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Contents

Speaker's Business

Public Petition: 'Magee Expansion: Time to Make it Happen'	1
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Ministerial Statements

British-Irish Council: Summit (21 June 2013)	2
--	---

Health and Social Care: Taking Forward Transformation	5
---	---

Executive Committee Business

Public Service Pensions Bill: Second Stage	16
--	----

Licensing of Pavement Cafés Bill: Second Stage	28
--	----

Oral Answers to Questions

Enterprise, Trade and Investment	36
--	----

Environment.....	42
------------------	----

Executive Committee Business

Planning Bill: Consideration Stage	48
--	----

Committee Business

Carrier Bags Bill: Extension of Committee Stage.....	85
--	----

Private Members' Business

IF Campaign and G8 Summit 2013.....	86
-------------------------------------	----

Adjournment

Economic Development: Down District	93
---	----

Suggested amendments or corrections will be considered by the Editor.

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to arrive not later than two weeks after publication of this report.

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Northern Ireland Assembly

Tuesday 25 June 2013

The Assembly met at 10.30 am (Mr Speaker in the Chair).

Members observed two minutes' silence.

Speaker's Business

Public Petition: 'Magee Expansion: Time to Make it Happen'

Mr Speaker: Ms Maeve McLaughlin has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak on the subject matter.

Ms Maeve McLaughlin: Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to present this public petition to the Assembly. It calls for the expansion of the Magee campus of the University of Ulster, and it will also be formally presented to the Minister for Employment and Learning.

As has been well noted, the expansion of Magee is central to the economic regeneration of Derry and the wider north-west region. Despite the economic analysis conducted by Oxford Economics, the plans by the lobby group University for Derry, the launch of Magee's plans in January 2009 and the sign-off of the One Plan two years ago this month, we still have not seen a robust business case submitted to the Department. Despite the university's expansion being identified as a key catalyst programme for Derry and the region, fewer than 4,000 students have been added to the university rolls in the past 28 years. Since the expansion proposals were announced in June 2001, when there were in excess of 3,000 students, the enrolment now sits at 4,466.

The petition, therefore, calls on the Department for Employment and Learning and the University of Ulster to expand Magee by increasing student numbers, widening the range of courses offered and building a bigger campus. The petition was signed by thousands of people from all walks of life across the North and the north-west. That is clear evidence, if ever we needed it, that, whatever our differences, we can unite and get behind the Magee expansion project.

Now that the petition has been signed and the message sent, what next? The University of Ulster must develop that business case if Magee's expansion is to be taken seriously by any credible funder. If an organisation wants to spend public money on as much as a box of paper clips, it must write a business case. A business case is a detailed document that includes an economic appraisal plus other material about the context of the proposed investment. Government cannot and should not make a decision to fund a project unless there is a business case. Unfortunately, the University of Ulster has only a strategic development plan, which is a very brief preliminary document introducing the basic project concept and identifying key issues at the earliest stages of project development. It is a step before the business case and therefore not the business case.

People in our city and region remember too well the campaign for the university in Derry. We owe it to the young people to stop the brain drain and provide the types, numbers and quality of courses that are linked to the economy and ensure that future generations are afforded the choice of education and employment in the north-west region.

Ms Maeve McLaughlin moved forward and laid the petition on the Table.

Mr Speaker: I will forward the petition to the Minister for Employment and Learning and send a copy to the Chair of the Committee.

Ministerial Statements

British-Irish Council: Summit (21 June 2013)

Mr P Robinson (The First Minister): In accordance with the requirements of the Northern Ireland Act 1998, I wish to make the following statement on the 20th summit meeting of the British-Irish Council (BIC). The summit was hosted by the Northern Ireland Executive and took place at the Magee campus of the University of Ulster on 21 June. All Executive Ministers who attended the summit have agreed that I should make this statement to the Assembly on their behalf.

The deputy First Minister and I were pleased to welcome the heads of delegation from the other BIC member Administrations to the summit. The United Kingdom Government were led by the Deputy Prime Minister, the Rt Hon Nick Clegg MP. The Irish Government delegation was led by an Taoiseach, Mr Enda Kenny TD, and the Scottish Government by First Minister, the Rt Hon Alex Salmond MSP. First Minister, the Rt Hon Carwyn Jones AM, led the Welsh delegation. The Government of Jersey were led by the Chief Minister, Senator Ian Gorst, and the Government of Guernsey by the Chief Minister, Deputy Peter Harwood. Finally, the Isle of Man Government were led by Chief Minister, Hon Allan Bell MHK.

In addition to the deputy First Minister and me, the Northern Ireland Executive were represented by Arlene Foster MLA, Minister of Enterprise, Trade and Investment; Carál Ní Chuilín MLA, Minister of Culture, Arts and Leisure; Danny Kennedy MLA, Minister for Regional Development; Alex Attwood MLA, Minister of the Environment; and David Ford MLA, Minister of Justice. A full list of participants is attached to the statement that has been provided to Members.

The summit again underlined the British-Irish Council's unique and important role in furthering, promoting and developing links between its member Administrations through positive, practical relationships and in providing a forum for consultation and exchange of information on matters of mutual interest within the competence of the relevant member Administrations.

The Council welcomed the hosting of the summit in Londonderry during the city's tenure as UK City of Culture 2013. In recognition of the significance of the occasion and of the development of a formal Council work stream

on the creative industries, the first item on the agenda was a presentation to the Council by Shona McCarthy, chief executive of the Derry/Londonderry Culture Company. The presentation highlighted the social, community and economic benefits to the north-west arising from Londonderry's selection as the first UK City of Culture, as it aims to act as a catalyst for building the economy and delivering a lasting legacy for the people of the city and surrounding area. The Council then had a useful question-and-answer session in which support and advice based on the Derry/Londonderry experience was offered to those English, Scottish and Welsh cities now shortlisted to be the next UK City of Culture.

Recognising the significant social, economic and other benefits arising from the creative industries, and in line with a previous proposal from the Government of Jersey, the Council agreed to establish a new BIC creative industries work sector to further share best practice and to consider areas for collaboration. The new work sector will be led by the Government of Jersey. The Council requested that the new work sector and the secretariat should prepare a work programme for approval at the next summit to be held in Jersey in November 2013.

The Council discussed the current economic situation in each member Administration. This has been a regular item on the BIC summit agenda, and the discussions on this occasion indicated that while all Administrations continue to experience difficulties in some specific sectors, they are, in general, less pessimistic about the economic outlook than in previous years. Nevertheless, it was the universal view that there remains no room for complacency and that efforts must continue to be made to address the consequences of the economic downturn.

The Council also recognised the common challenges of moving to low-carbon energy sources to reduce greenhouse gas emissions while ensuring security of supply at a pace that minimises the impact on low-income families and business competitiveness.

The Council considered the policies that are being implemented to enhance investment in diversity in energy generation at large central and small local scales. It also considered how these policies might encourage profitable investment in energy efficiency while stimulating more energy security, job creation and supply chain development.

The Council referenced the continuing importance of the all-islands approach, which was agreed by the Council in 2011, to enable opportunities for commercial generation and transmission and to facilitate the cost-effective exploitation of renewable energy resources.

The Council reviewed the latest position on youth unemployment across the member Administrations. In line with commitments at previous summits, the Council recognised the need to consider the full range of instruments that are available at national, British-Irish Council and European levels to generate employment opportunities for young people and to intervene at the earliest opportunity to ensure that young people do not become long-term unemployed. The Council therefore agreed with a proposal by Senator Ian Gorst, Chief Minister of Jersey, that the next summit in Jersey should have youth unemployment as one of its themes.

The Council received an update on the work that has taken place across each of the Council's eleven work sectors since the previous summit in November 2012. The Council noted the secretariat's progress against its business plan and, recognising the economic constraints affecting all member Administrations and the efficiencies made in the previous financial year, approved a 20% reduction in the budget of the secretariat for 2013-14. It endorsed the publication of the first BIC annual report, covering the calendar year 2011. We will place a copy of the BIC annual report in the Assembly Library.

Finally, the Council noted that the next BIC summit would be hosted by the Government of Jersey in November 2013 and agreed that it would focus on youth employment and the new creative industries work sector.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I understand that this was the 20th summit of the British-Irish Council. What does the First Minister believe to be its greatest achievement?

Mr P Robinson: If the Member looks at the statement he will see immediately that the greatest achievement is the sharing of information and learning from the experiences of others on things that we should and should not do. I believe that it is a useful gathering of the leaders of the various Administrations in the British Isles, and I hope that I will get full encouragement from my unionist colleagues to maintain that east-west link, just as others will

be encouraging us to maintain North/South links.

Mr G Robinson: I thank the First Minister for his statement. As a relative newcomer to a focus on the creative industries, how do we compare with other, more established BIC regions in that regard?

Mr P Robinson: First, when we talk about the creative industries in Northern Ireland there is a tendency to think immediately of film and television. Of course, the creative industries go much further than that into music, digital work and even architecture. However, the trendy side of it, which is the film and television industry, was at a very low level when devolution occurred. That has built up very significantly in Northern Ireland, and we are now recognised as a centre that major television and film producers should be looking at.

We are glad that we are now moving into a fourth season of 'Game of Thrones' for HBO, and we are pleased that Universal is coming to make 'Dracula' here. I might suggest that there are one or two bloodsuckers that might be found somewhere to get bit parts in that film. There is a range of other television opportunities; 'The Fall' is experiencing rave reviews, and I am glad to see that it is going into a further season as well.

We can see how it has been building up. Indeed, the HBO television series has created something like 700 or 800 jobs in Northern Ireland, so there is a massive opportunity.

Education is not just about what you know; it is about what you can do. This is a real opportunity for people to show what they can do through the creative industries.

10.45 am

Ms McGahan: Go raibh maith agat. I thank the Minister for his statement. Will he expand on his discussions on youth unemployment and reassure us that that issue will continue to feature on the clár of the BIC meetings?

Mr P Robinson: There is an overall feeling that youth unemployment is far too high. Relatively speaking, Northern Ireland is in the bottom quarter when it comes to the youth unemployment rates of European countries, but it is something that we need to pay a lot of attention to. Outside the youth unemployment figures, we have a very large section of young people who fall into the economically inactive

category, the not in education, employment or training (NEET) category. That is one of the reasons why the deputy First Minister and I brought forward the proposal for 10,000 placements for young people who are NEET.

We are active in that area, and it has been agreed that it will be the focus of our September summit in Jersey. There is a lot of evidence on the issue. The statistics for the United Kingdom show that Scotland has a much lower level of youth unemployment than anywhere else, so perhaps there are lessons that we can pick up from Scotland. Northern Ireland comes next on the list, with a lower rate than England and Wales.

Mr Eastwood: I welcomed seeing the British-Irish Council in Derry. We in Derry are happy to teach anybody any lessons, whether they are about culture or anything else.

Given the north-west gateway initiative and the understanding in the One Plan that university expansion and higher numbers of university places in that region is essential to economic development, what conversations have the First Minister's Executive colleagues and their colleagues in the Irish Government had about trying to bring that about?

Mr P Robinson: As the Member would expect, we have not had conversations on this issue at the BIC. In the Executive, we have had conversations on the matter, although it is probably more appropriate that the Employment and Learning Minister deals with the issue rather than me.

However, I agree with the Member that we had a very thorough and valuable presentation from the City of Culture people. The other delegates were vastly impressed by what had taken place, and they had all been provided with the full programme of activities that will take place over the course of this year. Indeed, one of the delegation leaders remained after the BIC meeting to taste something of it for herself.

Mrs Hale: I thank the First Minister for his statement to the House this morning. I appreciate that he has already touched briefly on the subject of youth unemployment, but can he expand on how our economic achievement compares with that of other areas in the BIC region?

Mr P Robinson: I will place in the Library a paper that was provided to the BIC summit by Alex Salmond, the First Minister of Scotland. While the table that he provides emphasises

Scotland, as one might expect, it shows the level of youth unemployment in the European Union. The figures are for March 2013 and range from almost 58% youth unemployment in Spain and 57% in Greece right down to the UK average of 19.5%. Northern Ireland's rate is 19%, and, as I indicated, Scotland has a lower level at 15.2%. Northern Ireland and Scotland are in the lowest quarter. You can see that throughout the European community there are very high levels of youth unemployment. In Spain and Greece, you have youth unemployment at almost 60%, which is a dangerously high level. So it is important that we look at this subject further. We will do that not only within the Executive but with colleagues in the BIC.

Ms Fearon: Go raibh maith agat, a LeasCheann Comhairle. I thank the First Minister for his statement. What is his assessment of the presentation given by the Culture Company on Derry's year as the City of Culture? What has been the impact of the City of Culture so far, not just in Derry but in the North as a whole?

Mr P Robinson: The impact goes beyond that, because those most eager to listen to the presentation were from areas that had made bids to be next year's UK City of Culture. They very much wanted to learn from the experience of the Derry/Londonderry company. The Culture Company has shown a ready willingness to share its experiences, the mistakes and the advantages, when the year is over, with whatever area will follow it. The presentation was made by, I think, Mickey Melarkey — is that right?

Mr M McGuinness: Marty Melarkey.

Mr P Robinson: Marty Melarkey? You could only make that name up. He and Shona gave a presentation that contained video elements showing the excitement in the city. If we had got up at about 4.00 am — the deputy First Minister boasts that he did — we would have seen hot-air balloons with music being played from them going around the city. I just thought that the combination of hot air, balloons and politicians was not one that I wanted to mix with.

Mr Cree: The First Minister referred to the all-island approach to energy. Were any particular opportunities identified that could benefit the islands as a whole?

Mr P Robinson: My colleague the Minister of Enterprise, Trade and Investment signed an

agreement with the Taoiseach, Enda Kenny, and the First Minister of Scotland because of the link between the Republic Ireland, Northern Ireland and Scotland. That will lead to the carrying out of a study, which will be very useful. It is important that we keep the connectivity of the North/South interconnector and the connection with Scotland. I hope that that not only provides us with greater security in our energy supply but leads to lower costs.

Mr Allister: On that theme and the question of energy security, with Ballylumford B required to close at the end of 2015, Kilroot required to reduce output by 50% by 2016 and the Moyle interconnector limping along, was there any discussion about making improvements and putting the Moyle interconnector on the basis of working all the time at full capacity?

Mr P Robinson: There was not. That is very much a matter for the Northern Ireland Administration to deal with through the Department of Enterprise, Trade and Investment. The subject matter that we were dealing with was the connectivity between the various parts of the islands. I will certainly draw that issue to the attention of my colleague the Minister of Enterprise, Trade and Investment, who may want to reply to him directly.

Health and Social Care: Taking Forward Transformation

Mr Poots (The Minister of Health, Social Services and Public Safety): With your permission, Mr Speaker, I wish to make a statement to the House on progress taking forward the transformation of our health and social care services.

I want to remind Members about the very real challenges that we face and the reasons why transformation is so critical. In Northern Ireland, as elsewhere, we have a growing and ageing population, a growth in chronic conditions, a growth in demand and an over-reliance on hospital beds. All of that is set against a backdrop of economic and financial constraint. Given the challenges ahead, the way that we work now will not work well in the future.

That is not a criticism; it is a statement of fact. I want to make sure that we are able to make our integrated health and social care system work effectively for us every day and for every patient. It is important that, as we take forward transformation, we keep our service users and patients at the front and centre of the process, in line with our commitments under Quality

2020. We must ensure that good communication and discussion with all those impacted by the proposed changes is at the heart of our work, and that is why I want to take the opportunity today to report on what we said we would do, what we have done and what we will do.

Throughout the transformation process, it is essential that we hold true to the core principles of the National Health Service (NHS). I stated on 9 October 2012, when I was launching the 'Transforming Your Care: Vision to Action' consultation, that my belief in the core principles is unchanged. That remains the case. The principles are that health services are generally free at the point of delivery and are based on individual need and not ability to pay, are funded by taxation, and are available without prior restriction on which cost-effective treatments or therapies individuals should receive. Thus, the best available cost-effective services will be provided for all citizens. Those principles remain a fixed point in the transformation process.

Of course, the wider context for the changes remains challenging, with significant pressures in the financial context for 2013-14. My Department, the Health and Social Care Board and the trusts have been working closely to identify opportunities for delivering cash-releasing and productivity improvements to address those pressures. Some £139 million of saving opportunities have been identified at this stage, and those moneys are being re-targeted to those areas in health and social care where priority is greatest. However, that still leaves a significant funding gap this year. I am committed to identifying and implementing saving opportunities wherever possible in the Health and Social Care (HSC). However, that must not be at the cost of quality and standards of services for patients and service users.

I have, therefore, made a bid in this year's June monitoring round to the Department of Finance and Personnel for £55.2 million, including £28 million for transitional funding to support Transforming Your Care (TYC) and HSC saving initiatives. Those transitional moneys will be important to ensure that we maintain the momentum of transformation across the HSC. No change is not an option. If we do nothing, we will simply not be able to provide the high-quality and safe services that are necessary to meet the needs of people in Northern Ireland. I have also bid for £57 million capital money to allow development of the infrastructure required to modernise the facilities in which services are delivered.

Meeting the challenges of the future is dependent on the effective delivery of Transforming Your Care, which is a key strand of our health and social care transformation. As we work to deliver transformation through the provision of services closer to home and to maximise the benefits of our integrated health and care system, the roll-out of integrated care partnerships (ICPs) will be crucial.

The aim of the new integrated care partnerships is to transform how we work collaboratively to deliver better outcomes for service users locally. I expect ICPs to improve the quality of care, access to care and pathway design so as to improve our service user outcomes and experiences, especially for those who are most in need of early intervention care, treatment and support. There will be coverage across Northern Ireland, with four planned for Belfast, four for the South Eastern Trust area, three in the Southern Trust area, two in the Western Trust area and four in the Northern Trust area.

(Mr Deputy Speaker [Mr Dallat] in the Chair)

ICPs are overseen by partnership committees and incorporate multidisciplinary working groups, including health and social care professionals, community and voluntary sector representatives, service users and carers. ICPs are being formed now, and I hope that they can start to make a significant difference to support transformation this year.

The provision of care closer to home requires a step change in the way that we provide care, with the development of improved primary care facilities on a "hub and spoke" basis to be able to respond better to service users' needs. In April this year, I announced the development of two new hubs in Newry and Lisburn. I have decided to progress those facilities through third-party development to allow them to proceed now and to realise the benefits sooner than could have happened if I had had to await the availability of capital in the next Budget period. Work is in hand to address the remaining issues that need to be resolved prior to formal commencement of procurement for both centres, which will hopefully be within the next few weeks.

A prior information notice (PIN) has already been issued to alert the market.

11.00 am

These are exciting developments, complementing the provision of existing health and care centres, such as those at the

Hollywood Arches and in Portadown, and others that are under way, including those in Banbridge, Omagh and Ballymena. These developments in primary and community care will make a key contribution to enabling patients and service users to manage and maintain their health and well-being as close to home as possible.

TYC included a commitment to nurture new relationships with the community and voluntary sector where that could demonstrably improve patient outcomes. The sector's enthusiasm came through strongly in the recent TYC consultation. The community and voluntary sector has an important role to play in the design and delivery of services, and we need to develop that role further. I am delighted that the Health and Social Care Board, in partnership with Marie Curie Cancer Care, is investing £250,000 over two years in the development of the Delivering Choice programme, with Marie Curie investing a similar amount. That is a good example of real partnership working that brings together all those who are involved in providing care at the end of life. Its emphasis on supporting people to have choice at the end of their life and on enabling them to die in their preferred place dovetails with the vision in TYC to promote care closer to home and enhanced patient choice.

A partnership approach is at the heart of the work that is being taken forward in learning disability services. Evidence from engagement with service users, carers and families shows that day opportunities and alternatives to traditional care provision are increasingly important to people with a learning disability. The HSCB is reviewing how changes to day opportunities and day centres for those with learning disabilities will be implemented across the region. That will ensure that there is a consistent regional framework and full and meaningful engagement with clients, their families, carers and staff. Services would then be designed locally within the framework. It is estimated that the programme for the development of day services and day opportunities may take up to five years to complete in some areas.

Another area that demonstrates how the principles that are set out in TYC are already working in practice is the provision of innovative, cross-sectoral approaches to the challenges of acute care services. I will comment shortly on the reconfiguration of services, but it is important to acknowledge that changes are happening on the ground all the time. For example, there are now more opportunities for direct admission to wards by

GPs. That avoids the need for some of our frailest and most vulnerable patients having to be admitted through an emergency department. There are examples of trusts providing targeted support and advice to nursing homes so that patients can be appropriately managed in the care home without having to go to hospital. That benefits patients by allowing them to be cared for in familiar surroundings by staff they know.

TYC highlights the potential for trusts to work more closely with the Northern Ireland Ambulance Service to help to improve services. The appointment of hospital ambulance liaison officers to emergency departments has contributed to the improved management of patient flows from ambulance to emergency department, as well as to improved discharge.

Over the past year, the emergency department improvement action group has worked with trusts on areas including better management of referrals to hospital, the provision of alternatives to hospital, improved effective discharge planning and support from the multidisciplinary teams in the community. There is still a lot of work to be done, but I know that staff are committed to working to improve acute hospital care.

One practical outworking of the transformation and the shift of resources from hospital to the community will be the reduction of beds in our hospitals. That cannot take place in a vacuum. In particular, it must take place with full and transparent engagement with patients and service users so that we know what is changing, when it is changing and why it is changing. As I highlighted in my statement on 19 March, it is essential to listen to the voices of local communities to ensure that we are able to make the best possible decisions about how we develop health and social care services into the future.

Responses to the 'Transforming Your Care: From Vision to Action' consultation exercise indicated a mixed reaction to the proposal for the second location for an inpatient acute mental health unit in the western LCG area. In my statement, I indicated that I wished to consider the issue further before reaching a final decision on the way forward. The completion of a detailed business case, looking at a range of options, will be required. That work is under way, and once it is completed, it will inform my decision. The preferred option will be the one that best meets needs, is affordable and provides best value for money.

I want to secure certainty and stability for the Causeway Hospital, where I know that uncertainty about the future management arrangements has been unsettling for service users, patients and staff. This work is being taken forward by my Department and will include input from the HSCB, the Northern and the Western Health and Social Care Trusts, and others as necessary. At regional level, we will be working extensively to ensure appropriate service reconfiguration. As we undertake this work, we will aim to ensure, first, that our services are as efficient as those delivered in the NHS elsewhere and, secondly, and crucially, to ensure that new models of care are in place and working before stepping down to other services.

Through our quality improvement and cost reduction programme for the HSC, we need to deliver efficiency and service improvement opportunities. There are efficiency savings to be delivered in 2013-14, but we recognise the pressure on the system. To ensure that trusts are provided sufficient time to embed changes to service configuration, I have approved bridging funding of £18 million in 2013-14. There are also transformational changes. The 'Transforming Your Care: Vision to Action' consultation highlighted a potential reduction of 180 beds in secondary care across Northern Ireland. This change will be phased from 2014 to 2017 because we must ensure that the new models of care are in place and working before stepping down the other services. Transitional funding will be essential to support some dual running.

I want better services for all older people, now and in the future. To this end, my Department has asked the HSC Board to lead on a regional project for co-ordination, consultation, engagement and implementation of change in services for older people. I expect all future trust proposals to be part of the new HSC Board oversight arrangements, but with local consultation and engagement.

I want to assure Members that the future of statutory residential care homes will be considered on a case-by-case basis, recognising that we must do what is in the best interests of the current residents. Residents and their relatives have known for some time that some places had already been earmarked for supported living schemes, such as Rathmoyle and Greenisland. Quite understandably, some residents have begun to move out of Rathmoyle, and no residents are left at Greenisland. Where people have made alternative arrangements, I do not wish to cause disruption. However, before there could

be any further change at Rathmoyle, I want assurance from the HSCB that the previous processes have been adequate and that suitable alternatives are available in the locality in place of services that were available there.

I understand that two other residential care homes that have had no clients in them since mid-2012, Ferrard House in Antrim and Grovetree House in Belfast, are no longer registered with RQIA. This predated my announcement of 3 May 2013. Therefore, provided that I receive assurance from the HSC Board that suitable alternatives are already available locally, I see no good reason to consult further because such models are unlikely to offer high-quality accommodation. In addition, the Northern Trust has just completed a consultation on the future of its dementia services. Although homes for those with dementia or the elderly mentally infirm fall outside the new process, the outcome of this consultation needs to be analysed, where appropriate, in the context of the new regional process. That will include Moylinney Care Home, which still has residents.

Of course, it is vital that, in thinking about how we can deliver services more appropriately and bring about the transformation that we need, we also keep our focus squarely on improving performance now in our health and social care system. The pressure on our acute hospital services is continuing, with over 1.5 million new and review consultation outpatient attendances a year, and more than 600,000 inpatient and day-case treatments. In addition, there are attendances at nurse-led clinics with care from allied health professionals and for diagnostic tests. Our hospitals also see some 725,000 emergency department attendances a year, 95% of which are new and unplanned attendances. So although the majority of people attending hospital receive a safe and effective service, no one can deny that the hospital system is under pressure. This is most evident in unscheduled care. The latest statistics show that, although performance improved significantly in May, the health service is not meeting the standard that 95% of patients attending an emergency department should be discharged or admitted to a ward within four hours, nor has it met the standard that no one should wait longer than 12 hours in an emergency department.

However, there are signs of improvement in hospital services. Those can be seen, for example, in the waiting times for elective care, where both the numbers of patients waiting and the length of time they wait are being driven down. At the end of March 2013, the number of

people waiting for a first outpatient appointment was a little under 100,000, a decrease of 3.2% on the previous March. Significantly, the proportion of people who waited for less than nine weeks has risen to 80.2% — that is, four out of five patients — compared to 72.6% in March 2012.

Regrettably, there are still some patients waiting much longer than they should. Around 1,700 people were waiting longer than the 18-week maximum waiting time for outpatient appointments. That is a big improvement on the figure of nearly 10,000 in March 2012, but it shows that we need to keep focused on further improvement. Performance on the inpatient waiting times shows a similar trend of improvement. At the end of March 2013, 47,000 people were waiting for inpatient or day-case treatment, a 6.9% reduction on the previous March. Around 69% of those patients had been waiting for less than 13 weeks. I have maintained a strong focus on performance management of our system throughout the past year. Where it has been important to take action to address failings, I have not hesitated to take the necessary steps. On 10 June, I made a statement on the report produced by the turnaround and support team, following its analysis of the challenges facing the Northern Health and Social Care Trust. The team's report concluded that, with intensive support, the trust can improve and deliver the highest quality patient care and experience. I am fully committed to ensuring that the trust is provided with the support it needs to deliver improvement.

Looking to the near future, I have bid for £26 million as part of the June monitoring round to support improving waiting times for elective care in our hospitals. I will continue to press the HSC Board and trusts to deliver on the emergency and elective care targets in 2013-14. My Department is also taking forward the development of further information collection to support policy priorities, including future commissioning plan directions. I hope that that new information will further facilitate the benchmarking of Northern Ireland services against those of England

As part of the process of ensuring that we are appropriately monitoring and holding to account our service providers across the HSC, I announced my intention to make changes to the existing arrangements for assurance and accountability for the Department's arm's-length bodies (ALBs). The public needs to have confidence that the bodies are efficient and delivering high-quality services. We need to promote openness and transparency about the

functions of the ALBs and the Department's oversight. Therefore, I am introducing public-facing accountability meetings to provide an opportunity for ALBs to be held to account by me on issues of public interest and to serve to raise public awareness of the important work of the ALB. The first public-facing accountability meeting will take place this evening with the Northern Ireland Ambulance Service. It will be the first of a series of meetings in which I hope the public will take a key role.

