



Northern Ireland
Assembly

Committee for Agriculture and Rural
Development

OFFICIAL REPORT (Hansard)

Reservoirs Bill: Committee Report

24 June 2014

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Frew (Chairperson)
Mr Joe Byrne (Deputy Chairperson)
Mr Thomas Buchanan
Mrs Jo-Anne Dobson
Mr William Irwin
Miss Michelle McIlveen
Mr Oliver McMullan
Mr Ian Milne

The Chairperson: Before we commence consideration of the Committee report, I advise members that Rivers Agency has advised that it has further amendments to clauses 25 and 33. At this point, I am not going to ask officials to come to the table, as they have had time enough with clarification after clarification. All members will be aware that we have already voted on those clauses. However, if there is agreement to accept the amendments, that will be reflected in the report, which we will be finalising today. The issue is whether we have had enough time to consider them.

Can I seek comments from members on the amendments to clauses 25 and 33? As you can see, one amendment changes the number of visits to a medium-risk reservoir from a minimum of one in every 24 months to one in every 36 months. In fairness, they always said that they were prepared to push it out. They do not know if it would make that big an impact because, at the end of the day, it will be the engineers who will advise on how many visits are required, so it is just pushing it out.

The problem that I see with this is that whilst we can amend the clause in whatever way we see fit, we do not have the expertise to say what should or should not be the case. That has always been a problem for me in amending, although if I am forced to do it I will consider something through the various Stages of the Bill. However, what Rivers Agency has done is to move it with regards to medium risk. They have not touched the high risk, which remains the same at one visit in every 12-month period. Do members wish to comment?

Mr Byrne: It is a welcome change, certainly in relation to the medium-risk category.

The Chairperson: In the formal clause-by-clause vote, we were not content with this clause. Are members content with the amendment? The issue that I have is the timescale, as the amendment could have been brought sooner. It could have been brought last week when we were seeking clarification, but it was not. It was after the meeting that staff were approached and told that Rivers Agency was prepared to amend.

To me, a bit of bad form was shown there with regard to the process and the many weeks and months that we have already been scrutinising this. The report needs to relay the fact that even though the

clause has been amended once before in the high- and medium-risk sections, this was basically a last-gasp amendment, made after we had done clause-by-clause scrutiny. I am happy enough to take comments.

Mrs Dobson: Chair, I agree. It would certainly have been better had it been done sooner rather than left to the last minute, but as a Committee we should welcome the proposed amendments, especially now that they have taken into account the views raised about engineering and the designation from high- to low-risk, or high- to low-consequence, reservoirs, as they are better named. I welcome the fact that they have brought the amendments; however, I agree that it has been quite a struggle to get this far.

The Chairperson: OK. Any other comments, members? I will have to put the question whether we are content with the amendment. We did ask about the maximum/minimum argument and whether we could close it more, but they said that they were not happy with going down that route.

Mr Byrne: Procedurally, we took an opinion before on that clause. Is that right?

The Chairperson: Yes, we were not content.

The Committee Clerk: You have taken a final view on the clause.

Mr Byrne: So, any further comment can be reserved for when the Bill is debated in the Chamber.

The Committee Clerk: It can be reflected in the report.

The Chairperson: As it has come so late in the day, we could just say that we have not had time. You could welcome the fact that they have moved, but address the issue of not knowing exactly how it will affect matters. Are members content with that approach? Stella, are you content?

The Committee Clerk: I am not exactly sure what you want me to do.

The Chairperson: To be fair, if I have to pose the question about whether we are content, I would say that it is a safe bet that we are not content because of the time.

Mr Byrne: Yes, Chairman. I think that that is the safest position to be in at this stage.

The Committee Clerk: I will have to look at that when we get to it. It is paragraphs 74 and 75. When we get to them, I will make sure that they are right.

The Chairperson: We will now go on to finalise the report. Members will recall that a few amendments were suggested at last week's meeting to the paragraphs in the main body of the report. We will now go through those amendments and seek agreement or otherwise.

I refer Members to paragraph 17, which is an additional paragraph to take account of Committee comments on the lack of information on the condition of reservoirs and the likely costs of repair. It reads:

"The Committee noted that the lack of information concerning the condition of reservoirs and the likely cost to repair has made decision making in other areas of the Bill difficult for it."

