in receipt of the higher rate mobility component of Disability Living Allowance.

**(AQW 24857/11-15)**

**Mr Kennedy:** The Blue Badge scheme in Northern Ireland is regulated by the Section 14 of the Chronically Sick and Disabled Persons (NI) Act 1978 and the Disabled Persons (Badges for Motor Vehicles) Regulations (NI) 1993. Under the legislation a Blue Badge can be issued to individuals who:

- receive the higher rate of the mobility component of Disability Living Allowance;
- are registered blind;
- receive a War Pensioner's Mobility Supplement;
- have a permanent and substantial disability which means he/she cannot walk, or have very considerable difficulty walking - in this case a doctor may be asked to answer a series of questions to confirm eligibility for a badge;
- drive a vehicle regularly, have a severe disability in both arms and are unable to operate, or have considerable difficulty operating, all or some types of parking meter, or;
- are children under the age of two, who have a disability due to a medical condition and need to travel with bulky equipment, or to be close to a vehicle for emergency medical treatment, may be eligible for a badge.

In addition, organisations which care for people with disabilities who meet one of the above criteria may be eligible for a badge.

I should also advise that my Department is currently conducting a public consultation on a number of planned and potential changes to the Blue Badge Scheme. These changes include options for

ensuring the link to automatic eligibility for a Blue Badge is maintained after the Department of Social Development led change from Disability Living Allowance (DLA) to Personal Independence Payment (PIP) is introduced in Northern Ireland, and extending the benefit to children under the age of three with specific medical conditions. The consultation period ends on 30 July 2013.

### Naval Vessels

**Mr Campbell** asked the Minister for Regional Development, pursuant to AQW 24138/11-15, given his Department's responsibility for ports, whether he is aware of the Royal Navy having offered advice to naval vessels that berthed in Londonderry on the occasion of the Return of Colmcille.

**(AQW 24882/11-15)**

**Mr Kennedy:** I am not aware if the Royal Navy offered advice to naval vessels on this issue. As these matters lie outside my responsibility, the Royal Navy would not be required to inform me as a matter of course.

### Cycle Lanes

**Mr Campbell** asked the Minister for Regional Development to detail the estimated change in usage on new cycle lanes completed in the last five years.

**(AQW 24883/11-15)**

**Mr Kennedy:** My Department is committed to providing safer roads for the growing number of vulnerable road users, including cyclists and pedestrians, through a range of safety measures, such as, traffic calming and enhancement of the pedestrian and cycling network. I fully recognise the benefits to be obtained from improving the cycle network, in particular the environmental and health benefits and the positive contribution to an integrated transport system.

Over the past 5 years my Department has invested approx £4.1m in creating approx 75km of new cycle lanes. However, my Department does not carry out monitoring of usage of new cycle lanes.

### A6 Dualling Scheme

**Mr Ó hÓisín** asked the Minister for Regional Development when the report on the A6 Derry to Dungiven dualling scheme will be published.

**(AQW 24906/11-15)**

**Mr Kennedy:** The recommendations in the Inspector's report are currently being considered and I intend to publish a statement on the way forward later this year.

### Parking Tickets Issued in Ballyclare and Antrim

**Mr Kinahan** asked the Minister for Regional Development to detail the number of parking tickets issued in (i) Ballyclare; and (ii) Antrim, in each of the last five years.

**(AQW 24911/11-15)**

**Mr Kennedy:** Details of the number of Penalty Charge Notices issued in Ballyclare and Antrim over the last five financial years are shown in the table below:

#### NUMBERS OF PENALTY CHARGE NOTICES ISSUED

Financial Year	Ballyclare	Antrim
2008/09	615	999
2009/10	628	758
2010/11	499	960
2011/12	476	1380
2012/13	235	1139

## **Parking Restrictions: Coalisland**

**Lord Morrow** asked the Minister for Regional Development, pursuant to AQW 24335/11-15, in which year previous proposals to provide additional waiting restrictions in Coalisland were presented to the Regeneration Partnership.