Although we face significant challenges in health and social care, there have also been many positive service developments that are already making a difference to service users. Over the past year, we have witnessed the opening of a range of new services, including the new molecular pathology laboratory and Northern Ireland Biobank, which supports people with cancer, and the new health centre in Downpatrick. I had the privilege of cutting a first sod at the £4.7 million extension to the Bluestone Unit at Craigavon Area Hospital and the £232 million new ward and acute services block at the Ulster Hospital. I am pleased to see the completion of the new £9 million A&E facility at Antrim Area Hospital, which is due to become operational shortly, and which will aid with patient flows in an enhanced environment. I am delighted that a new round-the-clock urgent assessment unit for surgical patients has been opened at the Royal Victoria Hospital. Feedback from patients indicates that they are happier with the shorter waiting times and the proactivity of the new unit. The new £150 million critical care unit on the same site is due to be handed over in February 2014 and will provide a far better facility than we have at present.

In dementia services, I can also report positive news. Building on the £1 million invested in memory services for people with dementia in 2012-13, I am delighted to announce a further £1 million for that project for 2013-14. The memory services project has emerged from time spent listening to people with dementia and their carers, seeking their views about their experiences. Because of that engagement, investment is now targeted towards psychological support, Alzheimer's support staff attending memory clinics and follow-up support at home, if required.

11.15 am

With respect to children and families, we are committed to learning from those on the ground. We have already embarked on a journey of early intervention, but I want to do more. For that reason, I am working with the

Minister of Education, the Minister for Employment and Learning, the Minister of Justice and the Minister for Social Development, and with the First and deputy First Ministers and Atlantic Philanthropies to establish a cross-departmental early intervention fund. I am confident that we will have the fund up and running by April 2014.

The Executive have given a commitment to deliver a range of measures to tackle poverty and social exclusion through the Delivering Social Change framework. My Department is leading on the delivery of two out of the six Delivering Social Change signature projects announced in October 2012. Both projects will provide additional support to families who need our help most: first, by investing £3 million to extend the network of family support hubs across Northern Ireland, which will bring the total number of hubs to 25; and, secondly, by investing an additional £2 million to deliver a range of evidence-based parenting programmes.

I would like to take this opportunity to update Members on paediatric congenital cardiac services (PCCS). My overriding priority is to ensure the delivery of safe and effective services for all of those vulnerable children. I have received the paediatric congenital cardiac services working group's recommendation, endorsed by the Health and Social Care Board, on the future commissioning of the service. The recommended option involves building on the existing service provided by the Dublin paediatric cardiac surgery centre for the Belfast Trust. I met the Republic of Ireland's Minister for Health, Dr James Reilly, on 8 May to discuss whether there was any scope for flexibility in the location for the future delivery of the service. I asked Minister Reilly to consider a two-centre model, potentially providing PCCS services in both Belfast and Dublin. Consideration of the proposal is continuing at official level to determine whether such a model would be feasible.

We are also working to deliver a new primary percutaneous coronary intervention service model for Northern Ireland by 2014-15 to reduce mortality and morbidity arising from heart attacks. The planned introduction of the new service in the Belfast and the Western Health and Social Care Trusts will mean that patients having a heart attack will be taken to a catheterisation laboratory — cath lab — centre that is capable of undertaking the procedure 24/7. The Health and Social Care Board (HSCB) and the trusts are preparing for the managed introduction of the service so that patients can be assured of the safe delivery and

administration of the new treatment. Implementation is being taken forward in three distinct phases. The first phase was completed in January 2013. It included full commissioning of available lab capacity and an increase in the number of weekly cath lab sessions from 78 to 93. As part of my bid in the June monitoring, I sought funding to progress the Belfast facility in this financial year.

In the area of e-health and connected health, there have been some significant developments at local and international level over the past few months, with more on the horizon. I have explained on many occasions the potential for technology to improve patient care and help address the challenges to delivery in our system. Northern Ireland has much to share and also much to learn from Europe and North America in the development of healthcare solutions, and formal alliances are helpful in focusing those working relationships on areas of specific mutual interest. Earlier this month, we agreed a memorandum of understanding with the city of Oulu in Finland, through which we have undertaken to work together on health and social care transformation. That builds on a similar agreement that we reached last year with the Basque region. A further such agreement is being developed with Catalonia, and I hope that will come to fruition over the summer.

In Northern Ireland, we are working to implement our own regional electronic care record, with technical roll-out expected to be completed before the end of this month. The roll-out to clinicians will commence in the same time frame. I believe that we can build on this to make a valuable contribution to the development of a transnational interoperable electronic health record.

A key aspect of connected health is identifying and reinforcing the link between health and the economy, and that is reflected in the memorandum of understanding between my Department and Invest NI and in the work of the economy and jobs initiative task and finish group. The task and finish group was established by my colleague the economy Minister and I to identify opportunities to support economic development through the health and social care sector in Northern Ireland. It presented its recommendations last month and concluded that health and social care should be recognised as having the potential to be a major driver for innovation and economic growth.

I believe that the importance of that link cannot be overstated. Last week, for example,

investment by Terumo BCT brought 416 jobs in health R&D to Northern Ireland. I would like to take this opportunity to record my congratulations to my colleague Arlene Foster on that achievement. I believe that our work in this field, and work on the health and prosperity agenda in general, is making Northern Ireland a place with tremendous opportunity for investment, research and innovation.

In addition to those services, changes and innovations, there are some key areas of policy work that will set the direction of health and social care for the coming years. I feel that it would be helpful to mention those in advance of the summer recess.

In respect of the public health strategic framework, my officials are in the process of finalising the framework, with input from other Departments, prior to submitting it for ministerial and Executive consideration. Subject to the approval process, the aim is to publish the framework in the autumn.

On adult social care reform, the consultation on the discussion document came to a close in March 2013, with 185 responses received and over 600 people attending public meetings and focus group events. My officials are currently analysing the responses and will produce a report on the consultation in the next few weeks.

With respect to the review of paediatric services, I am expecting that consultations on the review will be published in the coming months, with the final document being published early in 2014.

On addiction services, the HSCB and the Public Health Agency (PHA) will be consulting on the future configuration of HSC-based inpatient treatment and rehabilitation services, with the formal consultation process anticipated over the autumn 2013 period.

My statement today is intended to provide Members with an update on the transformation of health and social care. The past year has not been without challenges, but I stand by the commitment that I made when I came to office in 2011, which is that I would not shy away from tough decisions that need to be made in order to ensure that the health service provides for every single person who needs it.

It is in the interests of all the community that we transform our services. Transformation can only be successful when it is embraced fully by those who are leading and those who are delivering the services. In doing so, we must

also ensure that existing services continue to be provided without disruption. We need to promote and foster innovation in delivery of our health and social care to meet the challenges ahead. The tasks to be undertaken are not easy, and there will be difficult decisions ahead. However, it is necessary that we pursue transformation to ensure that we have safe, resilient and sustainable services for the coming decades. I am confident that we are on the right path to developing a health and social care service that will be sustainable into the future and that focuses on meeting the needs of our local communities, individual patients and service users. I commend the statement to the House.

Ms S Ramsey (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a LeasCheann Comhairle. Apologies for being slightly late for the start of the statement. I was outside the Minister's office waiting for a pre-brief, but he stood me up. I will not take it personally.

There is a lot of detail in the statement, and I want to take the opportunity to welcome it. It is like an end of term report. I hope that I am not reading too much into it, but I hope that it is not the last statement that you will ever make as Health Minister. I welcome your commitment in the statement in which you say that you hold true to the core principles of the health service. I raised that with officials last week at the Health Committee, and I am glad that they listen to what members of the Health Committee say. It is important because the unions raised that with us, and, according to the unions, similar statements were made in the Welsh Assembly and in Scotland. Therefore, it is important that that clear message is sent out that you stand by the core principles of the health service.

To get into the detail of the statement, you said that the HSC Board is reviewing how changes to day care for people with learning disabilities are to be implemented across the region. Does that mean that individual trusts have already gone ahead and started to bring in their own changes to day care without a regional approach first being approved?

On the issue of waiting times, you congratulated yourself and your Department on the improvement in waiting times. That is something that the Committee has been looking at. Do you acknowledge that has only been able to be achieved because millions of pounds has been put into the private sector? Do you not accept that that is a quick-fix approach?

How will we tackle the issue of waiting lists in the long term?

Mr Poots: On the latter issue, I accept that we have done that by using the private sector. I make no apologies for reducing waiting lists by using the private sector. It is absolutely important and essential that we tackle waiting lists. It may be a little inconvenient for people to travel to Limavady, Dublin or wherever it happens to be. Most people, however, welcome the fact that waiting times are coming down and that we are making a significant dent in them.

We want to see how we can do that better and ensure that we can meet our service needs whilst using the private sector less. We will continue to engage in that work to ensure that we maximise the number and level of services that we provide and that we continue to reduce waiting times.

We came through a difficult situation over elderly care. I certainly do not want to be in a similar situation over our learning disabled community, so I will make it very clear to trusts that we do not expect something similar in that arena. We must ensure that we can provide the care of the learning disabled on a regional basis.

There are concerns around post-19 issues, which touch the Department for Employment and Learning and the Department of Education as well. We designate people who are learning disabled at the age of 18, the same as any other adult. Some will have the capacity of maybe a two-year-old, and some a capacity of an age considerably older than that. Sometimes we pigeonhole the learning disabled into a category and lump them with everybody else. We should be more flexible around that period when we can further develop the capacity of learning disabled people and have them better able to meet the challenges of life that will face them.

Mr G Robinson: What services will be delivered from the new health and care centres?

Mr Poots: The new health and care centres provide us with an exciting opportunity. That is why I am keen that we have a roll-out of them. For example, we will have diagnostics; imaging; district and specialist nurses; health visiting; social care for older people; a children's centre, including Child and Adolescent Mental Health Services (CAMHS); dentistry; allied health professionals, including physiotherapy, podiatry

and occupational therapists; speech and language services; a cancer health and well-being centre; and one-stop assessment. We also have the opportunity for voluntary groups to provide services in such facilities.

It is desperately important that we proceed with those centres. We have quite a number in Belfast. There is a centre in Portadown, with new centres going to Banbridge and Ballymena. Those were all procured conventionally. We decided to proceed with Lisburn and Newry as pilot cases, with the potential to roll private sector-funded facilities out to many other places across Northern Ireland. We can deliver real, tangible savings, on the one hand, and huge benefits to the community, on the other, by bringing high-quality care closer to home and ensuring that people can receive a level of care in the primary sector that will avoid hospital admissions. It all makes sense that we go down that route. It is good for people who need care and good for government, and that is why I want to get on with it.

Mr McDevitt: I welcome the statement. However, I do not welcome the fact that we received a little over an hour's notice of it; that it runs, by my word count, to about 4,000 words; that it contains the announcement of at least seven distinct new areas of public policy; and that it will be subject to limited scrutiny because the Whips agreed that we would allow only one Member per party to ask questions during statements so as to expedite the business of today.

My questions to the Minister are: on what grounds of public policy did he override his permanent secretary's advice on the business cases for the proposed new Lisburn and Newry centres? What steps does he intend to take to make sure that decisions that run against the will of the House and against the clear, determined and expressed view of the majority of respondents to the consultation on Transforming Your Care are tested not by means of a statement but by means of a proper, legislation-based, policy-making process?

11.30 am

Mr Poots: First, I did not "override" anybody's decisions. Ministers are here to make decisions; civil servants are here to make recommendations. I think that we as politicians should ensure that that always remains the case.

A recommendation did come forward. Given that government can generally borrow money at a lower rate than the market, the suggestion coming from the economists is that it would work out cheaper to do that by the conventional means as opposed to going to the market. However, what is important here is that the facilities would not be developed any time soon, because we do not have the money. It is as simple as that; we do not have the money in the system.

The Member's party participated in a debate last week in which it wanted all the money to go to roads as opposed to healthcare. I do not make any apology for fighting for my healthcare estate, for seeking to improve my healthcare estate and for seeking to bring services locally to the people. I am sure that the people of Newry and Lisburn will be listening and paying attention to the SDLP saying, "We don't want these excellent new facilities that will bring better services closer to you." The SDLP does not want such facilities in Newry or Lisburn and to then have them rolled out across the rest of the Province. I make no apology for driving the agenda forward and for taking decisions as a Minister, and I will not be afraid to make decisions as a Minister.

Mr Beggs: I too welcome the Minister's statement. He referred in particular to the additional £26 million bid for resource funding. He also referred to enabling GPs to refer directly to our hospitals. Does the Minister accept that that will be problematic when some of our hospitals, such as that in Antrim, have had 95% occupancy, with few free beds? Will he ensure that there is a good flow of patients through A&E, that we do not have trolley waits and that the beds will be available? Does he accept that, until that issue is resolved, there is a continuing need for respite and rehabilitation beds in the community?

Mr Poots: I thank the Member for the question. I believe that direct admissions from GPs will assist our hospitals. That is because a course of work will be done before the person goes to hospital. The problems and so forth will be identified, and the patient will not have to go to an emergency department or go through all those procedures. I think that that is certainly a significant step forward for our frail elderly. Many GPs are now using that service in a much better way, and consequently, things are improving on that front.

I should say that I welcome that the Member raised the matter of Antrim Area Hospital. The new A&E unit will be open this week, the 24-bed facility is opened, and we have a new

management team in the hospital. I agree with the clinicians who today said that the building will not do it and that it will take more than that. We changed the management team to ensure that there was a real application on delivering better services in that facility. I do not want to over-egg it, but I think that we have seen a significant improvement over the past seven weeks. I do not believe that there have been any 12-hour breaches, and that is coming from a place where there were hundreds of 12-hour breaches a month. So, there is a lot of work to be done, and there is still the capacity for things to go wrong and for problems to arise, but all the indications and signs are positive, and they show that things are improving in that hospital. That pleases me greatly.

Mr Buchanan: I thank the Minister for his statement. I note that he said that the Belfast Health and Social Care Trust and the Western Health and Social Care Trust are introducing a new cath lab service. Can the Minister elaborate a little more on the outworkings of the cath lab and what it will mean for the future of patient care?

Mr Poots: Cath labs are regularly available now. However, they are often available only between 9.00 am and 5.00 pm. Unfortunately, people have heart attacks between 5.00 pm and 9.00 am. Therefore, 24/7 cath labs are very important. The truth is that the quicker we can get people into cath labs and have their stents installed, the more lives we will save and the more healthy years people will have thereafter. It is believed that, for every hour of delay in getting to a cath lab when someone needs a stent, a person will lose a year of their life. That is why I say forcefully that the local hospital is not the place to go if someone has a heart attack. People say that they want to go to their local hospitals to be stabilised. You do not want to go to your local hospital to be stabilised: you want to go with paramedics straight to a facility that has a cath lab in order to have stents installed as quickly as possible, because you will have many more years of life as a result. I am delighted that we are moving ahead with 24/7 cath labs. They will save many lives, and they will ensure that many people will have more healthy years of life.

Mr McCarthy: This morning's statement was very lengthy, and it was received very late. I refer to the last paragraph, in which the Minister states that the health and social care service will be:

"one which focuses on meeting the needs of our local communities, individual patients and service users."

How can he reconcile that with the decision to close the last health provision facility in my constituency village of Ballygowan, which is a growing village? There is no further health provision in that town. The Minister states that he wants to bring health services to local communities. Can he also give us some confidence that he will ensure that there will be a shift in resources into community-based services to match the proposed changes in service delivery, given what is already happening with shorter hours for carers and, indeed, fewer people qualifying for services because the criteria for meals on wheels, etc, have risen?

Mr Poots: I am aware of the Ballygowan issue. Members have raised it with me. As the Member knows very well, GPs are private contractors to the health service. GPs provide those services and they made that decision. That decision was made outwith my Department and outside its control. The GP private contractor decided to run that service from a site that is a short distance from Ballygowan. In that respect, I have no control over it.

Mr McMullan: I thank the Minister for his statement. He mentioned that Rathmoyle care home is earmarked for closure. That has been the case for a number of months. When the supported living scheme starts, can the Minister clarify what the position will be with regard to day care facilities for children with special needs who attend there? Will he consider the present resource centre in Cushendall as an alternative in order to bring that service back to the community and do away with daily trips of up to nearly 35 miles for those children? Go raibh maith agat.

Mr Poots: I thank the Member for his question. I refer him back to my statement. Quite some time ago, Rathmoyle care home was identified for replacement by a supported-living facility. I deem that to be positive. However, as I said in my statement, I have to be satisfied that all the processes are being followed through, people are being properly consulted and we are taking proper account of everything that is going on. The Member has raised issues. I trust that those issues will be raised through the process and that we will deal with them, identify solutions and seek to meet the needs of all the people who are involved.

Recently, Minister McCausland and I opened a facility in Downpatrick.

I encourage people to visit such a facility. There is also one in Carrickfergus, and there are others elsewhere in Northern Ireland. I encourage Assembly Members to visit those facilities. Residents, carers and families have all said that they are better. That is what we want — better care for our elderly. We want to manage residents in existing facilities in a much better way than was the case a few months ago and to ensure that that situation does not happen again. However, the outcome that we want to have in a number of years' time is better facilities for our elderly population.

Ms Brown: I thank the Minister for the very detailed statement to the House this morning on taking forward transformation. If welfare reform is rolled out in conjunction with or parallel to Transforming Your Care, will the Minister ensure that, if required, extra appropriate support is made available to carers, who are obviously an integral and important part of Transforming Your Care?

Mr Poots: First of all, carers are absolutely critical and essential to us and, more importantly, to the individuals whom they care for and support. We know that many carers' family finances rely on income from carers on disability benefits, and there is a risk that any changes to the benefit system could have an impact on their capacity to continue to provide care. So, I welcome the fact that the UK Government have not announced any plans to change the carer's allowance and that it will remain outside universal credit.

The first step in accessing support services is to have a needs assessment. Carers have a statutory right to an assessment and to be considered for services to meet their own needs. The Northern Ireland carer's support and needs assessment looks at each carer as an individual with their own personal circumstances, identifying any particular needs that they might have as a result, to allow for the provision of targeted support in order to assist the carer in their caring role.

Mr Gardiner: I thank the Minister for his statement this morning. At the time of the Compton review, the Minister said that these changes could be made if supplemented by an extra £70 million of traditional funding. In light of the ongoing significant monitoring bids that he is making, what does the Minister envisage the final transitional cost being?

Mr Poots: We are still looking at around £70 million, but that can be flexible. We might need a few million more; you never know. I am sure that the Finance Minister will be generous if that is required. I might as well put my bid in now. Nonetheless — being serious — I greatly appreciate the support that I have received from the Finance Minister in assisting us with Transforming Your Care and driving an agenda that will change services, so that we can invest to save, improve services to the public and ensure that the public can be part of that change process and make that difference. We will continue to bid for funding as appropriate and seek to ensure that we deliver that change, which will ultimately ensure that we have a more efficient, leaner and fitter health service that is better equipped to meet the needs of the public.

Mr B McCrea: This is a lengthy statement delivered by the Minister in a condescending, complacent and cavalier manner. In response to Mr McDevitt, who had the temerity to challenge him, the Minister said:

"We do not have the money".

Does the Minister now have sufficient resources to deal with his failure to meet the target of 95% of patients being seen within four hours of attending an emergency department, with no one waiting for 12 hours? The Minister was very critical of the previous Health Minister, Mr McGimpsey, when he was looking for additional resources. I would like to know whether he now feels that he has sufficient resources to do his job properly?

Mr Poots: I am not sure how the Member could conclude that I was all the things that he suggested when, clearly, he was not listening to anything that was actually said. He did not hear that waiting lists have gone down —

Mr B McCrea: *[Interruption.]*

Mr Poots: — that elective times are going down, that there are significant improvements across the health and social care system and that things have actually got better, in spite of the fact that we were told that —

Mr Deputy Speaker: Order, please. The Minister will resume his seat while I remind Mr McCrea that you do not shout across the Chamber from a sedentary position.

11.45 am

Mr Poots: I was just about to remind him that the previous Minister had been making us aware that we were about to go bankrupt, that we would be in chapter 5 and that there would be 4,000 pay-offs, and Mr McCrea was one of his cheerleaders. I did not pay much attention to Mr McCrea then, and I do not think I will pay much attention to him today.

Mr Allister: The Minister boasts in his statement that there will be a reduction of beds in our hospitals. Through his policy of closure of care homes by stealth, he is going to remove the facility of hundreds of beds in respite and intermediate care. Has the Minister no fear that he is sowing the seeds of further problems in our health service? Delivery is about a lot more than verbose statements to this House.

Mr Poots: I did not boast about anything. What we intend to do is to bring care closer to people's homes. Last week, I was in a home in Randalstown, where a lady who would have been in hospital was with her district nurse receiving antibiotic treatment. The nurse was working with the consultant in the hospital and providing care under hospital at home. The lady was absolutely delighted with the care that she was receiving, and she was not taking up a hospital bed. This is a vision for the future, and I refer Mr Allister to the scriptures:

"where there is no vision, the people perish".

I have a vision for the health service, which is to bring healthcare closer to people's homes, where they will get the appropriate support and service and where they will have the care that they need. That can work and does work. We will face challenges; it will not be without its problems because healthcare is never easy. There has never been a time when there have not been problems, but I am very proud that we are doing many things to facilitate the public to ensure that they get better quality care. I think that many people are recognising that. We have more challenges to face, but we will face those challenges and continue to improve the service.

Ms P Bradley: I thank the Minister for his comprehensive statement and apologise for missing the beginning of it. In the Health Committee last week, I asked some questions about direct payments. I have had experience of those working extremely well and also being absolutely disastrous. What reassurance can the Minister give that direct payments for older people will be a success?

Mr Poots: Direct payment is where a trust service user gets a cash payment in lieu of the services that have been available. In 2004, a statutory duty was placed on trusts to offer direct payments to people assessed as needing services and to whom they had agreed to provide services. Initially, older people were under-represented as a group in receipt of direct payments, but this is changing, with more older people opting to receive their social care support as a direct payment as the benefits of personalisation become more widely recognised. It has to be acknowledged, however, that direct payments do not suit everyone. It is important that the trusts only provide a direct payment with the informed consent of the older person. In order to provide a direct payment, a trust must be satisfied that the services for which the direct payment will be used will meet the assessed needs of the older person and that they will be able to manage their payments appropriately, with assistance where necessary. The trusts need to use care management processes to monitor the delivery of the agreed care plans and to discharge their responsibility to ensure that direct moneys are being used efficiently by the recipients.

Mr Allister: On a point of order, Mr Deputy Speaker. As we approach the end of this session, with only two more sitting days, would it be in order to ask whether there is any indication that any of the four Ministers in OFMDFM will find time to come to the House to make a statement on the economic pact that they told us was reached some 10 days ago?

Mr Deputy Speaker: Order. I question whether that is a point of order, but I understand that Ministers may come to the House to make statements.

Mr B McCrea: On a point of order, Mr Deputy Speaker. Is it in order to ask whether there is any possibility of looking at the length of statements brought to the Assembly? It is quite difficult to do justice to the oversight and scrutiny of such a lengthy statement.

Mr Deputy Speaker: The length of statements is entirely up to the Ministers. I am sure that they listened carefully to what you said.

Executive Committee Business

Public Service Pensions Bill: Second Stage

Mr Wilson (The Minister of Finance and Personnel): I beg to move

That the Second Stage of the Public Service Pensions Bill [NIA 23/11-15] be agreed.

The object of the Bill is to introduce major changes to public service pensions in Northern Ireland from April 2015. The Bill that I proposed in the Assembly on 26 November 2012 gives effect to the principles of the pension reform agreed by the Executive on 8 March 2012, particularly the agreement to commit to the policy for a new career average revalued earnings (CARE) scheme model, with pension age linked to state pension age to be adopted for general use in the public service schemes; and to adopt that approach consistently for each of the different public service pension schemes in line with their equivalent scheme in Great Britain and not to adopt different approaches for Northern Ireland. The Bill protects the benefits already earned by members of existing public service pension schemes and allows continued membership of those schemes for certain categories of people who are closest to retirement.

The reforms were recommended by the Independent Public Service Pensions Commission in its final report, which was published in 2011. The recommendation to adopt a new revised pension scheme design was viewed as addressing the impact of the long-term scheme costs for taxpayers and employers. The report also recommended that a general increase in pension age across the public service pension schemes, with the exception of those in uniformed services, should be linked to state pension age to facilitate trends for increasing life expectancy.

The Bill is an enabling piece of legislation, with entirely permissive legislative powers. It will have a cross-cutting effect for the devolved public service schemes in Northern Ireland, and it provides a framework containing core provisions for pension reform that will extend across public service schemes made for public service employments in the Civil Service, the devolved judiciary, local government, teachers, the health service, the Fire and Rescue Service and the Police Service.

Mr Allister: Will the Minister give way?

Mr Wilson: Yes.

Mr Allister: Can the Minister say whether it will extend to the North/South bodies and the very lavish pension arrangements that exist for them?

Mr Wilson: It will extend to the North/South bodies. Although they are not listed in the bodies to be covered, there is provision for bodies to be added. North/South bodies will be added; they will have to be included in time for the legislative timetable. I have already had discussions with the Minister in the Republic on this issue. Obviously, it will affect those who work in North/South bodies in Northern Ireland and not those who work in the Irish Republic. I assure the Member that North/South bodies will be included. I was as concerned about that issue as he would have been.

The powers in the Bill will supersede existing powers to create schemes for the payment of pensions and other benefits for the employments and devolved offices listed in the Bill, which are contained in the relevant current legislation pertaining to individual public service pension schemes. The Bill will not contain detail on individual scheme designs. Those designs will be set out in the regulations and scheme rules for each scheme under their secondary legislation, and will provide scope for each relevant Minister to consider what variations may be appropriate in their scheme design. They will also — this is important — ensure that they keep within the parameters of cost and the overall core provisions set out in the Bill.

Adequate time must be provided to develop the scheme designs and to finalise the secondary legislation and processes to meet the commitment to have reformed schemes in place before 1 April 2015. This secondary legislation process may take up to 10 months. Therefore, the primary legislation must be enacted by April 2014.

The Chief Secretary to the Treasury made it very clear, on 3 December 2012, that a proportional reduction will be applied to the Northern Ireland block allocation if legislation to reform devolved public service pension arrangements in Northern Ireland is not concluded to the deadlines contained in the Westminster Public Service Pensions Act 2013. The deadline for reform for the schemes made for public employments listed in clause 1 of the

Bill is 1 April 2015, with the exception of the scheme for the local government workers, which has a deadline of 1 April 2014.

The Department has undertaken an analysis of the financial effects of not implementing the core provisions of the Bill to the relevant timescales. A more detailed analysis was requested from the Government Actuary's Department (GAD) by the unions and the Committee for Finance and Personnel. The new estimate — I do not think that they will want to hear the news, because I think that they felt that I was exaggerating the figure — puts the overall projected cost of one year's delay at around £300 million each year, which is an increase from the previous estimate of £262 million. However, we have known all along that there would be a cost and that it would be significant; the important issue is to focus on getting on with the legislative process to avoid this extremely costly financial penalty.

The Department continues to be engaged in central consultation on the Bill between representatives from the Northern Ireland ministerial Departments with responsibilities for the main public service pension schemes and a collective trade union grouping led by the Northern Ireland Committee of the Irish Congress of Trade Unions, which represents each of the public service employments within the Bill's remit. The Department consulted, from 21 January 2013 to 15 April 2013, on the policy carried in the Bill.

I now turn to the provisions of the Bill. The Bill has 37 clauses and 9 schedules; therefore, it would not be appropriate to discuss all specific proposals in detail at this forum. Full details are contained in the explanatory and financial memorandum, although I will provide a brief overview.

The Bill is modelled on the Westminster Public Service Pensions Act 2013. The core provisions are a move to a career average revalued earnings scheme model of pension saving; a direct link to equalise schemes' normal pension ages with the state pension age, except for the police and fire and rescue services; a normal pension age of 60, subject to regular review, for the police and fire and rescue services; a final salary link for any final salary pension accrued prior to the date at which the new schemes will commence; a cost cap with a default mechanism to maintain costs within set floor and ceiling limits; transitional protection for scheme members who were within 10 years of their scheme normal pension age on 1 April 2012; and revised measures for scheme governance.