One of the fundamental points that came through in our scrutiny of the Bill was the lack of knowledge and initial audit. We had asked that the Bill be broken into two and that the initial audit be done before the main body of the Bill was proceeded with and only after the Assembly was content. We have secured that amendment, but that has still impacted on our work. We have had to take the word of the Rivers Agency on the context of the problem, and it has been very hard for us to contextualise every clause because we do not know the extent of the problem. I needed something in the report to clarify and illustrate that.

Stella, are you happy enough with the way that I have summarised that?

The Committee Clerk: Yes.

The Chairperson: Are members content with paragraph 17?

Members indicated assent.

The Chairperson: I refer members to the section of the report on the risk-designation process at page 17 of the report. We will start at paragraph 47. We did not agree that section last week because of the last-minute amendment on the risk-designation process. We will go through all the paragraphs starting with paragraph 47.

Are members content with paragraphs 47 to 50?

Members indicated assent.

The Chairperson: Are members content with paragraph 51, about which the Committee expressed concern?

Members indicated assent.

The Chairperson: Are members content with paragraphs 52 and 53?

Members indicated assent.

The Chairperson: Are members content with paragraph 54?

Mr Byrne: Is that a spelling mistake in the last sentence of paragraph 54? It states, "in the part". Should it be, "in the past"?

The Committee Clerk: It refers to the "part" of the Bill. I will put in "of the Bill" for clarity.

The Chairperson: Paragraph 54 is very important. Are members content?

Members indicated assent.

The Chairperson: Are members content with paragraphs 55 to 60?

Members indicated assent.

The Chairperson: Some members were not present for what is described in paragraph 61. The content of paragraph 61 is factual. It states:

"However, some Members voted against the amendments stating that they considered that they had not had the time to fully scrutinise them."

I was one of those members. Are members content with paragraph 61?

Members indicated assent.

The Chairperson: I refer members to page 50, where an additional paragraph has been inserted at paragraphs 74 and 75, based on the late amendments forwarded by Rivers Agency. Please note that the last line of paragraph 75 will be amended to reflect the views of the Committee taken earlier today. I will give you time, members, to consider paragraphs 74 and 75. Those are the amendments that came after the meeting last week and which we discussed before we went into the paragraphs.

The Committee Clerk: I will read out a form of words for you. Paragraph 75 will now read:

"It should be noted that as the amendments were not received in time for the formal Committee vote on the relevant clauses, the Committee vote of "not content" remained its formal position. However, the Committee considered the information provided to it and noted that it had not been given time to consider this in any detail. This prevented a decision on this amendment being taken at the meeting."

Is that OK?

The Chairperson: Are members content with that?

Members indicated assent.

The Chairperson: Are members content with paragraphs 74 and 75?

Members indicated assent.

The Chairperson: I refer members to page 53 of our packs, which has been amended to reflect the Committee's concerns about decommissioning and planning permissions. That is paragraph 79, which is on page 53 of your packs and page 30 of the report. Oliver raised that issue. It reads:

"The Committee noted that greater clarity was required around the issue of decommissioning and planning permissions, particularly regarding the use of site and / or land of any decommissioned reservoir – for example could it be used for building or as agricultural land."

It is just to add that in. Are members content with paragraph 79?

Members indicated assent.

The Chairperson: I refer members to the executive summary at pages 20 to 23. We will take this paragraph by paragraph. Are members content with paragraphs 1 to 3?

Members indicated assent.

The Chairperson: OK, that is very important. Are members content with paragraph 4?

Mr Byrne: Do any changes have to be made to it that are relevant to what we had today?

The Chairperson: Yes, with regard to the reservoir designation. Are members content with paragraph 4?

Members indicated assent.

The Chairperson: Are members content with paragraph 5?

Members indicated assent.

The Chairperson: Are members content with paragraph 6?

The Committee Clerk: The last line of that paragraph will change to reflect the decision, and I will use the exact same wording that is used earlier.

The Chairperson: Are members content?

Members indicated assent.

The Chairperson: Are members content with paragraphs 7 to 11?

Members indicated assent.

The Chairperson: OK. I advise members that the report needs to contain the relevant extract from the minutes of today's meeting and to outline the agreed content of the report. Can I seek agreement for the inclusion of today's minutes in the report, prior to members having sight of them?

Members indicated assent.

The Chairperson: Now that we have agreed the report in its entirety, I put the question: That the Committee for Agriculture and Rural Development order the Reservoirs Bill report, NIA Bill 31/11-15, to be printed?

Members indicated assent.

The Chairperson: OK. Thank you very much, members.

Mr Byrne: We can blame the Clerk if anything develops on it. *[Laughter.]*

The Chairperson: It always has to be qualified. *[Laughter.]*