**(AQW 24921/11-15)**

**Mr Kennedy:** Proposals to provide additional waiting restrictions in Coalisland were presented to the Coalisland Regeneration Partnership in August 2008.

## **Branded Apparel for Non-Frontline Staff**

**Mr Allister** asked the Minister for Regional Development how much his Department has spent on branded apparel for non-frontline staff, in each of the last three years.

**(AQW 24929/11-15)**

**Mr Kennedy:** My Department has had no expenditure on branded apparel for non-frontline staff, in each of the last three years.

## **Ballagh Road**

**Mr McCallister** asked the Minister for Regional Development to outline the reasons why, despite senior officials confirming that the Roads Service is in control of the land in the Ballagh Road wall dispute, he has refused to take enforcement action under Article 71 of the Roads (NI) Order 1993.

**(AQW 24952/11-15)**

**Mr Kennedy:** For enforcement action to be taken under Article 71 of the Roads order, definitive evidence of a contravention of the Order must exist.

Following a site meeting with the owner of the wall, officials made attempts to source historical records but no definitive evidence was uncovered which detailed the line of the original wall. Checks made with regular users of the road could not confirm the new wall extended any further out than the original. In addition, there was no engineering evidence to show that the new wall had been moved out.

It would therefore be extremely difficult for my Department to prove that the rebuilt wall extends further than the original wall and without such definitive proof, any action taken under the provisions of the Roads (NI) Order 1993 would not succeed.

I understand DOE Planning intends to take enforcement action in relation to the wall in question.

## **Legal Costs**

**Mr Wells** asked the Minister for Regional Development, pursuant to AQW 21235/11-15, if he is now in a position to outline the total costs his Department incurred in relation to the Declan Gormley legal case.

**(AQW 24967/11-15)**

**Mr Kennedy:** I am not yet in a position to outline the total costs incurred by my Department in relation to the Declan Gormley legal case. The Departmental Solicitor's Office is still engaged on the matter with Mr Gormley's solicitors.

I will of course honour my commitment to let you know what the final costs are once they become available.

## **A24 Ballynahinch Bypass Project**

**Mr Hazzard** asked the Minister for Regional Development for an update on the range of surveys, including environmental, undertaken by Roads Service in order to progress the A24 Ballynahinch Bypass project.

**(AQW 24979/11-15)**

**Mr Kennedy:** Details of the surveys undertaken to date during the development of Ballynahinch Bypass are as follows:

Year	Survey Method
2003	Topographic survey by Ordnance Survey (OS).
2006	<p>Traffic surveys, including:</p> <ul style="list-style-type: none"> <li>■ Non motorised user (NMU) surveys;</li> <li>■ Manual classification counts;</li> <li>■ Automatic traffic counters;</li> <li>■ Journey time surveys; and</li> <li>■ Vehicle registration origin and destination surveys.</li> </ul> <p>Geotechnical records to acquire geotechnical information for Preliminary Sources Study (Desktop Survey).</p> <p>Winter surveys to facilitate Stage 1 reporting.</p> <p>Environmental Surveys including:</p> <ul style="list-style-type: none"> <li>■ Stage 1 Environmental Impact Assessment desktop &amp; some site walkover surveys undertaken in accordance with Design Manual for Roads and Bridges (DMRB);</li> <li>■ Air Quality;</li> <li>■ Cultural Heritage;</li> <li>■ Disruption due to Construction;</li> <li>■ Ecology &amp; Nature Conservation;</li> <li>■ Landscape &amp; Visual, Land Use;</li> <li>■ Traffic Noise &amp; Vibration;</li> <li>■ Pedestrian, Cyclist;</li> <li>■ Equestrian &amp; Community Effects;</li> <li>■ Vehicle Travellers;</li> <li>■ Water Quality and Drainage;</li> <li>■ Geology &amp; Soils; and</li> <li>■ Policies &amp; Plans.</li> </ul>
2007	Preliminary Geotechnical Investigation (GI) to facilitate Stage 1 and 2 reporting and preliminary engineering design.