Clause 30 provides that new pension schemes may be created for those bodies and offices whose pension schemes are restricted for future accrual under clause 31 and whose members cannot join one of the schemes established under clause 1. It also governs the design of pension schemes that are set up in the future or established under future legislation for public bodies, unless future legislation makes specific, different provision.

The policy intention is that all public service employments should be reformed to the same timescales as the main schemes specified in the Bill, although these bodies will not now be mentioned in the Bill.

It will contain certain powers for my Department to specify by order named public bodies that have not been captured by the categories that have been mentioned. Indeed, should the timetable be delayed, clause 1 provides for such bodies to be added. That is the point that Mr Allister raised.

12.00 noon

Clause 3 incorporates a change to the consent regime for the local government pension scheme, as that scheme is now subject to DFP approval. That will provide consistency of approach across all the main public service pension schemes in Northern Ireland by aligning the local government pension scheme here with the other main schemes. The change has also been applied to the Public Service Pensions Act 2013 regarding the consent regime for local government schemes in England and Wales.

Clause 1 provides new provisions that will enable the Department of Justice in future to make pension schemes for holders of devolved judicial offices. Clause 35 makes financial provision for such an eventuality.

The Attorney General has confirmed that the Bill is within the Assembly's legislative competence.

My officials briefed the Finance and Personnel Committee on the Bill, and I look forward to maintaining that constructive working relationship over the coming months.

The Bill provides a necessary reform to manage the long-term costs of public service pension provision. It also provides a framework to ensure flexibility to enable Departments to determine their secondary legislation and to ensure that it is properly implemented in time.

It is also an equitable and fair way to ensure a fairer and sustainable distribution of the costs of public service pensions between employees and employers, with employers in this instance ultimately being the taxpayer.

I look forward to the Assembly's support in taking forward the proposals and to Members' comments in the debate.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a LeasCheann Comhairle. Mindful of the background and context of the Bill, the Committee for Finance and Personnel has been proactively gathering evidence on its policy aims over recent months in advance of its being introduced to the Assembly.

Following the Executive's decision not to agree to the proposed approach of a legislative consent motion (LCM), the Department of Finance and Personnel (DFP) set out plans to introduce a Bill to give effect to pension reform here. We heard how, if we are to keep pace with the equivalent Westminster legislation and avoid incurring associated Treasury-imposed penalties, the Department's plans require the Bill to complete the legislative process by April 2014 and for the related subordinate legislation to come into operation by April 2015. DFP's timetable envisages the Committee Stage concluding by the end November this year, subject to the Bill's principles being agreed today. For its part, the Committee is committed to endeavouring to ensure that the Bill proceeds promptly. To that end, since January last, it has held a series of separate briefings with DFP officials and with a panel from the trade union side, with follow-up correspondence as necessary. That work was aimed at collecting a comprehensive evidence base in advance of the Bill's being introduced, and the output from that exercise was placed on the Committee's web pages to inform the wider Assembly.

Given that we are debating only the principles of the Bill today, I will not go into detail on the full range of issues that was discussed during the three separate evidence sessions with DFP officials and trade union side (TUS). However, the headlines are that the Committee has sought information on the following: the full details of the pension schemes and associated stakeholders affected by the Bill and the implications that it will have for each scheme; clarification on how the drafting of the secondary legislation will be sequenced for the Bill; details of how the initial estimated cost of £262 million per annum to the block grant for a failure to implement the reforms was calculated;

and clarification on whether Treasury will impose that deduction from the block grant on the Executive in such circumstances.

The Committee also sought information on the areas in which there would be scope to vary from the Whitehall approach; information on the revised measures for the management, regulation and administration of the various pension schemes; full details of the equality screening that has been undertaken to date; and an assessment of the implications of the agreed amendments to the Westminster Bill; detail of the legislative provisions that allow for the transfer of staff from one scheme to another; illustrative examples of how the shift to career average revalued earnings will be applied in different cases; clarification on whether the proposed ministerial power of direction for scheme valuations will be subject to Assembly control; and detail of DFP communication with other Departments about the full scheme triennial assessments.

On the latter point, to more accurately assess the implications of the proposed reforms locally, including the cost or savings forgone due to any decisions not to implement the reforms at a scheme level, the Committee recommended that the full scheme triennial actuarial assessments are revived and completed, and the findings of those assessments are shared with all relevant parties, including the trade unions; and that the Department take up the offer from the Government Actuary's Department (GAD) to calculate the estimated savings from the proposed reforms in relation to each of the relevant local schemes.

As we have heard from the Minister, the Department agreed to commission the additional work from GAD, which resulted in a revised estimate of £300 million in savings per annum, based on the detail of each scheme. The results of this further work and the Department's willingness to commission it are to be welcomed in assisting the Committee's deliberations. However, we should be mindful that it provides only part of the picture.

From DFP and TUS evidence, and the work of the Assembly Research and Information Service, it was evident that a full macroeconomic analysis or appraisal of the proposed pension reforms has not been undertaken, either locally by the Department, in Britain by the Treasury, or as part of the initial Hutton review. In their evidence, TUS representatives emphasised the need to assess the impact of increasing the age of retirement, particularly in respect of displacing the labour market and the correlation with youth

unemployment. The trades union representatives explained that in straightforward terms: if you keep someone in work five years longer, someone else will not get that job for five years or until it becomes free. TUS also indicated that it has done some work itself on macroeconomic analysis. It referred to work done by the Nevin Economic Research Institute on youth unemployment, and expressed a willingness to assist the Department in meeting the cost of a wider appraisal exercise.

In addition to pursuing the issue of more accurate direct cost or savings estimates from GAD, the Committee recommended to DFP that research be carried out to address the absence of a wider macroeconomic appraisal. However, the Department has indicated its reluctance in that regard, emphasising the scale and complexity of such an appraisal. Using the Hutton review as a comparator, the Department suggested that such an exercise could require a similar period of nine months to complete and that the cost could potentially reach several hundred thousand pounds.

Given the significance of the proposed pension reforms in the context of the predominance of the public sector in our local economy, I believe that the absence of an understanding of the full costs and benefits — direct and indirect — of the proposals presents us with a real dilemma. Indeed, it raises the question of why Hutton did not examine the full picture initially. Moreover, perhaps an opportunity was missed to press for Hutton to undertake a full appraisal before considering any Treasury attempt to impose the reforms in an area that is devolved to the Executive and the Assembly.

At its meeting on Wednesday this week, the Finance Committee will consider the options for addressing the absence of a macroeconomic appraisal and, in advance of doing so, has sought clarification from the trade union side on the extent to which it is prepared to support the commissioning of such work. I will not pre-empt the Committee's decision in that regard, but this is clearly the major issue arising from our scrutiny to date.

Other issues remain to be teased out in more detail, not least any equality or human rights implications arising from the proposals. The Committee has invited submissions from the Equality Commission and the Human Rights Commission. Given the issues raised by the trade union side to date, I expect that to be another area of focus at Committee Stage.

As the Minister outlined, the Bill will result in a raft of subordinate legislation to reform the various public sector pension schemes. It will be vitally important, therefore, that the Bill is also considered by the other Statutory Committees, which will be individually responsible for scrutinising the resultant subordinate legislation relating to the particular schemes within their departmental remits. That includes the arm's-length bodies as well, so it is not only an issue for the Department or the Committee for Finance and Personnel. Because of that, the Committee wrote to the other Committees at an early stage to draw attention to that point and to share relevant papers and evidence received to date. Subject to the Bill being referred to Committee Stage, the Finance Committee will be seeking formal written submissions from the other Committees in the period ahead and will be issuing the usual public call for evidence.

I have outlined how the Committee has prioritised the scrutiny of the policy aims of the Bill in its work programme over recent months. Although that has thrown up a number of key considerations that remain to be addressed, I should also point out that the Committee has not, as yet, undertaken any detailed technical scrutiny of the Bill as drafted. Subject to the passage of today's stage, that will be a further area of focus during the Committee Stage scrutiny. In particular, given that it is an enabling Bill, it will be vitally important for the Finance Committee, and, indeed, the other Committees, to examine carefully the delegated powers that will be provided for in the legislation.

To conclude from the Committee perspective, I reiterate my earlier point that the Committee will continue to support the Minister in the process in ensuring that consideration of the Bill is given absolute priority. However, I caution that that should not be at the expense of robust scrutiny. All reasonable steps will need to be taken to facilitate informed decision-making on those significant proposals. Any final decisions need to be on the basis of being cognisant of the full implications for the provision of public services, for the individuals who deliver those services and for the wider local economy.

I will make a few brief remarks as an individual Member. A number of occupations and trade unions have made representation to the Committee, one of which is the Fire Brigades Union. Many firefighters — this has been an issue across the water as well — are opposed to the concept of working until they are 60. The Williams report, which was flagged up by that particular union, found that a large number of

members would be unable to achieve pension age. There were also concerns about the fitness standards and the ability of firefighters to work beyond 55. That highlights a question that the Committee needs to consider. How does changing the retirement age for many of those public service organisations, especially those with physical demands, impact on public service delivery?

As I have said in my position as Chair, that is not something that we have found any conclusions on to date, but we need to take a careful look at those types of occupations — firefighters, police and others — and consider the evidence. Hopefully there is some evidence, because the main issue that I have found from our consideration to date is that there seems to be a lack of evidence on all sides, to be fair, in regard to the proposals coming forward. We need to be cognisant of some of the proposals on the retirement age of firefighters and others. We need to ensure that that does not have a knock-on effect on public service delivery, especially emergency services.

To conclude, I look forward to the Committee Stage of the Bill. There is still a lot more detail that the Committee needs to look through. I think it is important to emphasise again that, for all sides of the argument concerning the Bill, the Committee needs to see more evidence, more detailed proposals and detailed background to some of the arguments that are coming forward, because I do not feel that the Committee has got that to date.

Mr Girvan: I too support moving on to the Second Stage of the Pensions Bill, but I do not totally agree with everything that the Chair has said. A number of figures were mentioned. The first figure that came from the Government Actuary's Department was £262 million. When that figure was revised with a little bit more work to break it down on a departmental basis — because that is what the trade unions asked for — instead of going down, it went up to £300 million. I think that the figure was rounded up to the nearest £10 million in each area just to make sure. I understand that the biggest figure was for health, which came out at £110 million, followed by £60 million for teachers, £60 million for the Civil Service, £10 million for the Fire and Rescue Service and £60 million for the police.

12.15 pm

In light of the evidence that the Committee received, I have to agree that a very strong case needs to be made for the Northern Ireland

Fire and Rescue Service firefighters who have difficulties. Age and fitness are key areas that need to be considered and taken into account. However, as Northern Ireland would lose out dramatically from its block grant by an estimated figure of £300 million, it is important that we move ahead in a positive way.

No one gets anything for nothing, and some people will have to suffer because of some of the changes that have been made to the length of time that people will work or will have to work. However, some of the figures that came from the trade unions were works of fiction, to be truthful. The areas where they indicated that savings that could be created by young people getting into work would cost in the region of hundreds of millions for Northern Ireland, which, realistically, indicated that jobseeker's allowance in Northern Ireland must be the best that is available anywhere, not just in the UK but, probably, around the world. As far as that was concerned, I thought that there were areas that needed to be looked at.

The career average revalued earnings pension scheme, which everyone knows as CARE, is just a new way of calculating what someone has earned on average over their lifetime. We have witnessed this in recent days; many of us have sat on Committees and have heard about people moving into top positions a year or less before they retire. This goes on daily, and we heard about it in the Public Accounts Committee recently. People retire from public-paid positions having virtually doubled their wages in their last year. The consequence of that is a very big increase in the final pension that they receive from the public purse. Those sorts of practices have created a problem that needs to be addressed, and this process goes some way towards that.

There are additional costs that we cannot fund and where we cannot make major changes. We are getting some changes to welfare reform in Northern Ireland, and we are having to find that money elsewhere. In doing so, we cannot continue to sit back. If we are going to make changes that will cost £300 million, where are we going to cut that from? Are we going to cut it from schools or health? If you mention that to the trade unions, they think that we should just print more money and keep it coming. Unfortunately, that is not the case; someone has to find the way forward.

The GAD figures were not playing in their favour. They thought that it would give us a figure that was not right. The Chair said that more evidence is needed in relation to that matter, but the evidence that we have to date

shows that an increased amount of money would be coming forward. I understand that if we do not have this process in place, penalties will be imposed on Northern Ireland from April 2015. So, it is vitally important that we move ahead on that basis. The proposal was brought to this House in November 2012: the Minister moved it on 26 November 2012. As a consequence, the consultation took place, as the Minister alluded to, between 21 January 2013 and 15 April 2013. Consultation has already taken place on quite a bit of that.

We have had numerous evidence sessions on this matter. We have heard the caution from those who are in communication with Whitehall and are giving us the detail on what is coming forward in our Budget for further years.

Mr McQuillan: I thank the Member for giving way. Does he agree that the arrogant attitude of the unions and the way in which they present their case is also not helpful?

Mr Girvan: I appreciate that unions have a job to do, which is to represent their members. In doing so, they have probably been facetious. However, they have not come forward with solutions on how we can deliver some of their grandiose ideas to continue on as we are.

With change of any fashion, there will be those who fight against it. It is vitally important that we try to get the best deal for those in the public sector in Northern Ireland. That is what we will be doing, but we cannot do that and fail to deliver services. Services will be cut should we have to make that reduction from our block grant.

I support the Bill passing its Second Stage. This is a very important issue, although there are many people who are not that interested in it going by the attendance in the Chamber. It is vitally important that we make these decisions and move ahead.

Mr Durkan: I will outline the SDLP's opposition to the passage of the Public Service Pensions Bill. The Bill represents a further attack on public sector workers who have already faced pay freezes and a rise in pension contributions as a result of previous legislation. This further attack is being pushed through the Assembly by the Finance Minister at a time when his colleagues, and indeed those from all other parties in the Assembly apart from the SDLP, are seeing their salaries rise. That the Minister can throw around figures threatening the block grant at a time when his colleagues have

accepted that pay rise makes me incredulous. I know he did not get one, before he corrects me.

Mr McCallister: I thank the Member for giving way. Does he accept that, while he has not accepted the pay rise, we are talking about pensions and he will get the benefit of the increased pension?

Mr Durkan: I thank the Member for his intervention. Increased pension contributions will result in a reduced net wage for public sector workers, whom I am standing here to protect and represent.

This legislation means further hardship for a sector that makes every aspect of public life possible. This legislation represents another kick in the teeth for our teachers, health service workers, Fire and Rescue Service workers, civil servants, local government workers, devolved judiciary and members of the Police Service. Those are the women and men without whom we could not function as a society, yet the Executive are content to continue to allow Westminster-led policies to trample all over them. Public service workers will, as a result, have less disposable income due to increased contributions. That will have a harsh impact, especially in these challenging economic times and particularly on those on lower incomes. This is a clear attempt to make public servants carry the can and pay the price for an economic mess that was not of their making.

The SDLP shares the fears communicated to the Finance and Personnel Committee by public service representatives NIPSA that reductions in incomes for public services workers will lead to a greater reliance on welfare benefits and exacerbate pensioner poverty.

Although the Minister can threaten that £262 million will be lost to the block grant — sorry, that figure has conveniently risen to £300 million in time for this debate — without a fully detailed explanation of where those costings were estimated, I fear that there has also been a lack of assessment of the increased reliance on and cost to the Social Security Agency, which leaves the Assembly in the dark as to the real cost of this legislation.

A further, wider problem that this legislation creates is the impact on public service, particularly as the increase in pensionable age will mean that older individuals will be forced to work longer and into what is now, rightly, considered old age. That will have implications for the health of the public service workers and, in some cases, the quality of service. That is

not to mention the physical demands of some jobs. A couple of Members have already spoken of firefighters. There is a risk to the safety of such workers themselves and to the safety of the public in forcing people to work in such demanding and important jobs that may be beyond their physical capability.

It is widely accepted that there is a direct correlation between old age and poor health. The SDLP fears that, as the Executive plough ahead with rubber-stamping Tory welfare and pension cuts, the people that the legislation forces to work into old age will have no option but to continue to work even should they become ill, ironically because they have worked all their life, because there will be no support system to fall back on.

Moreover, forcing hard-working public servants to work longer for less could ultimately result in resentment and have a negative impact on the quality of service delivered. For example, teachers working beyond retirement age out of necessity rather than choice may become demotivated and disillusioned, which will obviously have a negative impact on the education of our children. It will also result in the reduction of labour market opportunities for the unemployed, school and university leavers and those seeking to return to the labour market. Those implications for this region have not been considered fully.

The SDLP has consistently voted against these changes. In Westminster, our MPs voted against this legislation and specifically highlighted our concerns about the retrospective elements of some of the measures. Our Minister, Alex Attwood, has made several written representations to the Minister of Finance and Personnel outlining his concerns about the Bill from a Department of the Environment (DOE) perspective. The SDLP also voted against these measures at the Executive. The SDLP is committed to making devolution work. We are committed to not simply rubber-stamping Westminster policies but, instead, listening to the needs of the public sector and testing the boundaries of parity.

This attack on the public sector represents yet another example of the DUP and Sinn Féin-led Executive's failing to make this Assembly work for the people of the North. Again, it shows a sheer reluctance to fight for a better deal for the North. It is a prime example of lazy government and a shabby attempt to pass the buck again and say, "It is not our fault; it is parity." Parity should not be mistaken for parrotry. What is the point of devolution if we are unwilling to maximise its potential to suit our region and

benefit our people? That is particularly important in this region where, proportionately, many more people are employed in the public sector.

Since the Minister's announcement that he was to bring this legislation forward, my party colleague Dominic Bradley has said that it is not good enough for the Assembly simply to replicate the legislation from Westminster. Mr Bradley called for the establishment of the Assembly's own pension legislation, but that may have been too big an ask for the Minister.

These reforms are designed primarily to address cases in which excessively large pensions are generated as a result of a final salary link on very high income. We believe that more progressive and redistributive measures should be considered to save more money at the top end of the scale and protect those on middle to low incomes.

12.30 pm

We are not blind to the need for pension reform. We oppose the legislation today because it does not protect those lower-paid public service workers. We do not accept that a full consultation process or impact assessment for this region has been conducted. The SDLP is adamant that DFP could and should do more to test the constraints of parity and has consistently failed to gain a better deal for this region. We see our role as legislators, and we are willing to work, as Dominic Bradley said, to pass our own pension legislation and to guarantee a better deal. If the Bill is passed today, we will table amendments at further stages. We cannot accept the legislation in its current form. We certainly believe, for example, that the local government sector and NILGOSC should not be included in the proposals.

I extend an invitation to other Members to join us in opposing the Bill today, particularly the Sinn Féin Members, who boast of their proud record of standing with and for workers. Here is a chance for you to show that that commitment is real and is not empty rhetoric.

Mr Cree: I welcome the opportunity to make a few comments during the Second Stage of the Public Service Pensions Bill. I note that the Executive agreed to the changes in this legislation on 8 March 2012 and that the Minister announced on 26 November 2012 his intention to bring a Bill to the House. It is important that we are flexible to changing conditions, be they economic, societal or

otherwise, and how we approach pension provision should be no different. Therefore, I welcome the Bill as a mechanism that affords us the opportunity to rebalance public sector pension provision, with equity for the taxpayer being central to any changes.

The Bill's policy content is driven by the findings of the Independent Public Service Pensions Commission. It was headed up by John Hutton, and its remit was to bring forward recommendations on how to reduce the increasing cost of taxpayer-funded state pensions while ensuring adequate retirement income. That was necessary not least because of increasing life expectancy.

There are two broad objectives in the Bill. The first is a move towards new career average revalued earnings — CARE, as it has become known — with pension age linked to separate pension age for general use in the public services sector schemes. The second objective is to ensure that we adopt an approach in Northern Ireland that is consistent with that in the rest of the United Kingdom. The financial implications are important, and I will set those out later.

We must not lose sight of the fact that the Bill affects quite a number of people, including civil servants, devolved judiciary, local government workers, teachers, health service workers, fire and rescue workers and members of the Police Service. For that reason, it was key that meaningful consultation took place. A total of 52 responses to the public consultation were received from individuals, organisations and the trade unions. The Committee will continue to take account of the various issues raised by those who made submissions on the proposed changes.

I will touch briefly on cost, because that is important in the context of the legislation. The Finance and Personnel Committee went into some detail on that as we took evidence from departmental officials. Without going over that ground again, I will mention the latest correspondence — it was referred to here today — that I have received from the Government Actuary's Department via the departmental Assembly liaison officer. That letter stated that the overall figure quoted for a delay of one year in the implementation of pension reforms was in excess of £262 million. However, the revised figure received, which was based on the detail of each individual scheme, is now estimated at £300 million. Regardless of the concerns raised by some over the precise detail of how that figure was reached, it is a substantial sum that we simply cannot afford to lose from our

block grant. I raised in Committee the issue of transitional arrangements for those who have what has been termed "accrued rights". That is very important. It is not fair to change the expected provision for an individual substantially just before they retire. I am pleased that the Bill provides for a 10-year transition protection, as well as a three and a half-year sliding scale protection before that, as set out in clause 18. As I mentioned at the outset, it is necessary to ensure that an element of fairness is visible throughout the Bill.

My party is happy for the Bill to proceed to Committee Stage for further scrutiny. It is a fairly lengthy Bill, with 37 clauses and nine schedules. Work will therefore be required to ensure that we get it absolutely right. However, I am broadly content with the general principles of the Bill and look forward to considering it in more detail in due course.

Mrs Cochrane: I welcome the opportunity to speak at this stage of the Bill. I apologise to the Minister for not being in the Chamber at the start of his speech. Did you not notice?

Mr Wilson: I will forgive you.

Mrs Cochrane: Many of us find pensions quite technical and difficult to understand. Perhaps those who are closer to the age of receiving their pension — I am not looking at anyone in particular — will be more au fait with the impact that certain changes would mean for them. The Bill is, perhaps, not legislation that we would enact if it were entirely up to us, but, once again, the issue of parity with Westminster raises its head. It is important, therefore, that we look at the context in which the changes are being proposed and try to establish the impact that they will have on those affected. Perhaps, unlike Mr Durkan, I will be a little more realistic in my comments.

Historically, when pitted against the private sector, the public sector was viewed as below par on salary scales. However, because of that disparity, certain benefits were afforded to public sector workers in recognition: significant maternity and sickness arrangements, enhanced financial insurance schemes and superior pension provisions. However, in more recent years, we have seen a role reversal, and a rise in public sector salaries has helped to redress the traditional economic balance between the two. As a result, the public sector is now generally better paid and pensioned, as well as boasting a faster increase in rates of pay. A salary gap has subsequently emerged between the two sectors in the opposite

direction. Alignment is still, therefore, necessary. Proposals for reform seek to take into account the sustained ambiguities between the public and private sectors.

Statistics show that life expectancy is going up. People are living longer, and that is not going to change. Therefore, employees in both sectors work longer, which translates into an increased financial commitment that is bearing down on the public purse. We need to address that, not only because it is unsustainable but because it serves as a barrier to rebalancing our economy from its historic over-reliance on our public sector. Reform of the current system is now necessary, and the cost of delaying the Bill would be significant, as the Minister has said.

Under the proposals, individual pension contributions from public sector workers would increase, with a staggered phasing-in period, including a shift away from final salary schemes to a scheme based on average income. It has been suggested that that would, in fact, leave the poorest paid public sector workers better off in the long term. In line with the reform, commitments have been given to retain a form of defined benefit pension and protection of accrued rights to ensure that those within 10 years of retirement would neither have to work longer nor see their pension income reduced. Those are the details that I look forward to going into further at Committee Stage.

As a party, Alliance has been consistent in its position on public sector pensions regulation, as evidenced at Westminster, where our East Belfast MP, Naomi Long, voted against the RPI and CPI uprating changes. We know that public sector workers did not create the financial crisis, yet, to all intents and purposes, it is their benefits and pensions that are being affected to help solve it. However, while we realise that such changes are unfortunate, they are necessary. Even taking into account any increase in personal contributions, those pensions are still markedly superior to those available to many in the private sector. In summary, I support the principles of the Bill at this stage. I look forward to further examining them.

Mr McCallister: Like others who have spoken, I know that we have to face up to this issue and the costs associated with it. Put simply, there are few options for the Minister when faced with such a big bill. Even accepting some debate around the figures, when you are faced with a bill of anywhere between £250 million and £300 million, realism has to kick in, unless, maybe, if you are in the SDLP.

You have to look at what can be done. To be fair to Mr Durkan, I look forward during Committee Stage to questioning whether there are some areas where we can mitigate the effects. For example, is it reasonable to expect firefighters to work to a certain age, given the very physical nature of the job? Those are things that the Committee rightly should look at and challenge the Minister and the Department on what we can do. It should look at how appropriate it is to insist that employees in various jobs work right up to the limit and at whether we can change that and what the cost implications of that would be. It is very much a job for the Committee to question that at the scrutiny stage.

It would be wrong to vote against the Bill at this stage. There is consensus about the Bill proceeding and the principles of it. Ms Cochrane talked about having to reform and the differential between public sector and private sector pay. Like other Members, I worked in the private sector before I came into politics, and I see the difference. I have a private sector pension, and, although I can project and guess what it might be worth, I have no idea what it will be worth or whether I will be working until I am 85 or something.

There are huge differences between those guarantees on what you are getting as a pension and on the financial certainty of this, and it is right that the Government have looked at the issue far enough out to make sure that there is time for people to adjust and decide whether making an increased contribution is an affordable option for them. We have to get a grip on those things. It would be entirely wrong, inappropriate and unrealistic to vote against the broad principles of the Bill. Although I agree with Mr Durkan that there are many things that his colleagues on the Finance Committee will want to challenge in the debate today, the Finance Committee is the place to do it. Consideration Stage is the place to do it when the Bill comes back from Committee, but it would be wholly inappropriate to vote against the Bill today. Therefore, I will vote to let the Bill pass and go to Committee.

Mr Wilson: I thank all of the Members who have taken part in what has been a shorter debate than I had expected on this legislation. I understand that the legislation has caused a degree of controversy, especially among those who work in the public sector. Obviously, no one likes to have pension arrangements tampered with, but, as I hope to show in response to some of the points that have been made, there has been gross exaggeration and misrepresentation of some of the impact of this.

Following the last Member who spoke, I think it is good that, when you introduce legislation that is controversial, even the new official opposition does not raise an issue about it. There is a degree of realism about where we are with the costs of public sector pensions. This is not just, as Mrs Cochrane suggested, a result of the financial crisis; this is a result of demographic trends and the future financial impact of those demographic trends, which is why Lord Hutton recommended some of the changes that he made.

12.45 pm

I will come now to some of the points that have been made. First, I will address those made by the Chairman of the Committee. Other Members raised this issue as well. There is a cost implication. I want to emphasise that at the very start, because I was a bit disturbed by some of the points that were made by the Chairman, who talked about the work that he wanted to see done on the Bill. Let me make this clear at the start: there is a financial implication if we do not have these reforms in place by 1 April 2015. When I first brought this to the Assembly, people said, "It is a made-up figure", "You are a scaremonger" and "Where did you get it from?". I explained, at that stage, that we had gone to the Government Actuary's Department and asked for a valuation of the cost of delay in respect of the biggest pension scheme, that of the health service. The Actuary's Department gave us a valuation, and then, using the assumptions that it had made, we extrapolated from that and got the figure of £262 million. As the Chairman of the Committee indicated, the Committee asked us to go back to the Actuary's Department. Rather than make an estimate based on the figure for one pension scheme, they wanted us to get an exact figure for each of the pension schemes. The result is that the figure that I had given was not an exaggeration but an underestimation of the cost. The cost for a full year to the Assembly will be £300 million. The Chief Secretary to the Treasury has made it clear — he has emphasised it to me again in the last couple of weeks — that, if there are delays, we will pay the cost of them. I want to emphasise that because there is a process to be gone through. The primary legislation, as I explained in my opening speech, has to have Royal Assent by 1 April 2014, so that the second stage — the detail of the pension regulations for different schemes — can then be gone through. It will take about nine months to do that and have everything in place by 1 April 2015.

The second point that the Chairman of the Committee raised was the issue about a full

analysis of the macroeconomic impact of the Bill. There is an argument put forward by the trade unions and others that, if you actually look at the full cost of this, you might save on pensions but you will have bigger costs for unemployment. The argument is that, if people have to work for two years longer, it gives fewer opportunities to people coming out of school to get a job in the Civil Service or the public sector. Even at a superficial level, it is not difficult to pick holes in that argument because, of course, there will not be a direct displacement anyway. It is usually people who are fairly senior, mature and have advanced levels of expertise which would not be replaced by younger people coming into the system.

There are a number of reasons why I am opposed to going down the route of a macroeconomic analysis. The first and most fundamental reason is this: it really does not matter what the outcome of that macroeconomic analysis may be. As I have made clear already, if we do not implement the reforms, we will have to pay. We can go back to Westminster and say, "We have done a macroeconomic analysis of this. We have worked out, using a model, what the cost of this will be, and we think that you have it wrong". The Chief Secretary to the Treasury will say, "That is very good. We will charge you. You can say 'You have it wrong' all you want. It does not remove the fact that we expect you to have the reforms in place, and, if you do not, whatever the additional cost of pension schemes in Northern Ireland is, it will fall upon the Northern Ireland Executive". That is the most fundamental reason why I am opposed to going down the route of doing a macroeconomic analysis. Even Lord Hutton did not do it. He was concerned. His remit was this: how do we defuse the financial time bomb that lies down the road for public sector pensions and their cost?

The second reason is this: there is a cost attached to this, and it is estimated to be about £100,000. If the Assembly Committee wishes to do it and the trade unions wish to contribute to it, that is entirely up to them. If they believe that that is one of the things that they have to do in order to scrutinise the Bill — the Assembly wastes money on plenty of things, so I am sure that it can waste money on that as well — that is a decision for the Committee to make. I doubt very much whether the trade unions will rush to put too much money into it. However, let us remember that, if it is to be done effectively, it is a long process. It is a technical thing. You have to build up the model, and you have to work the figures through the model. There are various steps. You have to set out

the terms of reference — what is it that you actually want to do, what do you want people to do and what technical information do you want included? The next step is deciding who will do it. It will require people with detailed knowledge and expertise. Therefore, you have to look out consultants who can do it. Given the cost of any such model, there will be a public procurement exercise, and then you have to work through it. Lord Hutton's review of pensions took nine months.

If you are going to go through all of that, I warn Committee members of this: even if you decide, unwisely, to spend money on such an exercise, there is a timetable for getting the legislation through. If we are to avoid the financial consequences that I have outlined, we need Royal Assent by April next year. I cannot understand why the trade unions are keen to do it. In fact, in evidence to the Committee, Bumper Graham made it clear that, as far as he was concerned, he would do everything to stop the Bill:

"If I can stop this; brilliant. If I can delay it; good. That is my job. That is the job that I will prosecute to the nth degree on behalf of my members. If that makes life difficult for politicians"

and he went on. Do not forget that, as far as the trade unions are concerned — they have been upfront about it — such an exercise is designed to delay. If it delays, well and good. They feel that they have done their job. However, the delay in terms of the cost to public services here in Northern Ireland would be quite dramatic.

A number of Members raised the issue of the age of retirement for firefighters. I think that nearly every Member who spoke talked about it. There has been a nationally revised offer to firefighters that will make a difference in calculating their pension and, therefore, access to their pension after the age of 55. That may well help to deal with some of the issues. I do not know all the details, but I know that a revised offer has been made recently to them that would increase the access to their pension. Of course, as Mr McCallister pointed out, it may well be that we will also have to look at what happens to firefighters when they reach that age and have to go through the physical rigours of normal Fire Service duties. Can other jobs be found for them, such as fire prevention or whatever? Do you weigh the jobs towards the older members? I accept that there is a challenge there for the Fire Service. However, that does not take away from the general issue of the Bill.

Mr Girvan talked about the discussions with the trade unions and the consultation with them. We have engaged with the trade unions over the period and will continue to do so. This is not about negotiating with them; this is about consulting them on a policy. You do not negotiate with trade unions on a policy that is being followed by the Government, and we will continue to engage with them.

I now come to Mr Durkan. I know that the SDLP is always looking for an opportunity to poke the main parties in this Assembly in the eye. That party especially loves taunting Sinn Féin by saying, "We are more socialist than you are. We are redder than you are." The only redness about Mr Durkan after that speech ought to be his face. I just want to go through some of it. He said that the SDLP is implacably opposed to this attack on workers' rights and that it is a shame and disgrace that I should be coming to the Assembly to push this legislation through at this particular time. He said that I conveniently produced figures that made this an even greater horror story, as if I went over to GAD in London and asked it to fix the figures so that I could go and scare the devil out of Assembly Members.

Mr Hamilton: We would have put the figures higher.

Mr Wilson: The Member says that from a sedentary position, and he is right. If I had been out to scare you, I would have made sure that there was hundreds of millions of pounds more. This is done by the Government Actuary's Department. The figures were not produced conveniently. They were produced at the request of the Committee, and they are here for full public scrutiny.

Mr Durkan cannot even get it right. He talked about the SDLP being particularly opposed to the retrospective nature of this. Had he listened — I think that he was here, unlike Mrs Cochrane, who has apologised for not being here at the beginning of my speech, and I accept her apology; she probably did not miss a great deal anyway — he would know that this is not being applied retrospectively. In fact, any benefits that have been accrued under the existing scheme will be protected, and anyone who is within 10 years of retirement will stay part of the existing arrangements. So if he is going to attack me for bringing something forward to this Assembly, he should get his facts right before he does.

He talked about teachers being disillusioned and demotivated — I was disillusioned and demotivated after listening to him — because they will have to teach until they are 65. Again, if he had done his homework on this, he would know that the retirement age for teachers has been 65 since 2006-07. That is already in place, and it is the same with a whole range of the public service, under the nuvos arrangements now.

The best part about it was when he said that the SDLP would oppose Sinn Féin and the DUP in their fight against public sector working. They are implacably opposed to this, they will not have it and they will seek a better deal. Well, maybe before he wrote that part of his speech, he should have spoken to his party colleague who is the Minister for the Department of the Environment. As I made it clear, one scheme has to be in place before 2015, and that is the local government pension scheme. Who is responsible for the local government pension scheme reform? None other than Mr Attwood, who happens to be a member of the SDLP. Indeed, Mr Attwood has already given me an assurance that there is no issue and the local government reforms will be introduced in advance of the main schemes. What will those changes to the local government pension scheme include? They will include and will fully comply with the regulations of the legislation that is going through the Assembly. So, we now find that, from being implacably opposed to the career average and to linking the scheme with the change in pension age, the Member's party and his Minister are assuring us that reform of local government pension schemes will be in place by April 2014 and will include the core provisions of the Bill.

1.00 pm

I am sure that the Member has written his press release for the local paper. Perhaps before he does so, he ought at least to consider the facts in the Bill and what his party is committed to doing with the pension schemes for which it is responsible. Maybe then we will get a bit more sensible debate in the Assembly rather than rhetoric for a cheap press release that gets a headline for a day: "We are the goodies, and the rest of that crowd in the Assembly are the baddies, wanting to rob you of your pension and everything else", without really considering where we are going with this.

SDLP Members will probably vote against the Bill, because they know that they can do so in safety. They can hide behind the fact that they are a small party. I have to say this about Mr

McCallister; he could have taken the same stance. It would have cost him nothing to take a cheap shot during the debate. The Alliance Party and the Ulster Unionist Party could have done the same, knowing that the Bill would be carried through by the two main parties. However, I think there has been a degree of realism around the Chamber that we cannot go on with the existing arrangements and that if we were to do so, there would be penalties involved that would have an impact on the public purse.

I said that Mr Cree accepted the need for reform — as did Mrs Cochrane and Mr McCallister — and I appreciate the points that he made. There will be details during the scrutiny of the Bill, and I expect nothing less from the Committee but that it goes through the Bill in detail. Then, there will be an opportunity for the Assembly, and for a number of its Committees, to discuss, after April next year, the detail of the regulations for the schemes that will be brought forward by the respective Ministers.

I have said that there will be opportunities for variation within the regulations for each scheme, even from what exists in other parts of the United Kingdom. About 80% of the opportunities will be around those regulations, and provided that it is done within the general principles of the enabling legislation, which we are talking about now, and within the funding envelope, there will be opportunities for variations to be made. That is where a lot of the discussion and detail will need to be looked at by Members.

I commend the Bill to the House and ask for support for the Second Stage.

Question put.

The Assembly divided:

Ayes 75; Noes 11.

AYES

Mr Allister, Mr Anderson, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr G Kelly, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McCallister, Mr F McCann, Mr McCarthy, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCreagh, Mr I

McCrea, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr McQuillan, Mr Milne, Lord Morrow, Mr Moutray, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs Overend, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Ayes: Mr Girvan and Mr McQuillan

NOES

Mr Agnew, Mr Byrne, Mr Durkan, Mr Eastwood, Mrs D Kelly, Mr McDevitt, Mr McGlone, Mrs McKeivitt, Mr A Maginness, Mr P Ramsey, Mr Rogers.

Tellers for the Noes: Mr Eastwood and Mr Rogers

Question accordingly agreed to.

Resolved:

That the Second Stage of the Public Service Pensions Bill [NIA 23/11-15] be agreed.

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

Licensing of Pavement Cafés Bill: Second Stage

Mr McCausland (The Minister for Social Development): I beg to move

That the Second Stage of the Licensing of Pavement Cafés Bill [NIA 24/11-15] be agreed.

Many of our town and city centres are beginning to develop a cafe culture. Well-managed pavement cafes can add vibrancy to the street scene, increase footfall, boost tourism and contribute to urban regeneration. However, arrangements must be put in place to ensure the controlled expansion of the sector. That is why I am introducing a statutory licensing scheme.

The Bill was drafted after a public consultation, which showed overwhelming support for a statutory scheme. If passed, the Bill will bring Northern Ireland into line with the rest of the United Kingdom, where local authorities have responsibility for licensing pavement cafes.

Under the licensing scheme, owners of relevant premises, such as cafes, restaurants and bars, will be able to seek permission from their district council to place tables and chairs in suitable public areas for use by their customers. In developing the scheme, my objective was to design a licensing framework that gives councils a degree of discretion over premises that may be authorised and licensing conditions to be applied, while avoiding red tape and minimising licensing costs.

It may be helpful to Members if I spend a few minutes outlining the key provisions in the Bill. The Bill provides district councils with licensing and enforcement powers. It places the onus on a council to grant a licence, unless any of the grounds for refusal, which are specified in the Bill, apply. Councils will be able to impose a range of licence conditions and may vary, suspend or revoke the licence in certain circumstances. At their discretion, councils may charge a licence fee to cover the actual costs of administering the scheme.

I have included a number of safeguards in the licensing regime to ensure that any proposal for a pavement cafe is appropriate to the surrounding area. Applicants will be required to fix a notice to their premises stating that an application for a licence has been made, and there will be opportunities to voice objections. When new applications are being considered, the district council will be required to consult with Roads Service.

Consultation with the PSNI will be required where the associated premises has a pub licence. Where alcohol consumption is permitted in the pavement cafe area, relevant conditions of the licensing law will automatically apply. Consultation with those authorities will ensure that any implications for vehicular traffic or pedestrians, public safety issues and environmental impact are properly taken into account.

I turn now to enforcement. The Bill creates three new offences that will be prosecutable by district councils through a Magistrate's Court. The new offences being created are: operating a pavement cafe without a valid licence; intentionally obstructing an authorised person in the execution of his or her duties; and making a statement, known to be false, in connection with an application. Those offences will be punishable, on summary conviction, by a fine of up to £1,000. In addition, councils will have the power to inspect premises in connection with an application and will be able to remove facilities at any pavement cafe operating without a licence.

As councils will have the discretion to impose a wide range of licence conditions, I am not proposing to create an offence for breach of a licence condition. However, councils will be able to vary, suspend or revoke a licence in specified circumstances. Appeals against licensing decisions will be heard by a Magistrate's Court.

Subject to the successful passage of the Bill, district councils will, thereafter, need some time to complete the preparations necessary to administer the new licensing scheme. Therefore, the main provisions of the Bill will come into operation on a date appointed in an order made by my Department, following liaison with district councils.

Leaving aside the vagaries of our weather, over which we have no control, I recognise that the efforts of business owners and local councils will be critical to the successful development of a cafe culture. I believe that the licensing requirements in the Bill provide the right balance in promoting a cafe culture, while ensuring that applications are sensitive to the needs of street users and the surrounding area.

Mr Brady (The Deputy Chairperson of the Committee for Social Development): Go raibh maith agat, a LeasCheann Comhairle. The Committee welcomes the introduction of the Licensing of Pavement Cafés Bill for Second Stage consideration and thanks the Minister for bringing it to the Assembly.

Officials from the Department briefed the Committee on the purpose and contents of the Bill very recently, and it is fair to say that the Committee welcomes the general principles of the Bill. We all realise the pressures that town centres have been under, with vacancy rates for retail space here in the North running at about one in five. Our town centres appear to be in decline, and we need initiatives to halt that decline and to revitalise those key economic areas.

The pavement cafes Bill is the latest in a number of initiatives that the Department has brought forward, and it focuses on the hospitality sector, giving another incentive to develop business opportunities and increase trade.

A LeasCheann Comhairle, Members will be aware that the Committee for Social Development recently considered the Business Improvement Districts Bill, the draft regulations of which are out for consultation. That Bill hands the power to traders to develop

proposals to improve their business areas in order to increase footfall.

Indeed, there is sound evidence from other jurisdictions that the establishment of BIDs does provide benefits. We hope that that will be the case here.

Recently, the Committee also held meetings in Ballymena and Coleraine and focused on the work in those council areas to revitalise their town centres. The Committee has been very impressed with the level of commitment by council officials and retailers and their partnership working with the Department in those areas. Indeed, it is evident that partnership working is absolutely key if we are to turn round the fortunes of town centres. Having heard from council officials, traders and bodies, such as the Independent Retail Trade Association, we have come to realise that the sustainable revitalisation of town centres will depend on their becoming multidimensional spaces, incorporating not just retailers, but recreation, entertainment, accommodation and the wider business sector. The Pavement Cafés Bill provides an added dimension to help to facilitate that.

The Bill is required for a fundamental reason, namely that there is currently no legislation in place to regulate that activity. The Committee heard that Roads Service adopts a "toleration policy" towards existing pavement cafes as long as they do not compromise public safety or hinder the movement of pedestrians. However, it considers that to be a temporary measure that is not considered realistic in the medium to longer term.

Comparable legislation exists in other jurisdictions to regulate pavement cafes through a statutory licensing scheme that is run by district councils. It appears appropriate to the Committee that a similar scheme should be developed here.

In discussing the legislation with officials, the Committee queried the definition in clause 1 of "a public area" to mean:

"a place in the open air -

(a) to which the public has access, without payment, as of right".

That suggested to some members that a cafe owner might set up a business some distance from the cafe; for example, in a public square or park. However, the Committee was informed that the Bill gives councils discretion in clause 4(2)(a), in the granting of licences, to determine

whether the public area is suitable or not for a pavement cafe. I am sure that that is an issue that the Committee will return to in its future consideration of the Bill.

The Committee also noted in clause 4(2)(d) that a council could refuse a licence if the applicant had had a previous licence revoked. It seemed that that could result in the indefinite refusal of a licence — one strike and you are out. However, the Committee also noted and welcomed the provision of an appeals mechanism in clause 21 where an application has been turned down or a licence revoked. Again, I think that we will hear comments on that issue as we engage with stakeholders.

The proposed legislation will, therefore, formally regulate pavement cafes and require a person who operates such a business to obtain a licence. The Committee queried the potential costs of such a licence given that the toleration policy that is currently exercised does not incur costs for businesses. The Committee was, however, assured by officials that costs would be set at a level that would allow councils only to recover their administration costs, as noted in clause 12. The clause also places a requirement on councils to publicise their fees and make available the details of how they were calculated. Such transparency is important if traders are to buy into the need for a licence fee. The Committee will continue to query that as it takes evidence during Committee Stage. It is important that councils take a consistent approach on the cost of the licence.

One general concern that the Committee had was the potential implications of pavement cafes for those with disabilities, particularly if there is expansion of pavement cafes. Committee members met representatives from RNIB and were made aware of the inconvenience and potential distress that could be experienced by partially sighted individuals when presented with unfamiliar obstacles on journeys with which they are usually familiar. I attended that briefing, LeasCheann Comhairle, and found it very informative. It gave Committee members a very good insight into how people with such disabilities cope daily. Although the Department informed the Committee that councils will have autonomy to select which representative groups they consult with regard to the establishment of pavement cafes, it is the Committee's view that it is important that groups that represent people with disabilities are consulted. It is certainly the Committee's intention to do so during its detailed consideration of the Bill.

Having put those concerns on record, I would like to reiterate the Committee's support for the Bill and the potential positive implications that it has for town centres. The Committee looks forward to scrutinising the Bill in more detail over the coming months. Go raibh míle maith agat.

1.30 pm

Ms P Bradley: As a member of the Social Development Committee, I welcome the opportunity to speak on the Second Stage of the Licensing of Pavement Cafés Bill. Any initiative that improves businesses in our community has to be welcomed. In most of Europe, pavement cafes, in designated pedestrian areas, are almost a part of life. I agree that the current ad hoc tolerance arrangements cannot continue and that many towns in Northern Ireland already have a bustling cafe culture that continues to rise.

One of my main concerns about the Bill is about licensing. I welcome the fact that the Bill will be subject to the licensing laws already in place. I am also encouraged by the fact that, under the scheme, businesses will be obliged to insure the areas where their furniture is situated and that councils will have the authority to enforce a range of powers and conditions.

It is appropriate that councils have the lead role under the Bill due to their extensive local knowledge. From my time as a local councillor, I feel that councils are the first agency that local people approach when they are concerned about something happening in their area. As such, councils are in the best position to provide feedback to the officer responsible for deciding on the suitability of such a feature in a particular area.

I agree with providing flexibility in the charges that businesses will face under the scheme, as that may enable councils to attract businesses to their area.

I represent a particular area in which there are a large number of businesses in the catering trade. Indeed, it would be difficult not to find somewhere to eat in Glengormley. However, I have heard from other businesses that are concerned that the pavements will become cluttered and that their patrons will be unable to get to them. Nevertheless, I am confident that the provisions in the Bill should decrease the fears of local traders and, indeed, increase footfall and give a boost to many of our town centres.

I support the general principles of the Bill.

Mr Durkan: I support the passage of the Licensing of Pavement Cafés Bill. The Bill will create opportunities for our local economy and complement the development of towns and city centres, which the Minister and the Department are keen to bring forward.

Although the SDLP welcomes the benefits that the licensing scheme will have on the broader economy, we feel that it is important that we get the legislation right and assure local traders that the new scheme will serve their interests rather than inhibit trade.

Some local cafe owners in my constituency, albeit very few, have flagged up concerns about the cost that will be attached to the licensing fee, in particular. I accept that placing a fee on traders who have been able to trade freely on pavements for some time without incurring any charge can be discouraging. However, traders who have taken such steps to date have done so at their own risk if the land is not their own, and this could cause —

Mr F McCann: Will the Member give way?

Mr Durkan: Certainly.

Mr F McCann: Over the past number of years, cafe culture, and especially pavement cafe culture, has become important, with growing numbers of people involved in it. However, some of the difficulties —

Mr Deputy Speaker: I encourage Members to address the Chair to ensure that their comments are picked up by Hansard and that everyone can hear them.

Mr F McCann: Sorry.

In the past, the difficulty has been the attitude of other statutory authorities, and I think that you need to get that right. Although the Department for Regional Development (DRD) has some flexibility, it can be fairly rigid in its approach to such things.

What is also important is the type of furniture that is used outside. It is no use just saying, "You can put tables and chairs outside". For that to mean anything to any city, the furniture has to be uniform and well arranged. The difficulty is not just the additional cost of a licence; there needs to be regulation to ensure that if people take up the licence, they will also invest in the type of furniture required.

Mr Durkan: I thank the Member for his intervention, and I take on board and agree with

what he said. The licensing scheme should not in any way disadvantage traders. The Department should look at that as well, even if it means providing some sort of small grant. I suppose that councils could look at it as well, in order to assist traders set up their pavement cafes, as they are, as I indicated earlier, so important to the local economy and the vibrancy of towns, villages and cities.

I spoke about the lack of a current scheme and the current situation whereby people are free to have furniture outside. Mr McCann quite rightly pointed out the difficulties that that presents for statutory agencies and the difficulties that statutory agencies present for traders. Some are more flexible than others, but this legislation should bring a greater degree of consistency to how pavement cafes are approached. The benefits of pavement cafes have been seen right across the North in recent times, not least in my own constituency. Derry, the City of Culture, has been transformed with outdoor seating areas at cafes and restaurants, opening the city up and really adding to its vibrancy. While we recognise the growing role of pavement cafes, it is vital that protections afforded to the public and to traders are given a statutory footing. What is also imperative is that any arguments raised by traders who are concerned by the legislation are listened to, and that we work to address them.

While this legislation gives the power to local councils to impose a fee, it is not necessary for a council to do so. It is entirely dependent on their resources and their moulding of the scheme. It is therefore our duty as legislators to make these powers mutually beneficial for the council to administer and the traders to prosper. It is in this vein that we welcome the fact that a fee limit will be placed on all councils and that there will be stipulation in the Bill that councils may not profit from any fee. Councils will also be required to justify their fee and ensure that it is cost-neutral. The SDLP is supportive of these controls being protected in the legislation in order to ensure balance around the licensing fee. It is our duty, once this enabling legislation is passed, to work alongside the Department and councils to ensure the guidance brought forward is not too onerous either on councils to administer or on traders seeking to avail themselves of the scheme.

The Bill gives powers of inspection and enforcement to councils so that they are able to revoke a licence or enforce a fine for operating without a licence; resisting or obstructing an authorised officer in the execution of their duties; and/or making a false application.

Councils will decide whether a pavement cafe design is appropriate for an area and will be able to refuse an application if it does not comply with due procedure. While these powers lie with councils, the SDLP welcomes the fact that an appeals process will exist for applicants, who will be able to appeal directly to a Magistrate's Court if they think that the council's decision is wrong. These procedures in the Bill are a welcome balance. Again, it is very important that we work with departmental officials in the production of the guidance for councils to ensure that fairness and balance is promoted throughout the administration of the scheme in its various locales.

The SDLP supports the passage of this Bill to the next stage and welcomes the benefits that the licensing of pavement cafes will bring to local traders and retail areas. We recognise the benefit that the licensing scheme will have for the local economy, and we are eager to ensure that we get it right. We will probably bring forward amendments at the next stage, should the Department not suggest any changes to the Bill before then.

I am particularly concerned at the removal of the duty on councils to consult with Planning Service before approving any licence. I fear that might result in some kind of vacuum of planning assessment, should this Bill be passed before the transfer of planning powers to councils post-review of public administration (RPA). I am sure that this is not a deliberate attempt to disempower the Planning Service; no such thing would ever happen in this House. We will therefore seek assurances from the Minister that no such vacuum will occur, otherwise we will bring forward amendments to the effect that the statutory planning authority, whoever that may be, is a consultee.

I raised concerns in Committee, which Mr Brady, the Deputy Chair, echoed today, about the problems for those with visual impairments and disabilities accessing and, if truth be told, avoiding pavement cafes. Greater consultation with such groups will ensure their safety and make for more appropriate schemes. Therefore, it is our contention that, because of the scale of the legislation and its impact on local areas, an obligation should be placed on councils to consult such stakeholders before any scheme guidance is issued. We hope to explore that further in Committee.

We support the Bill.

Mr Copeland: I speak as a member of the Committee for Social Development. Mr Mickey Brady, in giving the report on behalf of the

Committee, covered pretty much all the points that I would have sought to raise. I congratulate the Minister on finally bringing these proposals before us.

It is important to realise that, although it is a wonderful idea, no matter how you try to regulate or encapsulate such an idea in legislation, something comes out of the woodwork subsequently that was not thought of or considered. I have a couple of points based largely on my limited experience of pavement cafes and outside restaurants elsewhere in Europe. I ask the Minister to consider taking note of the positioning of fire hydrants etc on footpaths. I remember a holiday some years ago in Spain, when there was a fire, and it was discovered that a large concrete planter was over the top of the fire hydrant. As it was Spain, it did not take long to shift it, but there are little nuances.

I also ask that we give consideration to balancing the rights of those who wish to enjoy tobacco and currently cannot do so within the confines of an enclosed working space, and those who do not wish to enjoy tobacco but may find themselves sitting beside a table of people who, like me, smoke rather too much. Such things need to be taken into account.

I raised this question at Committee but have not yet received a satisfactory answer: as I understand it, and if my memory serves me correctly, two value added tax regimes affect hot food bars, particularly the likes of fish and chip shops that have a sit-in section and a serve-at-the-counter section. It might be an idea to give advice and guidance to councils when they are licensing premises, as they will, so that someone does not find, 18 months later, that they have been quite happily selling away when they should have been charging value added tax on the portion of their product sold outside.

My grandfather had a great saying: licensing is the wee brother of taxation. I wonder whether the Minister has had any discussions with the Minister of Finance and Personnel. By licence, businesses will capitalise, for want of a better word, on fairly substantial areas of public footpath, which is public property. In some of the ones that I have been in on the continent, the outside area, given the size of the footpaths, can exceed the internal dimensions of the premises. I wonder whether any move will come from the Minister's colleague the Minister of Finance and Personnel to recoup rates income from that use of public realm property and whether we need to give some consideration to that at this stage. However, I

welcome, in the main, the legislation and look forward to discussing it more fully in Committee.

Mrs Cochrane: I, too, welcome the opportunity to speak at this stage of the Bill. I will probably repeat many points that have been covered in a lot of detail.

The al fresco cafe culture is becoming a popular attraction in towns and cities across Europe, and it should be encouraged in Northern Ireland to further promote our great hospitality industry. A pavement cafe that is well designed, well located and fits with the local area can add value by increasing the use and vibrancy of a street and creating a feeling of well-being. Although we may not always have the weather of other European destinations, that should not prevent the initiative being successful. Indeed, having been to Berlin in October, I can confirm that it is not just the sunny weather that brings people to the squares and pavement cafes there to enjoy food and drink. They have developed a red blanket culture with outdoor heaters that has most cafes booming even in the coldest of temperatures.

1.45 pm

Businesses can increase trade through pavement cafes not only for their premises but for other businesses in the area by attracting visitors and shoppers. Indeed, established traders' associations, such as the Ballyhackamore Business Association in east Belfast, have begun to plant strong seeds of communal development and co-operative improvement. The business improvement district legislation will also strengthen such initiatives. Ballyhackamore village has a number of excellent bars and restaurants, and I would welcome the introduction of licensed pavement cafes to help it to become an even more vibrant destination and to encourage those who live in the area to put their money where their house is.

Although we recognise the economic benefits and the enhancement of the street scene that these schemes can provide, it is important that they are well designed and set out and do not impinge on safety or inconvenience pavement users. The legislation must ensure that disabled, blind or visually impaired people's needs are taken into account. As Mr Copeland said, smoking in public places may also need to be considered.

There is no doubt that this legislation will remove the current confusion about outdoor

seating areas and licensing requirements. It will allow us to ensure that these facilities will be provided to the highest possible standards without any detrimental effect on the community as a whole. I support the Bill's general principles.

Ms Brown: I welcome the Second Stage of the Bill. The Minister promised to introduce the Bill last May, so I am pleased to see its entrance in the House today.

The Roads (Northern Ireland) Order 1993 makes it unlawful to cause an obstruction to a public footway such as those outside local cafes, bars or restaurants. Currently, Roads Service can enforce the unlawful occupation of a road surface if activity restricts the free flow of pedestrians or vehicles or compromises public safety. As has been stated, Roads Service currently operates a toleration policy for pavement cafes, but that is regarded as a purely temporary arrangement.