Year	Survey Method
2008	Environmental Surveys, including: <ul style="list-style-type: none"> <li>■ Stage 2 DMRB &amp; Department of Transport's Transport Analysis Guidance (WebTAG) Air Quality desktop study including local and regional assessments;</li> <li>■ Stage 2 DMRB Cultural Heritage desktop study and walkover survey undertaken by a heritage expert;</li> <li>■ Stage 2 DMRB Disruption due to Construction desktop study;</li> <li>■ Stage 2 DMRB Ecology &amp; Nature Conservation desktop study and walkover survey undertaken by an experienced ecologist;</li> <li>■ Stage 2 DMRB Landscape &amp; Visual desktop study and walkover survey undertaken by an experienced Landscape Architect;</li> <li>■ Stage 2 DMRB Land Use desktop study;</li> <li>■ Stage 2 DMRB Traffic Noise &amp; Vibration desktop study undertaken by an experienced Acoustic Consultant, including noise measurement surveys carried out in the general area;</li> <li>■ Stage 2 DMRB Pedestrian, Cyclist, Equestrian &amp; Community Effects desktop study, with NMU survey complementing the assessment;</li> <li>■ Stage 2 DMRB Vehicle Travellers desktop study. An experienced Landscape Architect undertook a site survey to consider impacts on views from the road;</li> <li>■ Stage 2 DMRB Road Drainage &amp; the Water Environment desktop study, including a desktop review of previous reports and other background information;</li> <li>■ Stage 2 DMRB Geology &amp; Soils desktop study; and</li> <li>■ Stage 2 DMRB Policies &amp; Plans desktop study.</li> </ul>
2009	A topographic survey by BKS, suitable mapping for 1:500 detailed work and Stage 2 & 3 reporting, includes digital ortho-photographs.
2011	An updated Stage 2 Environmental Impact Assessment Desktop & Walkover surveys undertaken as necessary in accordance with revised DMRB guidance and/or length of time elapsed since earlier assessment/survey.
2012	Winter surveys; and Environmental Statement surveys (Landscape & Visual Winter Survey (i.e. without foliage).
2013	Supplementary GI investigation to add ground detail for Stage 3 reporting, design of cuttings and drainage ponds; Archaeological monitoring survey of the 2013 GI; Environmental Statement surveys (Ecology & Nature Conservation - including birds, newts, bats and extended Phase 1); and Vehicle speed monitoring on Ballynahinch side roads to inform consideration of Relaxations and Departures from design standards.

## A7 Upgrade

**Mr Hazzard** asked the Minister for Regional Development for an update on the planned improvement scheme on the A7 between Doran's Rock and Rowallen.

**(AQW 24981/11-15)**

**Mr Kennedy:** Preliminary design work is continuing on a proposal to carry out a road widening scheme between Rowallane and Doran's Rock, south of Saintfield. This entails widening 1.8 kilometres of the A7 carriageway and improving forward visibility along this section of road.

The proposal is to widen the existing road to provide a 7.3 metre wide carriageway with verges. The option to provide a right turning lane at a minor road junction is also being considered.

The cost of the scheme is estimated to be in the range £2.5 million and will require land from adjacent owners. In order for the scheme to progress it will require a satisfactory economic appraisal demonstrating value for money in terms of costs and transportation benefits. Implementation will also be dependent upon the scheme clearing any necessary statutory procedures including, for example, the vesting of lands and the availability of funding in future budget rounds.

### **Roads: Downpatrick**

**Mr Hazzard** asked the Minister for Regional Development, in relation to a possible link road from Irish Street to St. Patrick's Avenue in Downpatrick, for an update on the talks he has had with the PSNI to allow for necessary survey work to be carried out at Downpatrick PSNI Station.