The Bill seeks not only to clarify the situation regarding the use of pavements but to give local cafes, bars or restaurants the opportunity to legitimately use the pavement for the purposes of their businesses. Although that might all sound a little tedious, it is not only important to clarify and legislate for the existing practice, which Roads Service has tolerated to date, but to ensure that businesses can secure the legal permission to allow customers to sit outside their premises.

The Bill's other hidden benefit is that it will bring Northern Ireland into line with other parts of the United Kingdom and, indeed, with other parts of the world. Opening up public spaces in an urban environment has the potential to attract new customers and to contribute to a cosmopolitan atmosphere that is associated with most town and city centres in other parts of the world.

Although we in Northern Ireland may be the victims of a very mixed and often confusing climate and are, therefore, not always able to benefit from the outdoors, I believe that this legislation and a respective licensing scheme will provide many visible benefits to town and city centres across the Province. Benefits include encouraging people to come out from inside street cafes, bars and restaurants and on to the street, which will add to the hospitable, attractive and vibrant environment.

Since taking office, the Minister has sought to reopen our high streets across Northern Ireland and to revitalise a once vibrant and important part of the local economy. Business

improvement district schemes, the legislation for which received Royal Assent in March, coincide with this Bill and the redevelopment of our town centres and local high streets. Therefore, I regard the Bill as a success story for local high streets across Northern Ireland, and I call on everyone in the House to support a speedy passage so that the benefits can be felt on the ground.

Mr F McCann: I made a point to Mark earlier about this. When I was in Belfast City Council, I was a great fan over many years of the creation of a cafe culture. Whenever you travel through Europe, you pick up on the benefits that it could have for the local economy.

Although you need to take a firm approach to the regulations or legislation, you also need a flexible approach to work with the many businesses involved, which Mark touched on. You also have to find a happy medium that enables you to work with groups that deal with people with disabilities. If there is a meeting of minds between all those groups, there can be a speedy move to create a cafe culture across the North.

I tried to touch on this point earlier. There were difficulties in the past when it was illegal because Departments had a flexible approach to certain types of shops but had a fairly inflexible approach when it came to the type of cafe culture that we are talking about.

This should not be dealt with in isolation. There were some problems around how DRD dealt with this, and there are problems in councils. If people are being unreasonable in their demands — I am talking about Departments — about how this should be moved forward, we need to encourage them to reach a speedy resolution. In some cases in the past, delays led to people losing faith in the process, and they were not able to provide a product to customers.

I fully support the Bill. In many towns and cities, we are coming of age, and the cafe culture will add to that. It will certainly add to the tourism product that we are trying to push to get people here.

Mr Douglas: As a member of the Committee for Social Development, I welcome the opportunity to speak in the Second Stage debate. I thank the Minister for bringing the Bill forward. I declare an interest: my son runs a pub in Belfast with an associated cafe.

I am old enough to remember the bad old days in Belfast, when there were very few cafes and, in fact, very few restaurants. We now have huge growth across Northern Ireland, and, in Belfast, there has been huge growth in the number of cafes and street cafes. Last weekend, I went out for a cycle at 7.30 am. I sat at a street cafe with my coffee, connected to Wi-Fi and was in touch with my son and grandson in New Zealand. I just thought, "This is heaven". To me, that shows the importance and the attraction of cafes in Belfast.

We talk about the councils taking on these cafes, and it is important that they are well managed. I could take you to another cafe in Belfast that has lots of tables and chairs, but there is a phone box beside it, which means that there is little access for families with prams, people with disabilities or, in particular, people who are visually impaired. The Minister should also remember cyclists, because they also use footpaths, some of which are designated. I know that Mark is looking at me in wonder. Some of the roads are dangerous for cyclists, so let us think about that as well.

I pay tribute to DSD for its investment in the public realm, which I see when I look at what is happening in Belfast. When I look at my own constituency of East Belfast, I see the fabulous job that it has done in the reconstruction of certain areas. This is a huge investment that will help the whole cafe infrastructure.

I am confident that the local councils will step up and look at Belfast City Council and its support for business, including the recent history of the Backin' Belfast campaign. I know that the councils will loom at this and wonder how much it will cost. My research shows that, in England, there is great disparity in the costs that councils charge cafes.

Overall, it is a great Bill. There is tremendous consensus for it, and I certainly support it.

Mr McCausland: I thank all the Members who contributed to the debate, and I will turn to some of the issues that they raised.

Mickey Brady started by recognising the pressure on our town centres and noting that this was one of a number of initiatives, including BIDs, to improve the viability of town centres.

Mark Durkan raised a couple of points, one of which, in fact, he then answered. He said that traders had raised the issue of costs but then said, quite rightly, that it is a matter for the local authority. I am sure that in his case, since it is the city council up there in Londonderry, he will

ensure that his members, friends and colleagues on the council will encourage whatever the fee may be in Londonderry to be as modest as possible. As regards the amendment that he spoke of and whether councils will be required to consult Planning Service on new applications, the answer to that is that no permanent or semi-permanent structures will be permitted at a pavement cafe, so planning permission is unlikely to be required. Councils should, however, consult Planning Service in relation to new applications. The placing of advertising boards, barriers or umbrellas would be a matter for Planning Service.

Michael Copeland raised the issue of —

Mr Durkan: Will the Minister give way?

Mr McCausland: OK, very quickly.

Mr Durkan: Thank you very much, Minister, for giving way. It is just that, when we received the evidence to Committee on this recently, my understanding was that that obligation to consult Planning Service was being completely removed from the Bill.

Mr McCausland: Yes, the statutory requirement for consultation with Planning Service has been dropped in anticipation of the function transferring to councils under local government reform. I understand the point in regard to an interim period, but his colleague is pressing ahead so well with the transfer of powers to local government that I am sure that we will be there in good time.

Michael Copeland raised the issue of smoking. Smoke-free legislation will not apply to pavement cafes, so smoking would be possible since it is the open air. In smoking legislation, public premises that are enclosed or substantially enclosed must be smoke-free, but pavement cafes fall outside that definition. However, he was getting at the point that I would encourage councils and cafe owners to take steps to create non-smoking areas, which would address that issue. He touched on taxation, and some people might ask whether hot food supplied from takeaway premises to a pavement cafe will be liable for VAT. That would be a matter between the operator and HMRC. Generally, the licensing scheme regulates the placing of tables and chairs on the pavement. The preparation and supply of food to customers at a pavement cafe would be subject to relevant food safety and tax laws.

I think that those were the main points that were covered. Judith Cochrane gave an excellent promotional advertisement for the attractions of east Belfast and was generally supportive of the Bill, as were the other contributors. We will all now be left with a picture of Sammy Douglas on his bicycle on a Saturday morning. If points were raised that I have not touched on, we will look over that and write separately to the relevant Members.

I am pleased with the general support for the Bill across the Assembly. I look forward to engagement with the Social Development Committee and Members of the Assembly on the detail of the licensing scheme as the Bill progresses through its remaining stages. I commend the Bill to the Assembly for approval.

Question put and agreed to.

Resolved:

That the Second Stage of the Licensing of Pavement Cafés Bill [NIA 24/11-15] be agreed.

Mr Deputy Speaker: I invite Members to take their ease for a few moments until the next item of business, which will be Question Time.

2.00 pm

Oral Answers to Questions

Enterprise, Trade and Investment

Mr Deputy Speaker: Questions 3, 6, 13, 14 and 15 have been withdrawn and require a written answer.

Economic Recovery: Marginalised Communities

1. **Mr Milne** asked the Minister of Enterprise, Trade and Investment for an update on measures to ensure that marginalised communities can fully benefit from economic recovery and economic growth. (AQO 4383/11-15)

Mrs Foster (The Minister of Enterprise, Trade and Investment): The Executive are seeking to enhance our economic competitiveness as the means to increase employment and wealth by building a larger and more export-driven private sector. The Programme for Government clearly states that the objective behind rebalancing the economy is to improve the wealth and living standards of everyone. We published the economic strategy in March 2012. However, we recognised that we needed to take further action. The subsequent employment and jobs initiative set out a range of additional short-term measures to provide support to people impacted by difficulties in the labour market, businesses facing challenges in key markets and infrastructure investment to support the construction sector.

Mr Milne: Go raibh maith agat. I thank the Minister for her answer thus far. Does she agree that brand Ireland is respected throughout the world and that we have a unique position in that St Patrick's Day, along with the Chinese new year, stands out as an event that is globally recognised or celebrated? How does the Minister propose that we maximise the opportunities of our unique position?

Mrs Foster: We have a unique position, and I was pleased to see the way in which brand Northern Ireland went across the world last week during the G8 summit. May I say how proud I was of the very fact that we showed Northern Ireland at its best and we had the most peaceful summit in the history of G8 summits? That is something that we should be

very proud about, as well as the fact that it gives us standout across the global market. One of our difficulties from the past has been the fact that, when people think of Northern Ireland, they do so in a particular way. They think about difficulties with safety and security, even though we know that, according to the police statistics, Northern Ireland is one of the safest places to live in the world. I think that the G8 will have done so much good in relation to those safety and security issues over those two short days last week, and I am very pleased that brand Northern Ireland will go out across the world in a very positive way.

Mr I McCrea: Part of the initial question related to economic recovery and growth. Will the Minister provide the House with an update on the jobs fund and, in particular, how that impacts in the mid-Ulster area?

Mrs Foster: As the Member knows, the jobs fund was launched back in April 2011. I happen to think that the jobs fund has been a very successful element of dealing with the downturn and rebuilding the economy. Between 1 April 2011 and 31 March this year, the jobs fund has promoted over 5,000 jobs, against a target of 4,333, and has created — I know that this is the figure that many Members are interested in — nearly 2,700 jobs, against a target of 2,395, which represents a conversion rate of over 50%. That is a very good conversion rate.

In respect of mid-Ulster, there are currently 56 jobs fund business investment projects at various stages of development. If they all come to fruition, they should lead to the creation of an extra 637 new jobs, 294 of which have already been created. I do not have all the figures in front of me, but I think that mid-Ulster is doing very well in respect of the jobs fund. Obviously, we are pleased about that.

Mr Dallat: I thank the Minister for her answer. She has my full support in attracting inward investment and economic growth. However, does the Minister agree that, at this time, there are more people in marginalised situations who will not benefit by that and that a bill of rights, supported by the Executive, would be a way forward?

Mrs Foster: No, I do not; absolutely not. We would be putting more restrictions on employers instead of freeing up their ability to employ more people. I actually —

Mr McDevitt: *[Interruption.]*

Mr Deputy Speaker: Order.

Mrs Foster: If the Member wants to say something, I would rather that he said it out loud to the House.

Mr Deputy Speaker: Order. The Minister has the Floor.

Mrs Foster: If the Member wants to ask a question he should go about it in the proper fashion like everybody else.

In respect of the actions that we have taken in creating more jobs, I think that the jobs initiatives that we took towards the end of 2011 and, indeed, the jobs fund in all its forms, whether it is through creating more jobs or making sure that we use technology better, and all the other parts of Boosting Business have created more jobs. That has happened right across Northern Ireland, including in those marginalised areas, and we are pleased that that has been the case.

Rugby World Cup

2. **Mr Rogers** asked the Minister of Enterprise, Trade and Investment what action she has taken to advance the IRFU's bid to host the Rugby World Cup in 2023 or 2027. (AQO 4384/11-15)

Mrs Foster: I have supported a feasibility study being undertaken by the IRFU. The Minister of Culture, Arts and Leisure and I will meet the IRFU to discuss the feasibility study. At this stage there is no way of knowing whether a bid will be submitted or whether it will be successful.

Mr Rogers: I thank the Minister for her response. The Rugby World Cup would be a fantastic tourism opportunity for us. I did not catch whether she has already discussed this with the Minister of Culture, Arts and Leisure.

Mrs Foster: Yes, I have discussed it with the Minister of Culture, Arts and Leisure. A feasibility study is under way, part of which was to ensure that we had a number of grounds right across the island, so that it would not be concentrated in one part of the island. Obviously, if we in Northern Ireland are going to commit ourselves to this bid — I hope we do — we need to make sure that we get value for the money that we put into the bid.

Part of that was to ask the GAA whether we would be able to use its stadiums, and I am

pleased to tell the House that that has been given the go-ahead. Therefore, if in the right circumstances we put a bid in for the 2023 World Cup, we will be able to see it right across Ireland, including Northern Ireland, and we will be able to make sure that we get the appropriate number of games up in this part. We did not want to see them all concentrated in Dublin.

Mr Dunne: I thank the Minister for her answers. Can she give us an update on the planned route for the Giro d'Italia next year?

Mrs Foster: I know that there is much discussion across Northern Ireland on where the Giro d'Italia will go. The Tourist Board and I are keen to make sure that as much of Northern Ireland as possible is showcased, but, of course, that depends on the feasibility as judged by RCS Sport, which controls this huge event.

We have engaged a group that includes local authorities. The group met for the first time on 11 April 2013, with a number of local authorities. The exact route has yet to be finalised, and I know that we will all look forward to that announcement, which will be towards the end of the year. Right across Northern Ireland, regardless of where the route is, it will have a huge impact. We expect around 140,000 tourists to come to this event, which is not to take away from our domestic tourists or the civic pride that will be left as a legacy of such a big event.

Mr Copeland: I thank the Minister for her answers thus far. I presume that she will agree that the potential benefits that would flow from hosting the World Cup at a redeveloped Ravenhill would be significant. Can she assure us that she will, therefore, commit to fully considering and supporting any bid from the IRFU that may come forward in the future and ensure that it strikes a balance between the rights of those who live in the area around the stadium and the pursuit of sport?

Mrs Foster: Of course the Minister of Culture, Arts and Leisure takes the lead on that, but I am pleased to say today that the RaboDirect launch will take place at Ravenhill in late August. That is an indication of the importance of Ravenhill. I am pleased to see the redevelopment proceeding. The fact that we will now have a capacity of 18,000 will mean that we will be able to host RaboDirect finals in the future. There will be many rugby fans who will be pleased about that. The RaboDirect launch is happening at the end of August. We

are pleased to be hosting it, and we look forward to Ulster getting a good pool and moving forward to that all-important final again.

Manufacturing: Mid-Ulster

4. **Lord Morrow** asked the Minister of Enterprise, Trade and Investment for her assessment of the manufacturing sector in mid-Ulster. (AQO 4386/11-15)

Mrs Foster: Manufacturing is vital to the economy of the mid-Ulster region. It accounts for a quarter of all employment, and, although it has suffered as a result of the prolonged recession, we are beginning to see an upturn in the engineering and construction-related products sectors. That suggests that buoyancy is returning to the market.

Invest NI has been working closely with manufacturing companies in mid-Ulster and across Northern Ireland, encouraging increased investment in research and development, focusing on developing a sales base outside of Northern Ireland and helping them to develop their skills base.

Lord Morrow: I thank the Minister for that very encouraging answer. She is right that the engineering and manufacturing sectors are vital to the mid-Ulster area, as they are to Northern Ireland generally. What is the Minister's Department doing to further encourage investment in the manufacturing sector, not only in mid-Ulster but in Northern Ireland generally?

Mrs Foster: I thank the Member for his question. Having been on a number of visits with me to some of those manufacturing companies in and around south Tyrone, he will know that their constant refrain is that they very much need access to appropriate skills. We have to focus our mind on that job of work, and we are doing so with the Department for Employment and Learning (DEL). It is very important that the appropriate skills are present in the areas of Northern Ireland where the opportunities are.

In the mid-Ulster area, the continued growth of manufacturing, both heavy and small-scale, impresses me. These people are working in every corner of the globe, sometimes from quite small premises up a little road in Dungannon. They have great verve, great research and development capabilities, great innovation and, most of all, they are entrepreneurs. We need to encourage them to look to those new markets and help them go to far-flung places and overcome all the barriers that they will face

there, whether they are cultural barriers, language barriers or issues with export licences. We will do all that we can.

The visits that I undertake to all of those companies are a great help to me when trying to understand what practical help they need. I will continue to visit as many companies as I can to try to understand their needs.

Mrs Overend: I thank the Minister for her positive comments about the export potential of the manufacturing companies in mid-Ulster. Does she agree that the road infrastructure to the constituency of Mid Ulster is very important? If so, will she support the Executive committing the money that Roads Service needs to upgrade the road infrastructure to that constituency?

Mrs Foster: Sometimes, Members think that I am a Minister for a lot of things, but I am not the Minister with responsibility for road infrastructure. Her party colleague Danny Kennedy is the Minister with that responsibility, and he will bring his priorities to the Executive, particularly for June monitoring, and we look forward to looking at all of those proposals.

Infrastructure is very important: the Member is right about that. However, it is not just road infrastructure; our telecommunication infrastructure is all important. At the risk of inviting Members to have a go about telecommunications, we need to remember that we have the best infrastructure in the UK. That is a fact from Ofcom, and we need to remember it. That is a very useful tool for us when we are selling Northern Ireland as a place to do business in.

Businesses: Border Areas

5. **Mr Hazzard** asked the Minister of Enterprise, Trade and Investment to outline what additional measures her Department can take to address the challenges facing businesses in border areas. (AQO 4387/11-15)

Mrs Foster: By delivering the commitments outlined in the Northern Ireland economic strategy and the Executive's economy and jobs initiative, my Department is responding to the challenges facing businesses, not just in border areas but right across Northern Ireland. We have made considerable progress towards the delivery of the key commitments that we made in the Programme for Government and the Northern Ireland economic strategy.

Between April 2011 and March 2013, Invest Northern Ireland promoted 13,870 jobs and supported projects that will secure investment of more than £780 million and deliver £168 million of business investment in research and development. Over 40% of that research and development will come from small and medium-sized enterprises.

2.15 pm

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answer. Can she outline whether she has had discussions with businesses in these border areas? If so, what is the message that they are giving you? What are they asking you to do?

Mrs Foster: Of course I have had discussions with businesses in border areas. Indeed, I was in Newry just last week opening a marvellous new facility for MJM Marine. I was very pleased to do that and to see the way in which it intends to grow its facilities.

I have a border constituency myself, and I engage with all the businesses there if and when they ask me to. They are talking about the capacity to do business in new markets. The challenges that face them are sometimes out of my reach. We have to grapple with the challenge of higher energy costs in Northern Ireland and, of course, with the big one, which is access to finance. Access to finance remains a critical element for small businesses in looking at how they can grow. Businesses are sometimes afraid to go to their banks and do not go to them at all. Those that do go to their banks fear that they will not get the requisite money to grow. As the Member will be aware, we brought in a number of schemes through Invest Northern Ireland to try to bridge that gap.

So, there are challenges in access to finance and high energy costs. It is about ensuring that we have the appropriate skills available and giving support to allow business to go into new markets.

Mr Byrne: I thank the Minister for her answers. Does the Minister agree that, in some border areas, the aggregates tax is distorting trade and having an adverse effect on it, particularly for quarry products and concrete products? Will she do anything that can be done to try to help those who are on the Northern side of the border?

Mrs Foster: My party colleague the Finance Minister has taken a very close interest in the

aggregates tax. He has raised the issue with the Treasury in London on very many occasions. I think that it understands that we have a difficulty with the land border, and it will continue to work with us.

I commend the Member and other Members who attended last week's jobs fair launch in Omagh. That was a very practical example of a local enterprise taking initiatives to help those young people who are having difficulties finding a job as it encourages employers to come forward, perhaps not with a permanent job, but with a temporary job, a part-time job or a work placement for a young person so that they can gain experience and then move on into the world of work. It was an excellent launch hosted by the 'Ulster Herald' and the 'Fermanagh Herald', and I look forward to its outcome. I really want to support those kinds of local initiatives.

Mr Cree: The land border with the Republic of Ireland is one of the major drivers for the devolution of corporation tax powers. Given that that issue is now on the long finger and that the Prime Minister announced the devolution of other fiscal powers in the economic pact, what additional powers would the Minister like to see devolved to Northern Ireland?

Mrs Foster: First, I would not say that the devolution of corporation tax powers has been put off into the dim and distant future. It has, of course, been put off until after the Scottish referendum, which has a very definite date in the calendar. Therefore, we are pushing ahead. One of the important things in the economic pact, which I am sure the Member did not miss, is the move to look at to how to implement the whole issue of the devolution of corporation tax. It was not just put on the long finger — the economic pact talks about looking at how to implement that devolution.

If the Member looks at the wording of the economic pact, he will see that we are discussing whether the devolution of other fiscal powers is a possible way forward. I think that you will find that there will be many discussions on that in the coming months.

Tourism: All-island Infrastructure

7. Mr Maskey asked the Minister of Enterprise, Trade and Investment for an update on activities aimed at developing an all-island tourism infrastructure. (AQO 4389/11-15)

Mr Maskey: Ceist uimhir a seacht.

Mrs Foster: Is that question 7?

Mr Deputy Speaker: The Member indicated question 7.

Mrs Foster: As a Minister of the Northern Ireland Executive, my focus is on developing Northern Ireland's tourism infrastructure. However, in doing so, I am content to consider those areas in which a North/South approach is of benefit to the Northern Ireland economy. Tourism Ireland works across 30 markets to promote the island of Ireland and has a specific remit to promote Northern Ireland overseas.

Mr Maskey: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her response. Has the Minister had any contact with her counterparts in the South of Ireland to see whether we can build on the relatively good news that came from the recent G8 activities and visits?

Mrs Foster: If the Member had been here for the start of Question Time, he would have heard me talk about the impact of the G8, not just for County Fermanagh but for the whole of Northern Ireland. I pay tribute to our Prime Minister for bringing the G8 to Northern Ireland and for allowing us to have that global standout for two very important days. Indeed, it was more than that because we had so many journalists with us for a prolonged period to find out about the backstory of Northern Ireland. We look forward to working with the Tourist Board, Invest Northern Ireland and Tourism Ireland to make sure that Fermanagh and Northern Ireland get the standout that they deserve after the G8 summit, and that is a job of work that I have tasked those three organisations with.

Mr Newton: Does the Minister agree with me that it is the responsibility of this Assembly to promote Northern Ireland within the boundaries of Northern Ireland and that, in many cases, an all-Ireland approach takes us into the same area as our competitors? Does she agree that we should concentrate our efforts in Northern Ireland to promote all our assets that many in the G8 found so attractive during their experience here for those few days?

Mrs Foster: There are some continuing issues that we discuss at the North/South Ministerial Council. I have another North/South Ministerial Council meeting on tourism tomorrow in Armagh, and one of the issues that we will talk about is the fact that I feel that we need to concentrate more on getting standout for

Northern Ireland in the Tourism Ireland campaigns across the world.

The legislation that sets out Tourism Ireland's remit states specifically that it has to give standout to Northern Ireland. I know from having spoken to my counterpart in Dublin that some regions of the Republic of Ireland also feel that they are not getting the standout that they require for their tourism needs. We are looking at all those issues and we will talk about them again tomorrow at the North/South Ministerial Council. I always welcome the opportunity to discuss those matters because we have a marvellous tourism product to sell, and we need to do it right across the world in the most proactive way.

Mr McDevitt: I am sure that the Minister will want to join me in congratulating Tourism Ireland for achieving standout for Northern Ireland in the context of the G8 celebrations and ensuring that the message was heard in all our key international markets. Does she agree that the time has now come to build on that standout and to deepen and widen Tourism Ireland's involvement, because it has led from the front and consistently delivered results for our region?

Mrs Foster: Part of the role of Tourism Ireland during the G8 was to work in partnership with the Northern Ireland Tourist Board, and it has done that on a number of occasions. However, this was really the first time that we had a holistic approach to investment and tourism, and I was very pleased to see the way in which Invest Northern Ireland worked with Tourism Ireland and the Northern Ireland Tourist Board on some of the branding that came out of the G8 summit. That is one reason why I have said to the three bodies that I now want to see how they will take that forward and how they will work more collaboratively in the future.

When we talk to people about investment, they often want to know what type of a place it is to visit and whether there are, for example, good golf courses or nice theatres. We need to get the whole story out about Northern Ireland, not just little bits. If he is asking me whether I am pleased with the work that was carried out by the three agencies, I am very pleased indeed.

Mr McDevitt: Tourism Ireland.

Mrs Foster: I have no difficulty in saying that I am pleased with the work of Tourism Ireland. If he wants me to say it three times, I will. I have no difficulty in saying that Tourism Ireland, along with the other bodies, did a good job on

the G8 summit. We cannot sit on our laurels. We have to say what will we do next and how we will further promote our tourism product. I am sure that Mr McDevitt will be delighted that Tourism Ireland has come forward with a bespoke Fermanagh campaign that is being delivered in the Republic of Ireland market to leverage the opportunities that came on the back of hosting the G8 summit. So I am delighted with that and very pleased to see the way in which it all happened.

Mr Deputy Speaker: Dominic Bradley is not in his place. I call Trevor Clarke.

National Trust

9. **Mr Clarke** asked the Minister of Enterprise, Trade and Investment for her assessment of the contribution the National Trust makes to the local economy. (AQO 4391/11-15)

Mrs Foster: The National Trust in Northern Ireland manages 63 places and spaces covering 120 square kilometres of countryside and approximately 30% of our coastline. Given the location of the majority of those sites, the National Trust is particularly important to our rural economy. In Northern Ireland, the National Trust currently employs nearly 290 permanent staff and a further 240 staff on a seasonal basis.

Mr Clarke: I thank the Minister for her answer giving the numbers in employment with the National Trust. However, would the Minister like to comment on the car parking charges, toilet facilities and entrance fee charges at one of the National Trust's most recent superior investments on the Causeway Coast?

Mrs Foster: I know that there have been complaints. Most recently, I listened to colleagues from across the political spectrum make complaints about car parking at the Giant's Causeway.

The Tourist Board and other funders have convened a project monitoring group, which oversees the conditions within the National Trust letter of offer in respect of the Giant's Causeway visitor centre. We have been made aware, and indeed have made the National Trust aware, that there have been a number of recurring visitor complaints. We want to make sure that, when people go to the Giant's Causeway, one of our premier sites in Northern Ireland, they have a value-for-money experience and one that they remember for all the right reasons. So I very much hope that we can come to a good conclusion on this.

Obviously, there have been a huge number of visitors to the Giant's Causeway, and we are very pleased to see that. Access to the stones is free; you do not have to pay to access the stones. I think that the confusion arises in relation to the car park and car park charges. We hope to get clarity on that. However, ultimately, it is a matter for the National Trust.

Mr Kinahan: I congratulate all involved in the G8 on its huge success. However, on with this question. Has the Minister looked at other ways of increasing the number of people coming to Northern Ireland? In this case, we are talking about Antrim, but it is about getting people to other historic buildings — I must declare an interest there — and, at the same time, getting the cruise liners here more often and for longer.

Mrs Foster: I was absolutely delighted to see that Belfast harbour has now set in train a new terminal for cruise liners. We expect to have in and around 60 this year; I think that we had just over 43 last year. It is a growing market for us. One of my difficulties is that those people are not captured in the tourism statistics; only people who stay in hotels or other accommodation are captured by the tourism statistics. I think that there were about 100,000 of those visitors to Belfast, and indeed some to Londonderry, last year. It is very important that we continue to value those people as well, because they are quite high-spending tourists to Northern Ireland. We want to make sure that they have a quality experience and an experience that they will remember for all the right reasons. They will want to do different things from perhaps some of our other tourists. Therefore, you are right to say that it is important to make sure that they have the correct itinerary for when they get off the ship and have a good choice to make.

Mr Allister: As Minister with responsibility for tourism, does the Minister agree that it is grossly unfair and a disincentive to tourism that, if a carload of four people arrives to park at the Causeway, not intending to use the centre, because they have already seen it, but intending to go to the stones, they are each charged £8.50 — or whatever the precise figure may be — to park? That is an extortionate amount and a gross disincentive. As Minister with responsibility for tourism, will she condemn that and press for change?

Mrs Foster: As I indicated, I think that there are difficulties in and around that. I think that it is disproportionate. I have to ask myself whether I would be happy to pay that amount of money to

access the visitor centre if I went with my family. I am not sure that I would. Therefore, I think that the National Trust does need to consider whether its current charging policy is the correct one. I hoped that more people would use the park-and-ride facility from Bushmills and, indeed, enjoy Bushmills, which is a lovely little village that is developing in a good way. I had hoped that the trust would work more proactively with the community in the village of Bushmills, and, if I were to say anything else to the trust today it is that I want to see more working with the Bushmills community.

2.30 pm

Environment

Belfast Metropolitan Area Plan

1. **Mr Easton** asked the Minister of the Environment for an update on the Belfast metropolitan area plan. (AQO 4398/11-15)

Mr Attwood (The Minister of the Environment): I thank the member for his question. I broke with all previous procedures and practice when, over a year ago, I published a draft Belfast metropolitan area plan (BMAP). Previously, draft BMAPs were not published, and I published it to create certainty, avoid doubt, to be decisive and to show people what was outlined in it. I am very anxious to see BMAP adopted, and we are in the final stages of that approach. The only outstanding matter of any significance is the views of the Housing Executive on housing provision in Belfast. Those matters and conversations are about to come to an end, on the far side of which I will submit BMAP to the Minister for Regional Development, who has to issue a certificate of general conformity with the regional development strategy (RDS) 2035. Thereafter, I intend to publish it.

Mr Easton: I thank the Minister for his answer. Does he agree that the Tullymore House group's announcement of a new hotel in Belfast is to be welcomed and that this should not be held up by planning regulations?

Mr Attwood: If you look at the story of hotel applications and other significant applications over the past couple of years, therein lies the answer. In Derry, in the run down to the City of Culture, multiple decisions were taken on hotel and hostel accommodation. Whether those were taken forward by developers is another matter. It is no less the case for hotel

developments, potentially, in the centre of Belfast, not least given that it is proposed to develop one of Belfast's most prominent landmark sites. It is a heritage site, a listed building and one that will create profile and opportunity for the people of the city. I also welcome the fact that there will be development of tourism facilities in the city of Belfast so quickly after the Assembly receives a report from me on the new planning policy statement (PPS) for tourism.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an fhreagra. Minister, following on from the debate yesterday, how long has it taken the process to bring the draft area plan to this point? Does the Minister now see the need for significant economic zones?

Mr Attwood: Once again, the Member is clearly as muddled today as he was yesterday. There has been an historical problem with development plans. No one denies that. There have been historical delays around development plans, not least because developers have taken the Northern Ireland Government all the way to the Supreme Court or to the European Court. That is one of the reasons why there have been delays in rolling out development plans in the North.

Can you explain to me, Mr Boylan, how economically significant zones, as proposed by the Office of the First Minister and deputy First Minister (OFMDFM), will in one way or another change the developer's mind about challenging the process around planning? There is a muddled view by some Members, thinking that the problem around development plans can somehow be resolved by giving powers to an office that has neither the competence, the calibre, the capacity or the resources to deal with planning applications. That is digging yourself into holes. It seems that one Member continues to dig himself into even deeper ones.

Mr A Maginness: I commend the Minister on bringing BMAP almost to the stage of adoption. What will the principle benefits be for the economy of Northern Ireland once BMAP is adopted?

Mr Attwood: I hope that, in the run down to the review of public administration (RPA), councils will take forward the preparatory work on local development plans for the new council clusters and that, as quickly as possible after RPA, they will take forward the adoption of development plans in their areas. The benefit of that, as BMAP will demonstrate for Belfast, is plan-led

development. That is the best development. You gather your resources, map out the shape of your community or council area and, therein, define what should happen with the use of space, including the use of shared space in the future. That is a reference to yesterday's debate. Then you have the best opportunity to maximise development in that area in a high-quality and sustainable fashion.

Look at the South. They have had serious planning issues; nonetheless, 80% of the land mass of Ireland is now covered by local development plans. Look at Clare, in particular, where they recognise that one of their greatest assets is the quality of their wind and tide. The development plan in Clare puts that at the heart of development because it uses the natural assets to create economic and development opportunities for its people and the area. It will be the same for Belfast and for many other areas that, in the future, adopt development plans.

Mr Cree: BMAP seems to have dragged on forever. I congratulate the Minister on taking the initiative last year. However, the local government boundaries are not coterminous with the BMAP boundaries. Does the Minister envisage any difficulties in moving that forward at the same time?

Mr Attwood: No. When BMAP is adopted, it will set the development process for the BMAP area up to 2015 and beyond, but in the run down to 2015 and beyond, it will fall to local councils, as I indicated in my previous answer, to do preparatory work in respect of the next phase of development plans. I expect that Belfast will concentrate its mind on that particular task. I hope that other council clusters will do similarly. That is why some council clusters have already come to the Department and looked for early work to be done in the run down to RPA to ensure, as I said earlier, that councils hit the ground running when it comes to taking forward development plans. There will be boundary issues, but they should not be an impediment to taking forward work in respect of local development plans.

Dereliction Intervention Funding Programme

2. **Mr Milne** asked the Minister of the Environment whether his Department plans to expand its dereliction intervention programme. (AQO 4399/11-15)

Mr Milne: Ceist uimhir a dó.

Mr Attwood: I thank the Member for his question, and I confirm that, in my bid for June monitoring moneys, I made a further bid for dereliction and decay funds — on this occasion, £1.5 million. The reason why I did that — and I look to all ministerial colleagues to make representations to the Finance Minister — is that, over the last 18 months, from a standing start, with no programme in place or budget line in existence, we have been able to roll out dereliction interventions in nine council areas. I want to see that the remaining council areas — the 17 other council areas — have the opportunity to do what Coleraine, Portstewart, Portrush, Enniskillen, Belfast, Derry and other places have been able to do: tackle eyesore sites, mitigate their appearance and, as a consequence, improve residential amenity and the tourist and retail experience. That is a win-win for everybody, and I hope that Sammy Wilson hears that message.

Mr Deputy Speaker: I remind Members to provide a translation so that all Members are able to follow.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo.

Has Magherafelt District Council applied for the dereliction fund under the original programme? If not, will it be given an opportunity to do so under an expansion programme?

Mr Attwood: My recollection is that, of the 26 councils invited to apply, 22 or 23 did so. I will have to check whether Magherafelt was one of them. If it applied previously or if it wants to apply now, it is welcome to do so, and I encourage it to do so. Each council's bid is assessed against a template because money is not limitless. Nonetheless, the opportunities are significant. As money has gone to Coleraine, Derry, Fermanagh, Belfast, Down, Limavady, Moyle, Lisburn and Newry and Mourne, I would like the other councils, including Magherafelt, to get their fair share.

Councils have a responsibility to deal with dereliction in their area. That is why I held a blight summit three or four weeks ago. I gathered together the relevant officers from all councils and encouraged them to do what Belfast City Council does, which is to audit all dereliction sites, identify the worst eyesores and, under improvement and pollution control legislation, systematically take action against the owners of those sites, with some success. Councils have it within their resources and legal

powers to do more, and I encourage all councils to do more.

Mr G Robinson: Does the Minister agree that dereliction intervention can have a very positive impact, as happened in the north coast area in recent months? I hope that the programme can be extended to Limavady in the near future.

Mr Attwood: I would not differ from one syllable of what the Member said, and I hope that Sammy Wilson would not either.

Mr Dallat: While my colleagues queue up for additions to the anti-dereliction scheme, I would like to ask the Minister, as an inspirational member of the Executive, what should happen when the curtains become faded and those happy clowns become miserable?

Mr Attwood: Although there are some healthy signs for the economy, unfortunately, this period will last longer than we might imagine. Consequently, the work on dereliction does not just have to be rolled out across council areas; in my view, it has to be reconfigured. What do I mean by that? When I was in the City of Culture last week, I sat down with colleagues — the retailers, the traders and the representative bodies of Derry City Council — to see how we could take forward the work on dereliction into a vacant spaces project. Not only do you deal with the appearance of the eyesores, you try to reform those sites into the image of something positive. I looked to Derry City Council to produce a template of how to build on dereliction funding that could be deployed across all council areas.

The Member makes a wider and bigger point: these are moderate sums for big impact in many council areas. In my view, we also need to gather together the Department of the Environment (DOE) and the Department for Social Development (DSD), and other funding bodies so that we can make more strategic interventions, as happened in the main Street in Enniskillen in the run down to the G8 in Fermanagh, that maximise the impact of all our moneys. I tried to do that in the development on the north side of the city, given the economic driver that will emerge with the construction of the new university. I understand that demolition of the existing Yorkgate facility is about to commence. I think that the Government need to use that area as a pilot for concentrating minds and resources to create the maximum corporate outcome.

Natural and Built Heritage: South Down

3. **Mrs McKeivitt** asked the Minister of the Environment for an update on his Department's investment in both the natural and built heritage in the south Down area. (AQO 4400/11-15)

Mr Attwood: I thank the Member for her question, which is very important, not least because people in south Down and Down generally think that they are, in some way, the forgotten county when it comes to government attention. That is why, in 2012-13, £1.25 million of DOE money was invested in various projects across the constituency, including historic monuments, listed buildings, natural heritage grants and other funding. However, that does not tell the full story.

In my judgement, there is untapped potential, particularly from St Patrick, in Christian heritage and tourism and job opportunities. That is why we, working through and beyond the development plan produced by the MP for the area, Margaret Ritchie, on the Christian and St Patrick heritage, are attempting to roll out an improvement in facilities around the highest-profile Christian and St Patrick heritage sites in order to grow the St Patrick experience and, as a consequence, increase jobs and opportunities.

2.45 pm

Mrs McKeivitt: I thank the Minister for a very detailed and positive answer. Given the importance of the St Patrick-related heritage sites in south Down, are there any plans to carry out any exploratory archaeological work in the future?

Mr Attwood: Work has been done historically on, for example, targeted excavations at the Mound of Down. As people travel into Downpatrick, they will see that the Department has removed a lot of trees and foliage around the mound to expose what is there, which is another natural and historical heritage experience in that part of the world.

There have also been excavations at Struell Wells and at St Patrick's experiences in and around Downpatrick. There will be more. Aerial surveys that have been conducted around Inch Abbey, Dundrum Castle and the Mound of Down have shown that there are further archaeological opportunities. Therefore, the growth of archaeological heritage can grow tourism and tourism jobs.

The St Patrick's experience is the sleeping giant of Irish tourism and, potentially, of Irish life. I

have been making the argument in the Department, around the Executive table and at the Tourist Board that, on the far side of all the big investments and various other signature projects, it is now the time for St Patrick, it is now the time for the County of Down, and it is now the time for the town of Downpatrick. We need to grasp that opportunity now and over the next two decades.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I welcome indeed the Minister's comments. Such investment in our natural and built heritage is very important. We have seen recently around the old part of Newcastle that the built heritage of the harbour has been improved immensely by dereliction funds. You touched on this in the previous answer, but are there any plans in the pipeline to roll that out extensively so that other towns and villages throughout south Down might benefit from such funds?

Mr Attwood: As I indicated, I would like to see moneys released in each of the monitoring rounds in this financial year. If those moneys are released, they will be deployed across other council areas. I have no doubt that moneys will also go to the relevant councils for the constituency of South Down and neighbouring constituencies. The answer is clear, but 18 months after starting to make the argument about dereliction, I hope that others on either side of and across the parties in the Chamber will hear that we believe that, for moderate moneys, there can be a big impact. That impact should be rolled out in many towns, villages and hamlets.

I believe in other strategic interventions. For example, this is probably a comment about me, but this time last year I visited Dundrum Castle for the first time. Given that experience and other representations, including from the area's MP, we are now going to have a lighting strategy around Dundrum Castle, we are improving pedestrian access into the castle from the car park, and we are going to have a small visitors' centre. In my view, people drive by that asset, whereas the experience around Dundrum Castle, the setting, the heritage and the beauty of that site has much more potential. That is why we are putting much more money into it.

Mrs Overend: Thank you very much, Mr Deputy Speaker. I thank the Minister for his responses. There is no doubt that Northern Ireland's natural and built heritage is one of our greatest assets. However, a serious problem for the protection and promotion of that heritage

appears to be a skills shortage in contractors to work on such buildings. Is the Minister aware of such a problem?

Mr Attwood: I would welcome hearing precise details of what that might be. Part of the life of the Northern Ireland Environment Agency (NIEA) is to have a school of people with the skills that are necessary to help with the maintenance of our heritage sites. For example, the reason why the walls of Derry are in the condition that they are in today — arguably, they are the best that they have been for decades — is because of the resource and skills that exist in the Environment Agency and that are deployed for the preservation and maintenance of the walls. So, there are skill sets in the Environment Agency that can be deployed for our heritage assets. If there are examples of a need to upgrade industrial skills to maintain our heritage, I will welcome hearing about them. A dedicated programme, if one does not already exist, whereby the Minister for Employment and Learning works with the Environment Minister to create a programme to upgrade people's skills to maintain and preserve our heritage assets would be well worth looking at.

Planning: Non-farming Rural Dwellers

4. **Mr McMullan** asked the Minister of the Environment whether he has any plans to provide greater flexibility in planning to enable non-farming rural dwellers to build in the countryside. (AQO 4401/11-15)

Mr Attwood: I thank the Member for his question. There are six ways under PPS 21 whereby a non-farming rural dweller has opportunities to live in a rural area. I will give you three examples: conversion and reuse of non-residential dwellings; replacement dwellings; and newbuild within an existing cluster or ribbon of buildings. The policy was shaped to create opportunities for non-farming rural dwellers.

We looked at five areas of planning policy as part of the operational review of PPS 21 to identify how there can be more consistency, opportunity and flexibility — consistent with the spirit and substance of the policy — to ensure that farming or non-farming rural dwellers have opportunities to live in that environment.

Mr McMullan: Will the Minister accept that a single dwelling in the countryside should be allowed where it integrates with existing vegetation and that there should be a

presumption in favour of development if that test is met, whether or not the individual comes from a farming background?

Mr Attwood: I must say to the Member that if there are issues with individual planning applications or the interpretation of the policy, he should come and speak to me. Many other Members do. I cannot recall whether this particular Member has. Some comments are being made on the far side of the Chamber, probably because Members there have come and spoken to me. If I were to press the point to the Member who is nodding in recognition of that, he would probably say that he has experience of working with me in the planning system, where flexibility, consistent with the spirit and substance of the policy, was deployed to the benefit of those who had work reasons for needing a newbuild next to a place of work in a rural area. If there are examples, come and talk to me.

Part of the operational review has been to interrogate five aspects of the planning policy statement — dwellings on farms; new dwellings in existing clusters; replacement dwellings; conversion and reuse of existing buildings; and ribbon developments — to ensure consistency and flexibility. If the case or cases that the Member may wish to refer to me fall within that flexibility, I am sure that the planning system will work to the benefit of the applicant.

Mr I McCrea: I can confirm that I have used the Minister's good offices in respect of planning applications, and I do not apologise for that. The Minister referred to the review that is taking place. When does he hope to provide his decision on that?

Mr Attwood: I thank the Member for his question. He is right to make no apology. In my experience as Minister, it is only by interrogating the individual case, and, in particular, individual cases raised by Members who do not just routinely raise cases with the private office, and by identifying a point where there should be a review, that you can work through to a better outcome. Quite a number of Members will see that.

The operational review is a real-time assessment of what is going on in planning offices in terms of the application, consistency and interpretation of PPS 21. It will continue to be an operational review. Individual cases will be peer reviewed by senior managers in the planning system to ensure that any doubt, inconsistency or gap in interpretation is cleared. That said, it is my intention to table, before

recess, a statement on the operational review and its conclusions.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Thank you, Mr Deputy Speaker. Gabhaim buíochas leis an Aire chomh maith. My thanks to the Minister as well. I share the views of Mr McCrea. On many occasions, the Minister has afforded me the opportunity to discuss cases for applications in rural areas. Like him, I —

Mr Deputy Speaker: Can we have a question, please?

Mr McGlone: It is a big change from the draconian PPS 14, which was overseen by Minister Murphy at the time. My question relates to the harmonisation of opportunity for development in the countryside for those of a non-farming background, since one opportunity is afforded every 10 years to those from a farming background. Has the Minister looked into the consistency of application for those of a non-farming background who have a site, subject to normal compliance with the likes of location, site and design and policy?

Mr Attwood: I am satisfied that the policy is the right policy; I am satisfied that the policy complies with wider European and other obligations. It may be somewhat premature to look at the application of a policy that permits a newbuild every 10 years, given that we are in the early years of PPS 21, but, if the Member thinks that there is something, even in that regard, that needs further consideration, flexibility or adjustment, I will certainly look at it.

Local Government (Reorganisation) Bill

5. **Ms Lo** asked the Minister of the Environment to outline when he plans to introduce the local government reorganisation Bill. (AQO 4402/11-15)

15. **Mr Hamilton** asked the Minister of the Environment for an update on the local government reorganisation Bill. (AQO 4412/11-15)

Mr Attwood: I thank the Member for her question. As she will be aware, it had been my aspiration that the House would have the opportunity for the First Reading and Second Reading of not only the local government reorganisation Bill but the road traffic amendment Bill. The local government reorganisation Bill has been with the Executive

since 8 April. Whilst we have had some conversation in that regard at one Executive meeting, it has not yet come through to full Executive discussion. However, I hope that, by this Thursday, the Bill will be discussed and approved by the Executive. If it is not out of turn to say so — there has been a conversation with the Speaker's Office about having the First Reading next week in order to ensure that the full Bill and its content, which is confidential at the moment, will be publicly available so that people are able to comment on it over the summer, in advance of the Second Reading and Committee Stage thereafter.

Mr Deputy Speaker: Can the Minister confirm his intention to group that question? Indication was given earlier that he would.

Mr Attwood: Sorry, we are grouping the questions.

Ms Lo: I thank the Minister for his response. In light of the continued failure of certain councils to practise power sharing at AGMs over the past number of weeks, what steps is the Minister taking to ensure that there will be equitable power sharing in statutory transition committees and the new councils?

Mr Attwood: The appointment of statutory transition committees, as with voluntary transition committees, is subject to guidance. That guidance lays down requirements in respect of the management and membership of the transition committees, be they statutory or voluntary. Therefore, there is guidance that informs councils of the standards against which they should be judging themselves when it comes to the appointment of members of the statutory transition committees. Given that they will have statutory function and that, for example, they will have the power to appoint chief executives, I trust that councils will look at that guidance and live by it. If, 700 days from local government reorganisation, any council was still clinging to the past, still clinging to the days of exclusion, still not embracing the full outworking of proportionality and power sharing, at this phase of our history in the run down to local government reorganisation, when there will be legislative requirements in respect of power-sharing arrangements and the structures therein, it would send out a profoundly negative message. It would be a sign of the past, not of the future.

I assure the Member that I will be looking at the outcomes of the elections for mayors, deputy mayors, chairs and vice-chairs in relevant councils over the past number of weeks to

determine whether and where there has been a breach of what I think are the right standards.

Mr Deputy Speaker: That ends questions to the Minister of the Environment. I ask Members to take their ease for a few moments as we change the staff at the Table.

3.00 pm

(Mr Speaker in the Chair)

Executive Committee Business

Planning Bill: Consideration Stage

Debate [suspended on 24 June 2013] resumed.

Mr Speaker: We now move back to the Consideration Stage of the Planning Bill. Members will recall that, owing to the tabling of a petition of concern on amendment Nos 21 and 23, proceedings on the Bill were halted yesterday after the Question on amendment No 20. I remind Members that the group 1 and group 2 debates were concluded yesterday. The debate on the group 3 amendments will begin today when we reach amendment No 24.

We will resume consideration of the Planning Bill with the Question that clauses 4 and 5 stand part of the Bill. The remaining group 1 amendments will be moved formally as we go through the Bill, and the Question on each will be put without further debate. Once the group 3 debate is completed, any further amendments will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clauses 4 and 5 ordered to stand part of the Bill.

Clause 6 (Determination of planning applications)

Mr Speaker: I remind Members that I have received a valid petition of concern on amendment No 21, so the vote will be on a cross-community basis.

Amendment No 21 proposed: In page 5, line 23, after "economic" insert "and environmental".— [Mr Swann.]

Question put, That amendment No 21 be made.

The Assembly divided:

Ayes 53; Noes 31.

AYES

NATIONALIST:

Mr Attwood, Mr Boylan, Ms Boyle, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Mr McDevitt, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mrs McKeivitt, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Ó hOisín, Mr O'Dowd, Mr P Ramsey, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

UNIONIST:

Mr Allister, Mr Copeland, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Hussey, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr McGimpsey, Mrs Overend, Mr Swann.

OTHER:

Mr Agnew, Mrs Cochrane, Ms Lo, Mr Lunn, Mr Lyttle.

Tellers for the Ayes: Mr Kinahan and Mr Swann.

NOES

UNIONIST:

Mr Anderson, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Weir, Mr Wells.

Tellers for the Noes: Mr McQuillan and Mr G Robinson.

<i>Total Votes</i>	<i>84</i>	<i>Total Ayes</i>	<i>53</i>	<i>[63.1%]</i>
<i>Nationalist Votes</i>	<i>36</i>	<i>Nationalist Ayes</i>	<i>36</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>43</i>	<i>Unionist Ayes</i>	<i>12</i>	<i>[27.9%]</i>
<i>Other Votes</i>	<i>5</i>	<i>Other Ayes</i>	<i>5</i>	<i>[100.0%]</i>

Question accordingly negatived (cross-community vote).

3.15 pm

Amendment No 22 proposed: In page 5, line 25, at end insert

"(1A) In that Article after paragraph (3) add—

"(4) The Department must, not later than 3 years after the coming into operation of section 6(1) of the Planning Act (Northern Ireland) Act 2013, review and publish a report on the implementation of this Article.

(5) The Department must make regulations setting out the terms of the review.".— [Mr Attwood (The Minister of the Environment).]

Question, That amendment No 22 be made, put and agreed to.

Mr Speaker: I remind Members that I have received a valid petition of concern in relation to amendment No 23. The vote will be on a cross-community basis.

Amendment No 23 proposed: In page 5, line 30, after "economic" insert "and environmental".— [Mr Swann.]

Question put, That amendment No 23 be made.

Mr Speaker: I have been advised by the party Whips that, in accordance with Standing Order 27(1A)(b), there is agreement that we can dispense with the three minutes and move straight to the Division.

The Assembly divided.

Mr Speaker: There has been a small technical hitch. Unfortunately, we will have to run the Division again.

The Assembly divided:

Ayes 54; Noes 31.

AYES

NATIONALIST:

Mr Attwood, Mr Boylan, Ms Boyle, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Mr McDevitt, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Ó hOisín, Mr O'Dowd, Mr P Ramsey, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

UNIONIST:

Mr Allister, Mr Copeland, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Hussey, Mr Kinahan, Mr

McCallister, Mr B McCrea, Mr McGimpsey, Mrs Overend, Mr Swann.

OTHER:

Mr Agnew, Mrs Cochrane, Ms Lo, Mr Lunn, Mr Lyttle.

Tellers for the Ayes: Mr Kinahan and Mr Swann.

NOES

UNIONIST:

Mr Anderson, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Weir, Mr Wells.

Tellers for the Noes: Mr McQuillan and Mr G Robinson.

Total Votes	85	Total Ayes	54	[63.5%]
Nationalist Votes	37	Nationalist Ayes	37	[100.0%]
Unionist Votes	43	Unionist Ayes	12	[27.9%]
Other Votes	5	Other Ayes	5	[100.0%]

Question accordingly negatived (cross-community vote).

3.45 pm

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 68; Noes 16.

AYES

Mr Anderson, Mr Attwood, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Byrne, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McDevitt, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Miss M McIlveen, Mr McKay, Mrs

McKevitt, Ms Maeve McLaughlin, Mr McMullan, Mr McQuillan, Mr A Maginness, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Newton, Mr Ó hOisín, Mr O'Dowd, Mr P Ramsey, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Rogers, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr A Maginness and Mr McGlone

NOES

Mr Agnew, Mr Allister, Mr Copeland, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Hussey, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr B McCrea, Mr McGimpsey, Mrs Overend, Mr Swann.

Tellers for the Noes: Mr Agnew and Ms Lo

Question accordingly agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clauses 7 to 10 ordered to stand part of the Bill.

New Clause

Mr Speaker: We now come to the third and final group of amendments for debate, which deal with appeals, commencement and technical amendments. With amendment No 24, it will be convenient to debate amendment Nos 25, 26, 28 to 30, 32 and 34. Members will note that amendment Nos 32 and 34 are consequential to amendment Nos 20 and 26. I remind Members that I have received a valid petition of concern in relation to amendment No 24. Therefore, the vote on amendment No 24 will be on a cross-community basis.

Mr Agnew: I beg to move amendment No 24: After clause 10 insert

"Third party right of appeal

10A. In Article 32 of the 1991 Order (Appeals) after paragraph (1) insert—

"(1A) The Department may by regulations provide for an appeal under paragraph (1) to be made by a person other than the applicant, subject to such limits as may be specified.

(1B) Regulations under paragraph (1A) shall not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly."

The following amendments stood on the Marshalled List:

No 25: After clause 12 insert

"Appeal in default of planning decision

12AA.—(1) In Article 33 of the 1991 Order (appeal in default of planning decision) for "or 25AA" substitute ", 25AA or 25AB".

(2) In section 60 of the 2011 Act (appeal against failure to take planning decision) for "or 48" substitute ", 48 or 50".— [Mr Attwood (The Minister of the Environment).]

No 26: After clause 12 insert

"Review of certain decisions

12A.—(1) After Article 33 of the 1991 Order insert—

"Review of certain decisions

33A.—(1) This Article applies to—

(a) any decision by the Department or OFMDFM to—

(i) grant or refuse planning permission;

(ii) grant or refuse any consent, agreement or approval of the Department or OFMDFM required by a condition imposed on a grant of planning permission; or

(iii) grant or refuse any approval of the Department or OFMDFM required under a development order;

(b) any determination of an appeal under Article 32 by the planning appeals commission,

where the decision or determination is one which is specified in, or is of a class of decision or determination which is specified in, an order made by OFMDFM which has been laid before, and approved by resolution of, the Assembly.

(2) Subject to paragraph (3), a decision or determination to which this Article applies shall not be subject to appeal or liable to be questioned in any court.

(3) A person aggrieved by a decision or determination to which this Article applies may, within 6 weeks of the decision being taken or the determination being made, appeal to the

High Court on any question of law material to the decision or determination only where the question of law raises matters of—

(a) the compatibility of the decision or determination with the Convention rights; or

(b) the compatibility of the decision or determination with EU Law.

(4) The period referred to in paragraph (3) may be extended if, in the opinion of the High Court, there are exceptional reasons for doing so.

(5) In this Article—

"the Convention rights" has the same meaning as in the Human Rights Act 1998;

"EU law" means—

(a) all rights, powers, liabilities, obligations and restrictions created or arising by or under the EU Treaties; and

(b) all remedies and procedures provided by or under those Treaties."

(2) After section 60 of the 2011 Act insert—

"Review of certain decisions

60A.—(1) This section applies to—

(a) any decision by a council, the Department or OFMDFM to—

(i) grant or refuse planning permission;

(ii) grant or refuse any consent, agreement or approval of the council, the Department or OFMDFM required by a condition imposed on a grant of planning permission; or

(iii) grant or refuse any approval of the council, the Department or OFMDFM required under a development order;

(b) any determination of an appeal under section 58 by the planning appeals commission,

where the decision or determination is one which is specified in, or is of a class of decision or determination which is specified in, an order made by OFMDFM which has been laid before, and approved by resolution of, the Assembly.

(2) Subject to subsection (3), a decision or determination to which this section applies shall not be subject to appeal or liable to be questioned in any court.

(3) A person aggrieved by a decision or determination to which this section applies may, within 6 weeks of the decision being taken or the determination being made, appeal to the High Court on any question of law material to the decision or determination only where the question of law raises matters of—

(a) the compatibility of the decision or determination with the Convention rights; or

(b) the compatibility of the decision or determination with EU law.