**(AQW 24983/11-15)**

**Mr Kennedy:** My Department's officials recently met with PSNI officials to discuss a proposal for a road link from Saint Patrick's Avenue to Irish Street, Downpatrick, which impacts on the site of the Downpatrick PSNI Station.

As a result, the existing survey data that is currently available to the PSNI is to be examined to determine if it can be used in developing preliminary options for the proposed link road.

### **C290 Magherahamlet Road/Dunmore Road Crossroads**

**Mr Hazzard** asked the Minister for Regional Development for an update on the planned minor works due to be carried out at C290 Magherahamlet Road/Dunmore Road crossroads, Spa, in this financial year.

**(AQW 24984/11-15)**

**Mr Kennedy:** Details of proposed roads schemes for the current financial year are set out in the Roads Service Spring and Autumn Reports to Councils. I understand you received a copy of the latest council report in June this year.

There is no further update in relation to the proposed works, other than to advise that officials are working to deliver this scheme in the current financial year, subject to successful land acquisition.

### **C278 Loughinisland Road/ Tareesh Lane**

**Mr Hazzard** asked the Minister for Regional Development for an update on the planned minor works due to be carried out at C278 Loughinisland Road/ Tareesh Lane, Annacloy, in the current financial year.

**(AQW 24985/11-15)**

**Mr Kennedy:** Details of proposed roads schemes for the current financial year are set out in the Roads Service Spring and Autumn Reports to Councils. I understand you received a copy of the latest council report in June this year.

There is no further update in relation to the proposed works, other than to advise that officials are working to deliver this scheme in the current financial year, subject to successful land acquisition.

### **Ulsterbus: Discounted Fares for Mature Students**

**Mr Girvan** asked the Minister for Regional Development why mature students do not receive student discount on Ulsterbus services, when discount is available on services provided by Northern Ireland Railways.

**(AQW 24988/11-15)**

**Mr Kennedy:** Translink have commercial responsibility for these matters and have advised that a discount for mature students using rail services was introduced separately from bus because a mature student travelling by rail is not able to obtain as good a discount without the use of the 24+ Railcard. Mature students using both Metro and Ulsterbus services can avail of the best discounts through standard Smartlink products which are available for bus journeys.

### **Adoption of Roads in Private Developments**

**Mr Ross** asked the Minister for Regional Development whether the reallocation of departmental funding will allow Roads Service to adopt roads in private developments where there is an insufficient bond in place following the liquidation or administration of the construction company responsible.

**(AQW 24993/11-15)**

**Mr Kennedy:** As the Member will be aware, developers are responsible for providing new roads in housing developments, and for making provision for the costs of so doing in the event they are unable to complete the works.

In the event the bond in a private streets development is not sufficient to cover fully the cost of completing the required works to allow roads to be adopted, my Department will arrange for the necessary works to be completed, and seek to recover the shortfall from the responsible party.

### **Bellarena Railway Halt**

**Mr Ó hÓisín** asked the Minister for Regional Development to detail the (i) status; (ii) plans; and (iii) timescale for the provision of (a) passing loops; (b) a covered halt; (c) a Park and Ride facility; (d) additional bus shelters; and (e) additional footpath provision, at Bellarena railway halt.

**(AQW 24996/11-15)**

**Mr Kennedy:** Following the successful completion of Phase 1 of the Coleraine to Londonderry Track Relay Programme, procurement processes for Phase 2 of the programme, which will include the design of this phase are currently underway. Phase 2 work is due to commence in 2014/15 but Translink advise that as the design work for Bellarena Halt has not been undertaken they are unable to comment on the details at this stage.

In order to ensure the future provision of bus shelters, my Department is currently working towards the establishment of new contractual arrangements, which are to be in place for 2015. Any requests for bus shelters received in the intervening period that cannot be accommodated will be given priority when the new contract is in place.