(4) The period referred to in subsection (3) may be extended if, in the opinion of the High Court, there are exceptional reasons for doing so.

(5) In this section—

"the Convention rights" has the same meaning as in the Human Rights Act 1998;

"EU law" means—

(a) all rights, powers, liabilities, obligations and restrictions created or arising by or under the EU Treaties; and

(b) all remedies and procedures provided by or under those Treaties.".— [Mr Weir.]

No 28: In clause 20, page 11, line 6, at the beginning insert

"() In Article 72 of the 1991 Order (offence where enforcement notice not complied with), in paragraph (6) after "such an offence" add "or the payment of a fixed penalty under Article 76C(2)(b) in relation to such an offence".

() In Article 76A of the 1991 Order (enforcement of conditions), in paragraph (10) after "such an offence" add "or the payment of a fixed penalty under Article 76D(2)(b) in relation to such an offence".— [Mr Attwood (The Minister of the Environment).]

No 29: In clause 20, page 13, line 29, at end insert

"(3) In section 147 of the 2011 Act (offence where enforcement notice not complied with), in subsection (6) after "such an offence" add "or

the payment of a fixed penalty under section 153(2)(b) in relation to such an offence”.

(4) In section 152 of the 2011 Act (enforcement of conditions), in subsection (10) after “such an offence” add “or the payment of a fixed penalty under section 154(2)(b) in relation to such an offence”.— [Mr Attwood (The Minister of the Environment).]

No 30: In clause 25, page 16, leave out line 19 and insert

“6(1) and (1A), 7 to 12, 12AA(1), 13 to 18, 19(1) and (2), 20(1) to (4) and 21 to 24.”.— [Mr Attwood (The Minister of the Environment).]

No 32: In clause 27, page 16, line 31, before “15” insert “3A(1) to (6), 12A(1),”.— [Mr Boylan.]

No 34: In clause 27, page 16, line 35, at end insert

“(3) Section 3A(7) to (13) and section 12A(2) come into operation on the day on which Part 3 of the 2011 Act comes into operation.”.— [Mr Boylan.]

The question for the House today is whether we are going to choose to provide balance in our planning system or further load the dice in favour of developers. The Green Party believes that communities should be an integral part of our planning system. Third-party rights of appeal would provide communities with the same right to challenge planning decisions as is afforded developers. Not only is that fair, but it will lead to better decision-making. It will incentivise developers to engage with communities from the outset, ensuring that communities have a greater say in how their towns, cities and rural areas are developed in future. It will result in more consistent decision-making because, over time, councils would, through challenge and appeal, learn how better to implement planning policies and regulations when the new powers are devolved.

Third-party rights of appeal would help to maintain the balance of economic and social considerations by putting people at the heart of the planning system. However, it seems that the DUP is so beholden to its developer donors that it has tabled a petition of concern on amendment No 24 to ensure that, even if it is the democratic will of the House to introduce third-party rights of appeal, it will choose to block it, as it has just done to the Ulster Unionist amendment. Let me be clear: this is not even an amendment that introduces third-

party rights of appeal. It simply provides for an enabling power to allow the Department to introduce third-party rights of appeal. Even then, it would be able to do so only with the consent of the House. It is a very important amendment, but one that would require further permissions from the Department and the House. So I am disappointed that the DUP has chosen to table a petition of concern on the amendment. Next year, of course, we will come to council elections, and I look forward to debating with my DUP colleagues. They can explain to their constituents why they feel that they do not deserve the right to challenge decisions made about their communities.

Yesterday, unfortunately, in the House of Commons, we had another reading of the Northern Ireland Bill, which seeks to further maintain secrecy around political donations. The issues of political donations and planning cannot be separated, because, with yesterday's amendments and, indeed, with the Planning Bill as a whole, we will give more power to politicians in planning and more power to political parties without knowing how political parties are funded, which developers are funding which parties and which decisions are being made on behalf of communities and which decisions are being made on behalf of developers. That is a fundamental flaw in our system. It is anti-democratic, and, ultimately, it has the prospect of leading to corruption in our system. It is regrettable that we are going forward on that basis and that a number of parties in this House have sought to maintain that secrecy and have sought to deny their voters the opportunity to see how their party is funded. The Green Party publishes all its donations over £500, so that people can see exactly who funds us.

Further to that, the DUP and Sinn Féin seek to deny access to challenge by restricting the scope and, indeed, the timeline for launching judicial review. Challenge is a necessary function of a good democracy and, indeed, a good planning system. If processes are illegal, irrational or improper, there should be the opportunity to challenge those processes through the courts. Amendment No 26 would restrict that right to legal challenge. Again, we see an attempt to speed up planning in a way that, I believe, will ultimately be shown to be unlawful. The right to legal redress is protected under European law in article 13 of the European Convention on Human Rights. Seeking to restrict access to such legal redress is against article 9 of the Aarhus convention, which states:

"each Party ... shall consider the establishment of appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice."

This amendment will increase barriers to access to justice and, as I said, further restrict the opportunity of challenge to planning decisions.

The Executive and members of Executive parties are failing to learn important lessons that laws, including EU laws, cannot simply be ignored or rode roughshod over. When Sammy Wilson was Environment Minister, he thought that he could ignore area of special scientific interest (ASSI) protections at Lisnarahg and simply allow development to go ahead because he believed it to be of economic importance. That was challenged in court, and it was found to be unlawful. Edwin Poots thought that he could discriminate against trade unions. Again, he was challenged in court and lost. We are only too well aware of the huge costs of ignoring the EU habitats directive in going ahead with the A5. It is another breach of law and another loss for the Executive in the courts. Again, we are not learning the lesson, and amendment No 26 will be another breach of law. I think that it is likely to be challenged, should it be passed today, and I urge the House to learn from the mistakes of the past and not to pass this amendment.

Sometimes it makes sense to get decisions right from the outset. We need more speed, yes, but less haste. The amendments made to the Bill yesterday, and amendment No 26, which is being debated this afternoon, move Northern Ireland to a more deregulated, Texas-style system. With a Texas-style system, you get cowboy planning and cowboy builders, but what else do you expect from cowboy politicians?

I implore the House to do the right thing by our communities and constituents, and by good planning, and to increase access to challenge for objectors by supporting third-party rights of appeal. I implore the House to reject amendment No 26, which, if made, will restrict legal challenge to our planning processes.

Ms Lo (The Chairperson of the Committee for the Environment): I shall speak initially on behalf of the Environment Committee, and I will follow that with some comments in a personal capacity.

I will begin with Mr Agnew's amendment No 24, which is on third-party rights of appeal. At Committee Stage, the Department told us that it

is not its intention to introduce a third-party right of appeal at this time. The Department went on to say that such appeals could undermine the aim of pre-application community consultation, which is to front-load the system to encourage and facilitate greater community involvement in the planning process. The Committee accepted the Department's position on that and, therefore, does not support amendment No 24.

The Minister tabled number of minor and technical amendments, which are amendment Nos 25, 28, 29 and 30. Those were noted by the Committee at its meeting last Thursday. On amendment No 25, the Department reminded the Committee that proposals for pre-application community consultation contain provision that the Department must refuse to determine an application if the applicant or developer has not complied with the consultation requirements set down by the Department. The Department wants to ensure that, if developers or applicants have not complied with the pre-application community consultation requirements, they cannot then make an appeal to the Planning Appeals Commission (PAC), in default of a decision, to have the commission determine the application. To facilitate that, the Department needs to amend article 33 of the 1991 order, which allows for an appeal in normal circumstances. The Department noticed that that loophole also exists in the 2011 Act, so it is taking this opportunity to amend section 60 of that Act. Hence, proposed new clause 12AA amends article 33 of the order and section 60 of the Act, and gives effect to that. The Committee had no objection to amendment No 25.

On amendment Nos 28 and 29 to clause 20, the Department told us that it intends to clarify that payment of a fixed-penalty notice as an alternative to court prosecution, while providing immunity from prosecution for that particular offence, will equate to an initial court conviction. Consequently, where offenders do not remedy a breach of planning control that led to enforcement action being taken, they can be prosecuted through the courts for a second or subsequent offence following a preceding conviction or payment of such a notice. The Committee had no objections to those amendments either.

I will now deal with amendment No 26 on the review of certain decisions, which was tabled by Mr Weir and Mr Boylan. As was the case with amendment No 20, I can offer no comment from the Committee on the substance of the amendment. Again, we have not had the opportunity to come to a position on it. The first that the Committee knew of that amendment

was at the end of last week. The Committee does not have a position on it, nor does it know the Department's position on it. Given the significance of the amendment, it is disappointing that the Assembly has to consider it today without the benefit of it having been scrutinised by the Committee.

4.15 pm

If I may —

Mr Weir: Will the Member give way?

Ms Lo: Yes

Mr Weir: I want to check with the Member because I may have misheard her. Did she refer to amendment No 20?

Ms Lo: Yes.

Mr Weir: Amendment No 20 has already been voted on. This debate is on the third set of amendments. I was wondering whether the Member misspoke the number.

Ms Lo: No, all I said was, "as was the case with amendment No 20, I can offer no —"

Mr Weir: I thank the Member for giving way. The Member will appreciate that amendment No 20 has already been voted on, and we are not debating amendment No 20.

Ms Lo: I know. I am saying that it is similar to amendment No 20, and that we could not offer any comment on it because it was not given to us prior to —

Mr Speaker: I remind Members that amendments that have been debated and have gone through yesterday are gone. I know that Mr Agnew alluded to yesterday's amendments. We are debating the amendments that are on the Floor at this moment in group 3.

Ms Lo: Thank you for your guidance, Mr Speaker.

I will move on to speak in a personal capacity about Mr Agnew's amendment on third-party right of appeal. Those Members elected at the time will remember that I tabled a similar amendment to the 2011 Planning Bill. I had hoped that they would be more willing to listen now than they were then. However, a petition of concern from the DUP shows that they are not. I am completely disgusted by the DUP's use of a petition of concern. The amendment

will benefit all sections of our community. When I heard that a petition of concern had been lodged by the DUP on this, I really was not shocked, which, in itself, is disappointing. I believe that the petition of concern and other DUP-backed amendments clearly show who pulls the strings for that party.

As a South Belfast MLA since 2007, I have supported countless residents and residents' associations in their objections to planning proposals. Many of them have endured detrimental effects in their residential and conservation areas because of inappropriate development and the cumulative effect of overdevelopment. Just this morning, I met a local councillor and a local resident in Newtownards, and they told me about a proposal that has been passed to build a massive factory — a warehouse — in the Kiltonga conservation area. If people know the area, it is right beside the duck pond. Residents feel so powerless when they see this massive big block being built right at the edge of their favourite local park.

There remains a great sense of anger and frustration that the planning system is always in favour of the developer. Although the developer can appeal against a decision, residents have no such right of appeal. I believe that clauses 2 and 6 of the Bill will also lend more weight to approving applications for planning permission, and, as such, third-party right of appeal is more necessary now than ever. I believe that third-party appeals are a fundamental part of a reformed planning system that is fair and accessible to all, based on principles of equality and genuine engagement — *[Interruption.]* I am sorry. Thank you. I do not know who pushed the microphone away. Do you need me to say all that again, Mr Speaker?

Some Members: No. *[Laughter.]*

Ms Lo: OK. I am saying that our planning system needs to be fair and accessible to all, and it needs to be based on principles of equality and genuine engagement. We support amendment No 24.

If I was lost for words at amendment No 20, I was gobsmacked by amendment No 26 on judicial review. I have great pride in our democracy, as we all should. To take away the right to take a judicial review against decisions that you view are wrong, to me, seems like we are taking steps towards a dictatorship. I recognise that the amendment leaves provisions to allow for a judicial review to be taken if decisions are against convention rights

or are incompatible with EU law, but to seek to restrict the grounds this much is ridiculously extreme and unfair. To do it once again, as with amendment No 24, with no consultation, and sneaking an amendment in at the last minute, shows clearly that the proposers knew that they would face a backlash against it. I also question whether a Planning Bill is the place to address or amend the process of judicial reviews. However, it is possible that the Minister is open to the possibility of this amendment by attempting to restrict the timeline for judicial reviews in the Marine Bill.

This amendment does nothing other than take away the mechanism by which people can challenge government decisions on planning applications. It takes away people's right to say and do something about major planning issues. There are a number of judicial reviews that could not and would not have happened if this amendment had been in place when they were taken. To my mind, this amendment is nothing short of an attack on democracy, and the Alliance Party will not be supporting it. Further to that, I fully believe that the amendment will not stand up to legal challenge. I ask Members to bear that in mind when voting on the Sinn Féin/DUP amendment. Also in this group, we will oppose the technical amendments in the names of Mr Weir and Mr Boylan and support the technical amendments from the Minister.

Mr Weir: I will endeavour to speak on the amendments that are before us, although I have to say that I was concerned at some of the remarks that were made by the last two Members who spoke. Both made quite snide remarks in relation to my party. I noted remarks about who was pulling the strings, from the last Member, and I note that the proposer of amendment No 24, despite being warned last night about language in connection with the name of my party, chose to repeat those remarks today. Mr Speaker, I ask you to look at the Hansard report in relation to that.

Yet again it seems that the Chair of the Committee was lost for words on our amendment. I have to praise the Chair, as she was remarkably loquacious for someone who was lost for words. Indeed, she seems to have overcome the shock.

I have defended the right of either Member to place amendments. We have followed normal procedure in relation to that. Unless I have picked it up wrong, it was very noticeable that the Chair was critical of the timing of amendment No 26, but she did not seem to have the same level of castigation for amendment No 24, which was also not

discussed by the Committee, or, indeed, any of the 11 amendments that the Alliance Party put down. Similarly, there are double standards from the Member when complaining about petitions of concern, as she has signed petitions of concern in the past on issues that are not cross-community issues.

Turning to the amendments —

Ms Lo: Will the Member give way?

Mr Weir: I am happy to give way.

Ms Lo: No other party has tabled more petitions of concern than the DUP. It is the major party to have tabled petitions of concern. *[Interruption.]*

Mr Speaker: Order.

Mr Weir: The Member seems to have an exceptionally short memory. Not that long ago, she signed a petition of concern to block an issue that had strong cross-community support. If there are parliamentary procedures, let them be followed. If they are to be criticised, let them be criticised on all sides. Let us not pretend that some Members are angels dancing on the head of a pin.

The Minister may not accept this, but perhaps we should pay belated thanks, as Ms Lo indicated, for the idea for the reduction in timescales, which followed on from the Marine Bill. To be fair though, I would not be being serious if I was saying that.

As was mentioned, there are two amendments of substance in this group. First, I will deal with the others. The DUP has no problem with those in the Minister's name. They will, to a large extent, stand or fall on the outcome of amendment No 26. Amendment Nos 32 and 34 are consequential and technical, so there is no point in talking about those.

I will not reopen yesterday's discussion, but amendment No 26 is consistent with what we did yesterday, in that the primary purpose of the judicial review amendment is to prevent delay in the planning system, which can result in the loss of investment and fewer opportunities for job creation. Concerns were raised that while we try to sell Northern Ireland and ensure that it is as attractive an option as possible, the planning regime has, at times, been a disincentive, sometimes more in perception than in reality when it comes to the timescales involved. Nevertheless, this is one of the steps that we are taking to send a clear-cut signal that

we are open for business. There is at least one analogy with amendment No 24: if made today, amendment No 26 would not alter any judicial reviews. It provides an enabling power in a similar way to amendment No 24. Royal Assent will not have any direct impact on any judicial review. This is designed to look at a small number of potential cases and give the power to the Assembly to look at a reduction in future.

The Minister said yesterday that the number of judicial reviews of planning cases was low, and I accept that. However, judicial reviews of planning cases can be significant in nature and have a significant effect on jobs — one need look no further than at the John Lewis decision in the past few years.

Mrs D Kelly: I am grateful to the Member for giving way, but he is talking about an application at Sprucefield, which was well articulated and dealt with thoroughly by the Minister in the Chamber last night. Will the Member please explain how local communities and other interests will be consulted on any of these economically significant zones? Will the Member further explain why his party colleague, the Minister of Finance, refused to sell a small piece of surplus land that is holding up the creation of 400 jobs at Rushmere?
[Interruption.]

Mr Speaker: Order.

Mr Weir: With respect, I am not in a position to answer. I suspect that my colleague, who is to my left, may be in a position to answer that question.

I am trying to address the amendments. The Member asked about economically significant zones. There is a danger of some in the House fighting yesterday's battles. I am afraid that you lost that one.

I acknowledge and accept a remark made yesterday by the Minister that the number of judicial reviews of planning cases was relatively small, but the point is that such reviews can have a significant effect.

To that extent, I mentioned that some of this is part of a process to say that the full range of economic tools should be there. Yesterday, I think that Mr Hamilton talked about having another arrow in the quiver. I think that this is of a similar nature. Given the number of judicial reviews, it is, I suspect, an arrow that will be used very infrequently. On the broader level, it will be used a lot less frequently than it will be

for the economically significant planning zones, for example.

4.30 pm

It gives a power to the Assembly. It is narrowly defined, and it is for dealing, if you like, with specific problems and classes of judicial review. As the amendment indicates, the Assembly does not, and is not seeking as part of this, to have the power to in any way restrict the opportunity to take judicial reviews on the basis of EU law or, indeed, convention rights. Therefore, from that point of view, this amendment will not cover most of the situations in which there is a European directive, for instance. That is because, largely speaking, they would be covered by a European law.

It restricts the time frames for those. I think that there is a need to set time limits, and we need to get things moving quickly. If a genuine case can be taken on that basis, it should be put forward.

As with the —

Mr Allister: Will the Member give way?

Mr Weir: Yes, I will give way.

Mr Allister: I take it that the Member concedes that his amendment would remove from the ambit of judicial review any challenge on the basis that a decision is unlawful by reason of its being irrational and thereby contrary to public law. I take it that he does concede that that is a major plank that he is seeking to remove from the platform of judicial review.

Mr Weir: No, I do not, because very learned as the Member is — I am sure that we will hear at great length later on his —

Mr Hamilton: He would tell you so himself.

Mr Weir: Yes, I know. As indicated, the Member is very learned, and there is no greater man to tell us that than the Member himself. This amendment would not affect any judicial review; it would not remove any power of judicial reviews. It would enable the Assembly to bring that forward at future dates. Therefore, it would not restrict. Again, the Member —

Mr Allister: Will the Member give way?

Mr Weir: No. The Member will have his chance later on. He has got it wrong on this issue. Again, there is a safeguard in this amendment,

and if something is brought forward in the future, an affirmative vote by the Assembly would be required for it.

Mr Givan: I am grateful to the Member for giving way. Does he agree that nine years of process and delay to deal with the application at Sprucefield for Westfield, which included John Lewis, due to successive judicial reviews that were motivated by nothing other than commercially vested interests, were an abuse of the process and have cost the Northern Ireland economy over £100 million of investment and hundreds of jobs? Does he also agree that, more recently, they were aided and abetted by none other than the Minister of the Environment, who put the nail in the coffin with his submission to the Planning Appeals Commission?

Mr Weir: I think that the John Lewis case and the Westfield application is a prime example. The situation with this is, again, partly about sending out a signal. Let us get away from the myth that this is the ordinary citizen walking down the street, who, in other terms, would be referred to as the ordinary person on the Clapham omnibus. This is not an ordinary person seeking a judicial review. This is vested interest; it is commercial interest; they are interest groups seeking judicial review.

Indeed, the key example of John Lewis, which, I think, was initiated by commercial rivals trying to prevent its coming, is a very good case in point. Again, this is something that has also been discussed on a national basis. I believe that it is something that, from that point of view, is lawful, and it clearly sends out a message to vested interests. It sends out a clear message that Northern Ireland is open for business and that we will be working with investment to try to bring that forward.

Mr B McCrea: Will the Member give way?

Mr Weir: Yesterday, while in full razzle-dazzle flow, the Member had no interest in giving way, certainly not to anybody from my side. To use a phrase from earlier, what is sauce for the goose is sauce for the gander. I am sure that we will hear yet another great policy development later from NI21. The Member will have that opportunity.

Amendment No 24 deals with the other issue of substance, which is third-party appeals. Again, the issue was debated previously with regard to the 2011 Bill. From that point of view, we expressed something which I think has been replicated in this amendment. We saw

problems with third-party appeals because, if we are looking to have a streamlined Planning Service that makes good, efficient decisions, we did not find favour with the idea of, potentially, putting that level of delay in at the end and adding an additional layer of uncertainty.

There is also concern that a system of third-party appeals is open to a degree of abuse. Indeed, where it has operated, it has been. We are not keen to replicate that. The case for third-party appeals would be stronger if this was some attempt, simply, to divorce the public from that part of the process. I agree, at least, with one issue that was raised yesterday by the Minister, which is that, obviously, given the amount of attention that is applied to a range of amendments, sometimes, a range of clauses in a Bill can, largely, be ignored and not spoken about. What we sought in the 2011 legislation, which is replicated in this Bill, is that the pre-application community consultation was a much better way to do it. The idea is to front-load that level of consultation in order to ensure that if things are wrong with an application, they are put right at the start.

In my experience, having been involved in many applications — on many occasions, representing residents — the problem is that, by the time that you get to a situation of final determination and a potential appeal, essentially, you simply reach a point, first of all, where either the application is wrong or right and any opportunity for a degree of compromise, discussion or change on either side, or to make amendments, tends to be reduced. Also, from the point of view of the attitudes of both the developer and residents who object, by that stage, you often get into a situation where there are very entrenched viewpoints. I have to say that, quite often, that situation, ultimately, does nobody any good.

The provision of a pre-application community consultation — and let us remember that the bulk of applications will be taken at local-council level and, in that sense, will be accountable on that side of it — or the alternative, as we have mentioned with regard to the other side of it, is that there are opportunities, even in the proposals that we have put forward, either for it to go to appeal, and, indeed, that is facilitated through earlier amendments, or the fact that it would be approved by the Assembly as a whole. We believe that pre-application community consultation is the best way forward.

I make no criticism of the Member for bringing forward a late amendment. He is perfectly entitled to that right. However, in the same way

that this was discussed two or three years ago in 2010 and 2011, I believe that a third-party appeal is the wrong way forward, and we are much better to front-load the system with pre-application consultation. My view, and that of my party, remains consistent on that issue. Therefore, we will oppose amendment No 24.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom cúpla focal a rá. Today, we are into round two. I am waiting to hear what the Members to my left will have to say.

In all of the debate and amendments that we have had, I have not heard too much talk about jobs, communities or how to create any employment. That is the essence of the amendments that have been put forward by Mr Weir and I over the past two days. This amendment is about the review process. Each Department has a responsibility for economics and growth. We have a unique opportunity through this process and the planning system to try to facilitate and attract investment and grow the economy. That is what we are trying to do. For the benefit of those who did not get it yesterday, I will try to outline it today.

Yesterday, we spent several hours debating the issues around the amendments to the Planning Bill. During the debate, some Members tried to say that my heart was not in it or that I was not supportive of it, but nothing could be further from the truth. Unlike other Members who seem to like the sound of their own voice and who go on and on and on — I hope that you will try to keep that under control today, Mr Speaker — I was just trying to put forward, as clearly as possible, what the amendments are trying to do. Anybody who has heard or dealt with me in Committee will know that that is what I normally try to do. It is up to the Bill Office and others to write the legislation and decide how the amendments are composed, and we take advice on that.

Yesterday, we heard the line peddled that our amendments did not offer protection on our European commitments. However, as this amendment makes very clear, any judicial review application in respect of decisions made about economically significant planning zones will be limited to those very commitments. Our amendment very clearly states that, where a person is aggrieved by a decision or determination to which the section applies, the grounds for appeal are restricted solely to:

"(a) the compatibility of the decision or determination with the Convention rights; or

(b) the compatibility of the decision or determination with EU law."

Furthermore, our amendment spells out that "the Convention rights" has the same meaning as in the Human Rights Act 1998 and that "EU law" means:

"(a) all rights, powers, liabilities, obligations and restrictions created or arising by or under the EU Treaties; and

(b) all remedies and procedures provided by or under those Treaties."

As the proposer of this amendment said, this is an enabling power, and it will come back to the Assembly.

The reality is this: whether we like it or not, we have a bad reputation when it comes to getting planning applications finally approved. That is not solely the responsibility of the Minister of the Environment; it is a legacy of our legal system. We have all seen business rivals lodge appeals to simply block or impede the progress of others.

Our amendments are not about a numbers game. The Minister of the Environment has put on record the number of appeals taken over the past few years. However, he is missing the point that they have damaged our reputation for getting final decisions made. Some of those who wish to invest and create jobs have had very bad experiences of suffering delays or have witnessed what has happened here, and, as a result, they have taken their investment elsewhere. Our amendments are restricted to Ministers taking joint decisions on economically significant planning applications.

The time limit set out in our amendment and the grounds on which appeals can be made will offer everyone — those with genuine concerns and investors — reassurance that good planning decisions will be made in the best interests of all and that the system will not be open to abuse by those who have a vested interest in blocking planning applications.

Last night, the Minister acknowledged that there were issues with the judicial review process, but said that he felt that it was best left to the judiciary to address those issues. I disagree with him. His approach fails to recognise that the judiciary operates within a framework of law. That framework is set out in legislation that is passed by legislators. That is our primary role here in the Assembly, and I do not believe that the people we represent out there, who are crying out for jobs and for the security that decent jobs bring, would thank us if we

failed to address what we all know is a real and pressing issue. Our amendment —

Mrs D Kelly: Will the Member give way?

Mr Boylan: No, I am not giving way. I gave way plenty of times yesterday. I am not giving way.

4.45 pm

Our amendment protects both those with genuine concerns about planning applications and those who will consider investing here — investing in jobs that offer hope to our young people, to people who are struggling to ensure that they can care for their families and to those who want to see us build a prosperous society. I believe that this amendment is an important stepping stone that will allow the Assembly and Executive to deliver on that vision, and I commend this amendment to the Assembly.

I will touch on some of the other amendments. Our party supports the third-party right of appeal. I sat through the whole discussion on the Planning Bill when some Members spoke about front-loading the system, bringing pre-application discussions and allowing communities to get involved in that way. That will be the test of it all. Maybe the Minister would like to respond on how he would like to see that process rolled out; if there are to be reviews or how that would come forward. The other amendments are consequential. With that, I support the amendments in this group.

Mrs D Kelly: Mr Boylan talked about there being wishy-washy debate yesterday. Well, his voice was very wishy-washy because I do not think that his heart was in it. There was no real strength or passion to his voice to tell us that he actually believed in the proposals that his party put forward alongside its colleagues in the DUP this afternoon. It is interesting that, in Mr Weir's contribution, he said that this had been discussed at a national level. One presumes the new coalition of the Conservatives, the Liberal Democrats, Sinn Féin and the DUP is now going to dictate planning powers for the people of the North. I really do not think that that was something that the Irish people voted for in the Good Friday Agreement. Sinn Féin should hang its head in shame for what it is doing here with these amendments.

Anna Lo talked about the petition of concern and the abuse of a petition of concern. Who would have thought that a petition of concern would be used to exclude environmental protection from the Planning Bill? I believe,

although perhaps I have been too cynical for too long in politics and in the health service, that the petition of concern is to give their colleagues in Sinn Féin some cover in being able to vote against the DUP. Therefore, they have been able to trail into the Lobbies with the rest of us and it gave them cover. You can just imagine the conversation last night, "Here, boys, wait till I tell you something. We have been very helpful to you all day today, and we need a wee bit of cover here, because a lot of the NGOs and others are calling this the 'special powers Act' where people are silenced and have no voice. You need to do something for us tomorrow." The petition of concern seemed to be the way ahead on that matter. I really am quite convinced that that was the gist of the conversation and the rationale for the petition of concern because there can be no other.

The SDLP supports third-party appeals, and we support the Green Party's enabling amendment. We also commend the Minister for the proposals he has brought forward in the Bill, which will deal much more effectively with enforcement against those who flout planning laws and, of course, include the potential for a higher ceiling of fines to be enforced by the judiciary. I believe that that ought to be welcomed. I hope that the judiciary will use those powers in good measure, unlike in the past where the derogatory fines, in many instances, have not deterred some developers from very clear flouting of planning law.