The Member may also be aware that District Councils and Translink are also permitted to provide and fund additional bus shelters

In relation to footpath provision, a footway is currently provided over a distance of approximately 2.2km on Seacoast Road, from Bellarena Presbyterian Church and Magilligan Field Centre southwards to Bellarena Railway Halt. This continuous footway links the main housing developments of Bellarena and Oughtymoyle Avenue, and also a number of individual properties along the Seacoast Road, to Bellarena Railway Halt.

In addition, a scheme proposal is under development to provide a footway/cycleway on Seacoast Road, from Bellarena Presbyterian Church northwards towards Benone Tourist Complex, an approximate distance of 4km. This footway/cycleway will provide a continuous link between Benone Tourist Complex and Bellarena Railway Halt.

However, due to the length and potentially high cost of this proposal, it is likely the scheme will be delivered in stages. The footway/cycleway is being developed in accordance with current policies and procedures, and will be prioritised within future works programmes as each stage gains approval through the development process.

Delivery of the scheme is dependent upon its priority when compared to competing schemes, the availability of funding and a number of other key issues, such as land acquisition.

### **Water Supply in Donaghadee**

**Mr Weir** asked the Minister for Regional Development to outline the reasons for the recent disruptions to the water supply in Donaghadee; and what steps are being taken to improve the water infrastructure in the town.

**(AQW 25052/11-15)**

**Mr Kennedy:** I have been advised by Northern Ireland Water (NIW) that the recent interruptions to the water supply in the Donaghadee area occurred when the local service reservoir was taken out of service for maintenance purposes. There was a slight increase in water pressure in the area as a result of the maintenance work which caused a number of older water mains to burst. The bursts have been repaired and the reservoir is now back in service and operating normally. NIW does not anticipate any further interruption of supply to customers.

As part of its programme to improve the water infrastructure in Donaghadee, NIW is planning to replace the water main in Gloucester Avenue and is currently in the process of including a scheme for this work on its capital works programme.

### **Eastern Link Road Scheme**

**Mr Hazzard** asked the Minister for Regional Development, given the traffic flow difficulties in Downpatrick and the need for work to begin to alleviate the difficulties, what commitment he can give that his Department will begin work to progress the Eastern Link Road scheme.

**(AQW 25060/11-15)**

**Mr Kennedy:** The Ards Down Area Plan 2015 includes the Downpatrick Eastern Link Road proposal and identifies that the development of adjacent zoned land "is reliant upon the provision of the Downpatrick [Eastern] Link Road". Developers buying land in this area of the town for residential development should therefore be in no doubt of their responsibilities to provide the Eastern Link Road to serve the development land. Roads Service officials are willing to provide advice on the layout and standard of the proposed development road to those developers interested in developing the land zoned for housing.

While the Ards Down Area Plan 2015 also makes separate provision for the upgrading of the northern section of Rathkeltair Road and its junction with Strangford Road, Roads Service's contribution to such an improvement is subject to the availability of the necessary funding. Given current pressures on budgets and the uncertainty about future funding, it is not possible to advise when this improvement scheme may be included in the Investment Delivery Plan for Roads.

### **Asphalt Materials for Road Works**

**Mr McGimpsey** asked the Minister for Regional Development what actions are taken to ensure that contractors manufacturing asphalt materials for road works during the night and at weekends do not contravene Health and Safety guidelines.

**(AQW 25069/11-15)**

**Mr Kennedy:** There are occasions when work must be carried out on the road network outside normal working hours to facilitate local business and minimise disruption on highly trafficked routes.

There is no relaxation of health and safety obligations imposed on contractors manufacturing asphalt materials for road works during such periods. The general health and safety obligations for employers are set out under the Health and Safety and Work (NI) Order 1978 and The Management of Health and Safety at Work (NI) Regulations 2000.

## **Donaghadee Bus Station**

**Mr Weir** asked the Minister for Regional Development to outline the steps that he will take to ensure the accelerated transfer of land at the current Donaghadee Bus Station site and to facilitate a turning circle and Park and Ride scheme.

**(AQW 25105/11-15)**

**Mr Kennedy:** I would refer you to my answer in AQW 24426/11-15. The position outlined in that answer remains the same. However, I understand that Ards Borough Council has now written directly to Translink on this issue.

## **Road Improvement Schemes: Millisle and Donaghadee**

**Mr Dunne** asked the Minister for Regional Development to outline any planned road improvement schemes in (i) Millisle; and (ii) Donaghadee within the current financial year.

**(AQW 25118/11-15)**

**Mr Kennedy:** During the spring and autumn of each year my Department's Roads Service presents their respective Minor Works programmes to each Council, which sets out the schemes they hope to construct during the current financial year and beyond, subject to the necessary funding being available.

I have arranged for a copy of the relevant council report to be forwarded directly to you.

## **Road Improvement Schemes: Bangor**

**Mr Dunne** asked the Minister for Regional Development to outline any planned road improvement schemes in Bangor within the current financial year.

**(AQW 25119/11-15)**

**Mr Kennedy:** Information on completed and proposed roads schemes for the current financial year can be found in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from my Department's internet site at the following web address:

[http://www.drndi.gov.uk/index/freedom\\_of\\_information/customer\\_information/cinformationtype-results.htm?signpost=Customer+information&informationType=Roads+Service+reports+to+councils](http://www.drndi.gov.uk/index/freedom_of_information/customer_information/cinformationtype-results.htm?signpost=Customer+information&informationType=Roads+Service+reports+to+councils)

## **Road Improvement Schemes: Holywood**

**Mr Dunne** asked the Minister for Regional Development to outline any planned road improvement schemes in Holywood within the current financial year.

**(AQW 25120/11-15)**

**Mr Kennedy:** I would refer you to my answer provided for AQW 25119/11-15.

## **Collision Remedial Work -Fountain Street Downpatrick**

**Mr Hazzard** asked the Minister for Regional Development for an update on the planned collision remedial work due to take place in this financial year at Fountain Street, Downpatrick and to outline the consultation that took place with local residents.

**(AQW 25124/11-15)**

**Mr Kennedy:** Design work on the proposed road widening scheme at Fountain Street is nearing completion and my officials are in the process of identifying the lands required to deliver the scheme.

To date, no consultations have taken place with local residents. However later this year, in conjunction with the land acquisition process, officials will issue leaflets to all residents likely to be directly affected detailing the proposed scheme, including the collision remedial and traffic calming aspects, and will commence the required legislative processes under the relevant articles within the Roads (Northern Ireland) Order 1993.

I remain hopeful this scheme can be delivered during the current financial year, however that will be dependent upon successful completion of the necessary statutory processes.

### **Traffic Calming Measures: Saintfield**

**Mr Hazzard** asked the Minister for Regional Development for an update on the planned traffic calming work due to take place at Downpatrick Street/Listooder Road, Saintfield, in the current financial year.  
**(AQW 25125/11-15)**

**Mr Kennedy:** In the interests of road safety, my Department plans to provide a series of road humps on Downpatrick Street, Saintfield, from Main Street to junction with Old Grand Jury Road. This scheme extends an existing traffic calming scheme along Listooder Road, in the vicinity of a local Primary School, which was completed a number of years ago.

Design work on the proposal is ongoing and should be completed in the coming months, allowing the necessary consultations to be completed in accordance with our legislative processes, in respect of The Roads (Northern Ireland) Order 1993. At this stage, my officials plan to consult with local residents during October/November 2013, to allow this scheme to be completed this financial year.

Proposals, at that time, will be leafleted to directly affected residents living along Downpatrick Street, Saintfield and other statutory authorities, to allow for comments and feedback. A formal legislative process will follow, before such a scheme can be constructed.

While my Department remains hopeful this scheme can be delivered as planned, progress does hinge on the successful outcome of the necessary statutory processes, as detailed above. If you wish to discuss this scheme in further detail, please contact the Divisional roads Manager for Roads Service - Southern Division at Marlborough House, Craigavon.

### **U207 Loughmoney Road, Raholp**

**Mr Hazzard** asked the Minister for Regional Development for an update on the proposed road markings at U207 Loughmoney Road, Raholp.  
**(AQW 25127/11-15)**

**Mr Kennedy:** The 'SLOW' road markings on U207 Loughmoney Road, Raholp, which Roads Service agreed with Councillor Gareth Sharvin, were placed during June 2013.

### **Traffic Management: Collins' Corner, Downpatrick**

**Mr Hazzard** asked the Minister for Regional Development for an update on the proposed traffic management work at Collins' Corner in Downpatrick following the completion of a geotechnical survey and option study.  
**(AQW 25129/11-15)**

**Mr Kennedy:** The necessary geotechnical studies for the Collins Corner scheme are substantially complete on existing embankments. This will allow completion of design work and plans and identify the amount of land to be acquired for the scheme.

My Department remains hopeful that this scheme can be delivered this financial year as planned. However, this is subject to the successful outcome of the necessary statutory processes, including the acquisition of necessary lands.

### **Downpatrick Road Traffic Study**

**Mr Hazzard** asked the Minister for Regional Development for an update on the recently commissioned Downpatrick Road Traffic Study and to outline the key findings from the report.  
**(AQW 25130/11-15)**

**Mr Kennedy:** Roads Service has yet to receive the report on the recently commissioned Downpatrick Traffic Study.

All the necessary site visits and collection of traffic survey data was completed during June 2013. Roads Service consultants, Amey Ltd, are currently developing proposals, and Roads Service remains confident that the study will be completed on schedule for the autumn. Roads Service officials then hope to present the findings of the report, along with the Department's Interim Progress Report, to Down District Council.

My officials will give full consideration to the key findings and recommendations. However, I should advise that all recommendations will be subject to full consultation with key stakeholders, including local residents, any legislative processes, the necessary land acquisitions and securing the necessary finances in future budget years.

### Location of Wind Turbines

**Mr Gardiner** asked the Minister for Regional Development for his assessment of the limitations which apply to locating wind turbines close to public roads.

**(AQW 25135/11-15)**

**Mr Kennedy:** In considering the location of wind turbines, my Department uses the guidance available in PPS 18 and the accompanying Good Practice Guidance.

In summary, the guidance advises that:

- applicants should consult with DRD Roads Service at an early stage;
- wind turbines should be set-back at least full height plus 10% from the edge of any public road, and;
- wind turbines should not be treated any differently from other visual distractions a driver may face and should not be considered particularly hazardous. If considered helpful, appropriately sized lay-bys may be provided for viewing purposes.

While this is less detailed than guidance produced elsewhere, my Department has found it to be adequate.

## Northern Ireland Assembly Commission

### Trees at Parliament Buildings

**Mr Agnew** asked the Assembly Commission why permission was given to fell trees at the back of Parliament Buildings during nesting season and whether compensatory planting will take place elsewhere on the estate.

**(AQW 24934/11-15)**

**Mr P Ramsey (The Representative of the Assembly Commission):** To facilitate the construction works associated with the forthcoming roof project and to provide much needed additional space for car parking, deliveries and re-cycling (on completion of the roof project), the Commission granted approval to the creation of a contractor's yard / service area at the rear of Parliament Buildings.

As this work is to be carried out during summer recess to avoid unnecessary disruption to Assembly business, work has commenced on the creation of a haul road which is required to provide access and a working platform for the contractors.

A small number of semi-mature trees, the remnants of a previous planting scheme, had to be removed in the course of the works. These have been removed by the specialist contractor and will be 'chipped' for re-use as mulch elsewhere on the estate. There was no evidence of nesting birds in any of the trees that were removed.

Discussions took place with members of the design team, DFP's Estate Management Unit and its specialist advisor with regard to trees and possible re-planting / replacement planting and the route of the haul road was also adjusted to avoid causing damage to 2 mature ornamental trees at the west side of the building.

As part of the planning approval process discussions, including reference to the trees that would need to be removed, took place on site with representatives of NIEA's Natural Heritage division.

The construction works will also include some improvement to the drainage from the rear bank and it is planned to carry out some compensatory tree planting on completion of the construction works.

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# Revised Written Answers

## Friday 19 July 2013

### **(AQW 21814/11-15)**

Vehicle licensing is an excepted matter which is the responsibility of the Secretary of State for Transport. It is not a devolved matter. It is administered in Northern Ireland by the Driver & Vehicle Agency (DVA) under a formal agreement with the Driver and Vehicle Licensing Agency (DVLA) of the Department for Transport.

In relation to the release of information, DVA is governed by the policy as set by DVLA. The relevant legislation permitting the release of information from the vehicles register is regulation 27 (1) (e) of the Road Vehicles (Registration and Licensing) Regulations 2002 which states “(1) The Secretary of State may make any particulars contained in the register available for use - ... (e) by any person who can show to the satisfaction of the Secretary of State that he has reasonable cause for wanting the particulars to be made available to him”.

Some of the circumstances considered to be ‘reasonable cause’ include

- matters of road safety
- events that occur as a result of vehicle use
- the enforcement of road traffic legislation
- the collection of taxes

Enquirers are required to give full details of why they want the information and how it will be used and DVA evaluates this information very carefully, in line with procedures and on a case by case basis, before deciding if the information will be disclosed.

The evidence that enquirers are required to produce varies depending on the nature of the enquiry. For example, enquirers are asked to provide details of their Companies House registration, if applicable, and their Data Protection Registration Number. Enquirers may also be required to produce further supporting documentation, such as a court order, a copy of a finance agreement, or a copy of a landowner’s agreement. If the enquirer is unable to provide the documentation required, the information is not disclosed and the application is rejected.

The DVA takes its responsibility to protect personal details on the vehicle register seriously and any complaints about alleged abuse of information supplied are investigated fully. Abuses would result in future requests being refused. Additionally, any legitimate complaints about information obtained unlawfully would be passed to the Information Commissioner to consider prosecution.

As a result of careful handling of these enquiries there have been very few legitimate complaints from customers in Northern Ireland, none of which have identified abuse of the facility to obtain information for unlawful or malicious purposes.

There is a particular arrangement entered into by DVLA in relation to the release of information to companies which manage car parks. Again, DVA is governed in this regard by the arrangement DfT have entered into. I have concerns about this arrangement – I met the BPA in London on 8 March 2013, together with one of their members (Civil Enforcement Ltd.). As I outlined my concerns including: punitive “fines”, failure to properly advertise “terms and conditions”, the appearance of the “demand” and its contents, no right of appeal (etc).

Since then, I have met the Chief Executive of BPA in Belfast and received unsatisfactory answers to a series of questions and issues. As a result, I have taken a series of further actions:

- Written to BPA repeating concerns that the approach of BPA is to protect its fee paying members, not the customer;
  - Written to DRD suggesting that DRD should review its membership of BPA;
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- Asked for Counsels advice on the legal basis on which BPA members issue and seek payment of “penalties”;
  - Sent a letter to DfT requesting a review by DfT of the code of practice issued by BPA and it’s evident inadequacies and how the release of driven information should be handled meanwhile;
  - A ‘notice’ has been drafted for release to the Northern Ireland public so that the public know more fully their entitlements.

I am determined that aggressive conduct is addressed and the industry better regulated and the customers protected.

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