Some Members have talked about and seek the cover of delays in the planning system, but, as all Members who have served at local government level and, indeed, at Assembly level will know quite well, a number of the other consultees actually cause the delays in the planning system. We have delays from environmental health officers in making some responses, and we quite often have delays from the Roads Service and Water Service in making responses. I have not heard any Members say that any of those amendments are to address the other departmental failures in ensuring that the planning system responds much more quickly and in a more timely way to applications.

Unfortunately, Mr Boylan would not take an intervention from me. He again tried to hide behind the excuse of job creation, yet he has failed to give the House one concrete example of a developer looking to come to the North of Ireland to commence a new business, industry or manufacturing base and being denied through the planning system. We do not see queues of foreign direct investors outside Invest

NI or the First Minister and deputy First Minister's offices. As the Minister of the Environment said yesterday, this is a further example of how the British Government use the North of Ireland as their playground. We know what happened in the past.

We know from our other nearest neighbours in the South of Ireland about the risks of zoning land for developers. We saw the scandals leading up to the Flood tribunal and similar inquiries. Neither Mr Weir nor Mr Boylan, the Members who tabled the other amendments, has given us any indication of what safeguards there will be to prevent such corruption. Nor have they given us any insight into their thinking on how areas will be selected and zoned. What will be the main objectives when looking at an area of ground? You have only to recall the social investment fund. I served on the Committee for OFMDFM when that was announced. It was only when a member of the Alliance Party, I think, walked past the Long Gallery that he found out that a select audience of community groups from different parts of the North had been invited to hear that announcement. Other MLAs and members of the Committee were not invited. More importantly, not all community and voluntary sector groups were invited. Will we see a similar economically significant planning zones announcement, with only a select audience being invited to the Long Gallery? How will all that be managed? No one has told us any of that.

I see Mr Hamilton coming back into the Chamber. If they are so intent on looking at jobs, why in my constituency of Upper Bann are 400 jobs being put on the back burner at Rushmere? It is because the Department will not agree the sale price of a surplus bit of car park and a bank opposite the civic centre. In case there is any misconception, I am talking about a bank of land, not a bank. Mr Hamilton might jump to their defence by saying that there was a closed-bid tender. As I understand it, the amount bid and the amount that the district valuers put on it did not match. Since then, however, other patches of ground in the constituency have, strangely enough, been sold at more realistic prices that are in keeping with current market value, unlike the land at Rushmere. The argument about job creation does not stack up. It raises more questions than it provides answers.

The amendments take away not only the right of appeal of other interested parties, including communities, but, in the main, powers from local councils. The reorganisation Bill is set to transfer planning to local councils, and there is

a delay with that. We have to wonder why. The Minister said earlier in response to a question that the reorganisation Bill had been with the Executive since 8 April. Anna Lo, as the Chair of the —

Mr Speaker: Order. The Member will know that I have given her quite a bit of latitude. We have almost gone around the houses. I ask the Member to return to the group 3 amendments.

Mrs D Kelly: I was merely pointing out that planning was moving under the reorganisation Bill, yet this Bill has come to the House first with these amendments, which will take that element of planning away from local councils.

It will come as no surprise that our party will support the Minister's amendments and the Green Party's amendment. We continue to have serious concerns about the intent and purpose of the amendments tabled by Sinn Féin and the DUP.

Mr Kinahan: I think that everyone when speaking today has the economy and jobs in mind. The debate comes down to where people place the environment, but it is wrong for anyone to imply that the rest of us do not care about jobs. Jobs are the most important things that we can cause to happen in Northern Ireland.

I want to move to amendment No 24, which deals with third-party rights of appeal. This is déjà vu; we discussed it in the last Planning Bill. When we discussed this last time, we felt that it was necessary to protect individuals, communities and the people whom that Bill seemed to be putting at its centre. Yet, when it came to the vote, once again, a petition of concern was placed in front of us and used for the wrong purpose. I remember saying so at the time and that we should challenge the use of petitions of concern.

As a party, we support the rights of third parties to appeal. We have to find a way to ensure that it is not just the big guns, the wealthy and the developers, who have the chance of going to court and that everyone has their chance to challenge. What was the argument against that? It was that it would delay decisions. It will not do that if you put a good time frame on it, make decisions decisively and deal with things properly. So, there is nothing to be afraid of in supporting third-party rights of appeal. The Ulster Unionists will support amendment No 24, and I hope that others will move and realise that people have rights to challenge things.

Amendment No 26 links us to all that was said yesterday. We think that it will shamefully take away the rights of the individual, even more so. Yesterday, I spoke of there being a sham of a deal. What intrigued me was that those who were part of that deal in the two main parties did not challenge us and say that there was no deal. Indeed, they should be experts on the ceiling and the carpets of this Building, because that was where they were looking for most of the debate yesterday.

We heard yesterday — it is very relevant to amendment No 26 — that OFMDFM is completely the wrong place to pass these decisions. We also heard the comment by Peter Robinson — it is also very relevant to today's debate — that he was concerned about creating economic zones, because they just cause displacement. In my patch, Belfast International Airport, instead of competing with foreign countries often finds itself competing with the City Airport. That is the type of displacement that we are talking about. If you place a longer runway at Belfast City Airport, other than creating more noise for all the residents, you are more likely to take away from the International Airport than from anywhere else. I have yet to hear an answer from anyone on how displacement will be dealt with.

The other fundamental matter when it comes to amendment No 26 is the lack of consultation. If we are to fully understand what is being put into amendment No 26, we should have had consultation. That would have allowed the lawyers and all the other people who understand this to really look at all the matters.

Mrs D Kelly: I am grateful to the Member for giving way. Perhaps the DUP is very worried about the impact of consultation given its experience with the application for Knock Golf Club.

Mr Kinahan: The Member is probably very right that they would be worried about that.

Going back to the subject, we did not consult, so we did not explore all the avenues. We also did not learn what we would have learned in the Committee, which was never presented with the amendments, and by having a chance to discuss the amendments among our parties.

So, it looks like, in the future, we will be able to choose any area of any size, create an economically significant planning zone and do what we like there. If I understand it correctly, under amendment No 26, people will not be able to challenge the creation of a zone unless it happens to be against their human rights or

EU law. It is a real shame on both parties that they have agreed this. We will oppose amendment No 26 and support the other amendments.

5.00 pm

Mr B McCrea: I am pleased to have the opportunity to discuss some quite important issues. It seems to me that the two substantive amendments that we have to deal with are amendment Nos 24 and 26.

The argument, as I understand it, that was put forward by those who proposed the generality of the Bill is that we need to do something better with our planning regime because it is not fit for purpose and is detrimental to investment and jobs. Indeed, Cathal Boylan was at great pains to say that that is the main reason why he wants to move forward with the issue. I have to say that although I am sympathetic to the idea that we should try to create a better environment for investment, I am not sure that doing away with some fundamental rights encourages anybody. What I know about most investment opportunities is that people are looking for a stable legal framework in which to operate. In fact, I have often heard it said by Invest Northern Ireland that one of the things that we have to offer in Northern Ireland is just that — in comparison with some other investment locations, we have a significant and stable legal framework.

Let us deal with amendment No 24, in the first instance. It has been suggested by Mr Agnew that we should have a third-party right of appeal. Mr Weir, sadly, is not in the Chamber to hear my response, though he indicated that he would like to hear it; never mind. His argument was that this will unnecessarily delay the appropriate decision-making and that maybe we should look at it in a different way, front-load the entire planning process, get the preconsultations out and go that way. It just seems to me that there is a real problem with the denial of justice. Surely, if a thing is wrong, only then will a judicial review succeed. If a thing is wrong, regardless of whether it was well intentioned, citizens should be allowed to challenge decisions. That must be a good thing for all of us.

I am perturbed by the use of a petition of concern in these matters. Time and again, we have talked about whether it is right or wrong to use a petition of concern, but, to be honest with you, if it is a concern, it is a petition of concern. That is the framework that we have. However, is that actually going to bring us to a decision

that is right and appropriate and that the people of Northern Ireland will support?

I have a concern about amendment No 24. If I read the mood of the Assembly correctly, for the second time today we will have a situation where the House will vote in a majority for a particular amendment but that amendment will be overturned by a valid petition of concern. To all those Members — or the two of them who are still here — on the Benches opposite who tell us how democratic it can be when you take it back and say, "Let us put this to a vote of the Assembly" the answer is that there are very interesting procedural motions that can be brought in, and things might be dealt with by negative or positive resolution. These are all things that may be important to Members because we may understand the significance of them, but the ordinary man and woman in the street may wonder whether it really matters. The argument that I wish to advance is that it does matter. If we are to have a stable, prosperous Northern Ireland, we need the common good recognised for all. We need to have a system of government where, of course, the Government are entitled to take decisions. If that Government happens to be defined as the Executive or if it becomes, through political development, some form of voluntary coalition between the DUP and Sinn Féin, that is fair enough if it is the democratic result of a vote. However, if you make decisions, surely it is absolutely appropriate for those decisions to be within the law, valid and right. Members should welcome the opportunity to have those decisions reviewed, if necessary, and the opinion of the court will be impartial and binding.

Some on the Benches opposite mentioned John Lewis, which is of particular concern to me and those in my constituency. Just about everybody I talk to asks, "Can we not, please, get John Lewis? Can we do something?". There is an imperative to go and get investment in any part of Northern Ireland. The challenge is this: why did the judicial reviews fail or, depending on how you look at it, succeed? Why was there a problem? If there is a failure, it has to be addressed. The court review is not the problem; the process in advance of it is.

Hansard will show that Mr Weir argued that many of the delays in that process came about because of vested interests, as if vested interests are somehow less important than non-vested interests. This cannot be right. Surely, if you have an interest — we should all have an interest in such issues — you are entitled to put your case to the court, and it will decide. So I reject the notion that people take frivolous and

non-substantiated judicial reviews that they use inappropriately. They are entitled to have their day in court and put their case.

What may be of interest and what I would have welcomed if we were tabling amendments is finding a way of speeding up judicial reviews. Can we find a way of making sure that there are appropriate time limits? I say that not in any way to constrain people in when they can bring action, merely to observe that we often get a delay in response from statutory consultees or we find that people will come along and say, "You have not considered the EU habitats directive. Will you please go off and have a look at that? ". That may take considerable time, during which, of course, people have to delay, and everybody wonders what is taking so long.

The answer to all of this is a better, more professional approach to planning. In that regard, I looked at the work being carried on by the current Minister of the Environment. I understand that there are some issues with inertia in the system, but surely the real challenge is to get people who are on top of their brief to understand where the logjams are and try to remove them in the proper course of doing business and within the law as it stands.

I will conclude on amendment No 24 by saying that I do not think that the use of a petition of concern is the right way forward. For anybody listening outside the Chamber and trying to understand, this is a fundamental issue. This is where petitions of concern start to overturn the legitimate and expressed will of the House. We have talked about that a lot and about the settled will of the Assembly. The settled will of the Assembly was to agree to a third-party right of appeal. Yet we are using procedural motions — I think that the Chair may have used the language "sleight of hand", and I am sorry if I am putting words in her mouth — and that just does not seem to be the right way to go about it. If you have an argument, make it and win your case. Build alliances and consensus. Explain in good time what the issues are and come forward with some form of alternative that we can all support. As it stands, we will not support the petition of concern. We support amendment No 24.

I will move to amendment No 26. One of the things that I find really disturbing in the body of the amendment is that proposed article 33A(2) states:

"Subject to paragraph (3), a decision or determination to which this Article applies

shall not be subject to appeal or liable to be questioned in any court."

That is a fundamental challenge to our democracy and our legal process. Any decision taken by the Government or public authorities, if inappropriate, wrong or not within the provisions of the law, in any circumstances, should be allowed to be challenged. That is a fundamental right. The idea that you can stipulate where you are allowed to use a JR and where you are not, if taken to its extreme in other situations, would be a real problem. That is why I have to say that amendment No 26 does indeed seem to be deficient on many issues.

Other Members mentioned that this is the sort of process that a totalitarian regime might use. I certainly think that it would be better if the amendment —

Mrs D Kelly: Will the Member give way?

Mr B McCrea: I will indeed.

Mrs D Kelly: I support the Member in his description of the regime that we are about to enter into. As you know, yesterday was a power grab from local councils, but is today not a power grab from local citizens in the refusal to allow them any sense of judicial review or appeal?

Mr B McCrea: I thank the Member for her intervention, because I really want to stress this: this is an issue about a challenge to democracy. If the media or the press are listening to this, I say that this is a challenge to free speech. It is a fundamental issue; it is not trivial. Other people in times gone past actually used the opportunity to take control of a legislature by legitimate means and then used the legitimate means in that legislature to turn democracy on itself. That is what we have to be careful about. There is a quotation that, I think, states that the price of democracy is ever vigilance. There is a danger. I am sure that, when Members reflect on it, they will not go down this route, but you have to be aware that, if you end up with such a situation, it is getting close to fascism. I do not say those words lightly. I warn the House that, if we go down that route on this amendment, on any amendment or on any topic, it is tantamount to a totalitarian state in the fascist mode. That is something that citizens of this country really need to take up and take interest in.

While we are talking about how such a thing would come about, I will say that there are

occasions when people with opposing views are not treated with the right tolerance. I have heard that from some people, and I know, Mr Speaker, that you do your best to try to encourage a polite exchange of views. The whole idea of an Assembly like this, with the cameras on us, is that people with different opinions can express those opinions without fear of being shouted down, told that they are not right or any of those things. It has happened in different places. I did not call the Speaker's attention to it, because, you could say, I am big enough to look after myself, but is it really necessary to use words such as "razzle-dazzle" and all that? Is that the right way to go about making a serious point of discussion? The Speaker is in control of the Chamber, and he, of course, will decide, but, if you really want a proper, informed debate, why not give us the information in advance, in consultation —

Mrs D Kelly: Will the Member give way?

Mr B McCrea: Just one minute, Mrs Kelly. Would it not be better to give us the information in advance to try to explain what you are trying to do and to try to build consensus rather than just bouncing it through at the last minute and saying, "If you do not vote for this, you are somehow anti-the economy, anti-jobs and anti-the people". That is not the case. People in the House are for the people of Northern Ireland, but we have a job to do.

Mrs D Kelly: I am grateful to the Member for giving way. Will he not go further and say that it was not even the Members in the rest of the House outside their own two parties that they did not give information to? From the weak contributions of both Mr Weir and Mr Boylan, it appears that they have not even been involved in the drafting of the amendments, nor do they understand them. Furthermore, is it not startling that Fracker Flanagan is not here in the Chamber today? He is obviously being silent. He is the only person in the Western World who is opposed to fracking —

5.15 pm

Mr Speaker: Order. I have reminded the House on several occasions that we should call Members by their proper names. That also goes for parties.

Mr B McCrea: Well, having just spoken about the need for good manners and good order in this House, it would be a little awkward for me to say anything other than that it is appropriate for people to put forward their argument in the

best manner that they can. They should show some respect to the House by being able to put that argument with conviction, taking the necessary interventions and trying to explain what they think to colleagues here. It is not necessary, if your argument is strong enough, for you to rubbish individuals or their stance. I am really not having a go at Mrs Kelly when I say that, but surely we can put forward an argument and talk sensibly to one another.

I will conclude by saying that this amendment is a really serious and fundamental challenge to the Belfast/Good Friday Agreement and to the way in which this institution and others were set up. It may have seemed like a good idea and may have been well intentioned in trying to create jobs, speed up the process and put forward the right criteria for investment. I do not doubt that Members in other parties are trying their best to do good things. Surely, however, they can see that this amendment has not provoked the reaction that they wanted and that it is counter-productive.

If we get ourselves into a situation where we have legal challenges or, heaven forbid, judicial reviews or other situations where it is used as a precedent, the DUP and Sinn Féin Members will be sorry that they went with this particular approach. I ask them to think again.

I am grateful for the opportunity to speak. The position of NI21 is clear on this matter; I ask those who are listening to think again. This is a really serious issue, not a trivial matter.

Mr Dickson: First, I apologise to the House for not being here for the earlier part of the debate. Interestingly, I was with a visitor to the East Antrim constituency earlier today who takes a great deal of interest in planning matters. In fact, we were looking at proposals for Glenarm harbour and marina and for sensitive development in that area. There are people who take planning matters very seriously.

I want to address the House primarily on the issue of third-party rights of appeal. As a local authority member for over 30 years, I have taken a great deal of interest in the subject. First, however, I will refer the House to the Planning NI website. Under the heading "Who may appeal?", it states:

"Appeals to the Planning Appeals Commission may only be made by or on behalf of the person who made application for planning permission or other approval. There is currently no 'third party' right of appeal against a planning decision. This means that objectors or other parties who

may have an interest in the proposal cannot make an appeal if they are unhappy about the decision."

I have spent most of my political life in the council dealing with planning applications as a consultee because, as you know, Mr Speaker, we have no planning authority as councillors, but we were, at least, given the ability to be consulted on planning matters. I have championed the issue of third-party right of appeal on behalf of my constituents over all those years.

Interestingly, however, it was not just about the championing of particular planning applications. It was also about a process of trying to encourage other councillors to come on board with that point of view and get them to see the value of third-party rights of appeal. I can proudly say that Carrickfergus Borough Council has, in the past, unanimously supported third-party rights of appeal. We have also encouraged other councils across Northern Ireland to come to that view as well.

How embarrassing, then, is it for the DUP to have to go back to their councillors, particularly on Carrickfergus Borough Council, to tell them that that which they cherished, which they thought would be of great benefit to their constituents and which they thought would be of good support to the communities that they purport to represent would not continue, would no longer be supported and, in fact, is now thought to be completely and utterly wrong?

The debate about third-party right of appeal is often portrayed as a conflict between large-scale developers and communities or individuals. In fact, most planning applications relate to fairly modest development proposals. Many planning applications are from householders who are proposing nothing more than minor developments in or around their homes. Such a right would give those who consider themselves to be affected by the development the same right of appeal as the applicant. That is often described as a level playing field. I challenge those who are attempting to pull the rug out from under those who wish to have that level playing field to explain themselves. It is to their constituents that they are going to have to explain themselves if this legislation proceeds in the way that has been proposed.

Third-party right of appeal would make the Planning Service accountable for all decisions on planning applications, not just refusals. That would lead to more careful scrutiny of development proposals. It is sometimes argued

that the Planning Service is prepared to grant planning permission for a development rather than refuse consent or face possibly lengthy expensive appeals from applicants. If there is a possibility that a proposal could be subject to appeal, irrespective of the decision that is reached, it has been argued that the Planning Service would consider applications more carefully to ensure that it reaches what it believes to be the right and defensible decision. That would also encourage applicants to prepare their development proposals more carefully. We would perhaps have, as the person I met earlier said, fewer carbuncles in our society.

The Planning Service should engage with communities at an early stage about the design, layout and all the consequences of a planning application. It should take the views of local people on board — gosh; that is why I thought I was elected to the Assembly — when drawing up plans that could limit the risk of permission being challenged by third parties.

My call for a third-party right of appeal arises from my concern about planning permission being granted for developments that are out of accord with the local area development plans, and about the quality of the decisions made by the Planning Service. There are interest groups, such as environmental organisations and other local amenity groups, and I pay tribute to those that have worked tirelessly over the years to improve the quality of planning decisions, have challenged the Planning Service where necessary, and taken on developers and pointed out to them that, if they co-operate with community organisations, they have a much higher chance of successfully getting their planning application through and that it will be done with the support of the community, rather than against its will.

This is my great fear with regard to the denial of third-party rights of appeal: it will alienate many people in this community because they cannot be genuinely engaged in a planning application. As I said, that could range from the scale of a major development with a wide-ranging impact, or impact of a very local nature that could nevertheless be of significant concern to local people. Those of us who support third-party rights of appeal are not opposed to the principle of particular developments. Rather, we are opposed to the cumulative effect of development decisions that adversely affect the amenity of an area and deter investment because an area has simply become unattractive.

Others apply the principle of environmental justice, expressing concern that poor areas get more than their fair share of unwanted and poor quality developments, and lack a formal voice to stop that happening. That is a very important area of concern and should be such for the two parties that are proposing to block third-party rights of appeal. It has been and can be clearly demonstrated that communities that do not have a strong voice will not be able to hold back the tide of poor quality planning decisions and poor quality developments and buildings.

It is clear that communities that can articulate their particular points of view can influence developers and planning decisions. We want a level playing field so that everyone can have their say in, and influence over, planning decisions. Third-party rights of appeal, when we get to the appeal stage, are the last resort. What we want is people talking and co-operating. At the end of the day, constituents, residents and communities need to be able to have a say. They need to get to an end point and feel that they have been allowed the opportunity to have a full say in what happens when a planning application comes to the local authority.

I am grateful to an organisation called Scottish Environment Link, which published 10 myths about third-party rights of appeal. I do not intend to bore the House with the detail of all 10 myths. I will simply state that here are 10 myths with very clear and cogent answers as to why that is all that they are — they are myths. The first is that third-party right of appeal:

"would add significantly to delays in the planning system".

No; it would not. Let us look at the proposed amendment to the legislation, which states:

"subject to such limits as may be specified."

It would be for the Minister to determine how the process of third-party right of appeal would be developed. Guidelines would be published, undoubtedly, by the Department. Therefore, controls in respect of delays in applications, whether you have to provide a bond to ultimately produce a third-party right of appeal, whether you have to have a certain number of signatures, whether they have to be limited to a geographical area are all left open to the Minister by regulation and, presumably, by discussion with the Committees to come to a conclusion on. The proposed amendment is very open. It allows the Minister, the House and the Committee to ultimately determine how

any third-party right of appeal might be introduced.

The next myth is that third-party right of appeal:

"would add to the cost of the planning system".

No; it would not, if the Minister, the House and the Committee were allowed to put together appropriate rules and guidance.

Another accusation that is thrown at third-party right of appeal is that it is a "meddler's charter". It is genuinely about consulting communities. It is about involving the very people who have to work in, live in, drive on and use many of the buildings and constructions that are proposed. Therefore, it is not unreasonable for people to have a say on those planning applications.

There is a myth that third-party right of appeal is:

"a deterrent to investment in the economy".

That is clearly debunked when you look at the GDP of Ireland, Sweden, Australia, New Zealand and all those countries that have third-party right of appeal. It simply does not deter investors from coming into those countries and developing. After all, it could not be much worse than some of the archaic laws that we have at the moment, which slow up the planning process to the point of nothing happening at all.

It is claimed that third-party right of appeal "would undermine local democracy". No; it would not. It would involve and include local democracy.

Another myth is that third-party right of appeal:

"would create an unmanageable administrative burden".

Do we really think that people will be able to get to the final point of having to introduce their third-party right of appeal but not be able to create a committee, a chairperson and all the things that are required to listen to it? There are plenty of ways in which you can get people involved in the planning decision process long before you have to set up the administration of such an appeal.

There is an accusation that supporters of third-party right of appeal:

"are unrepresentative of communities, fundamentally opposed to change".

That is also untrue. I have been involved with many progressive environmental and other groups, which have been supported by organisations such as Community Technical Aid, that have delivered for communities by proposing quality alternatives to what a developer is proposing and what the Planning Service is prepared to compromise on. If you involve people, you get better decisions.

The next myth, which may have been referred to earlier, is that we should instead pursue:

"Other improvements in the planning system, such as greater front-end consultation".

We know what consultation on planning applications in the Planning Service is like at the moment. If you are lucky, it is a hit-and-miss process of a letter being delivered to half a dozen houses in a street, telling people that 40 houses are going to be built behind them, that trees are going to be removed or whatever the issue happens to be. It is small detail like that that exercises communities and makes people concerned about planning applications.

5.30 pm

Another myth is that third-party rights of appeal:

"would block social developments, such as schools and hospitals."

There is the old Nimby argument — not in my back yard — but people can and do see the bigger picture. If we have clear, articulate and well-developed local development plans and people buy into them, they will see how they can develop further. When the planning application for a specific element of it comes along, people will have already bought into the decision-making process.

The next myth is that third-party rights of appeal:

"would reinforce an adversarial approach."

Perhaps Mr Allister would like the income that he could gain as a planning barrister through supporting those groups. There are ways other than the adversarial approach to deal with third-party rights of appeal. There is arbitration and there are appeal mechanisms that are perhaps not as costly as resorting to the full force of the

law when it comes to third-party rights of appeal.

I know that we are in a sense flogging a dead horse in the House on this matter, because the petition of concern will block it. However, it will not stop me continuing to pursue it on behalf of my constituents. I am a passionate believer in the third-party right of appeal, and I believe that the overwhelming number of people in this House would, if they were given a free vote and if they listened to their constituents and councillors, be supportive of third-party rights of appeal. I do not intend to speak at any length on amendment No 26 except to say that I hear the echo of the jackboot.

Mr Allister: Yesterday, we witnessed a power smash-and-grab raid with amendment No 20. Today, with amendment No 26, the new tool of tyranny is to gag the citizens. To underscore that, the amendment not only gags the citizens but circumvents the courts to make sure that the opportunities that currently exist to challenge executive authority are neutered. For decades, nay centuries, the courts have played a vital role as a restraint on the abuse of executive power, and that is why the function of judicial review has evolved over many years. However, the obvious effect and purpose of amendment No 26 is to remove from the citizen the right to have recourse to that remedy in the manner that he or she currently has.

Mr Weir sought to excuse all that by telling us that no current judicial review will be affected. One might say, "So what?" Future judicial reviews that may unfold will most certainly be affected in a fundamental way. To have a check and balance on the abuse of unlawful or inappropriate exercise of executive power, judicial review provides a remedy that, if the court can be convinced that that which is being challenged is unlawful by reason of being irrational, or is so unreasonable that no reasonable body could have reached that decision, by virtue of its unlawfulness, it will be overturned. That has been a primary function of judicial review down the years. That predates any rights under any European Convention on Human Rights, because that form of judicial review existed long before we had the European Convention on Human Rights.

Therefore, if you say that you can still challenge it if your convention rights are suppressed or some EU legislation is not properly acknowledged, again I say: "So what?" What you cannot challenge any longer under this tyrannical proposition is that a proposal that is

unlawful by virtue of being irrational cannot be stopped or challenged by the courts.

Mr Poots: I thank the Member for giving way. Would the Member accept that, in some instances, the judicial review process has been abused and that, very often, it is one developer using technicalities in law against another developer? I could make reference, for example, to cases where that has happened. We have seen cases being drawn out for many years as a result of that. Instead of this being a developers' charter, as the Member is suggesting, he wants it to be a lawyers' charter, where fat cat lawyers can make fortunes out of stopping jobs coming to Northern Ireland. That has been the case in quite a number of instances.

Mr Allister: The Minister is the walking embodiment of a little knowledge being a dangerous thing.

If there are problems with judicial reviews or instances of abuse of judicial reviews — and the law, like politics, can be abused; there are instances of that in both — you address the cause of the abuse. You do not liquidate the right. If I recall correctly, the Minister has been judicially reviewed once or twice. His desire is to liquidate the right of judicial review and to say to the citizen: "How dare you challenge what I say? How dare you have recourse to the courts in this land? I am the Minister. What I say is right, because I say it." That is the arrogance of the attitude that lies behind amendment No 26. That was evident when the First Minister, back on 25 September 2012, was quoted in 'The Belfast Telegraph' as saying that he wanted the Executive to investigate how judicial reviews could be limited or avoided. That is a staggering thing to say: that he wants to remove a remedy of centuries of posterity; that he wants to be able to remove the right to challenge the Executive in the courts; that he wants to avoid the possibility of anyone daring to assert that the Executive just might have got something wrong.

Mr Poots: I thank the Member once again for giving way. We had a very important vote last night — actually, it was this morning. The potential for that to be judicially reviewed is very clear. We have a situation in which the House has decided that it is not in support of the redefinition of marriage. Will the Member support that being judicially reviewed and those rights? He knows that there is an awful lot of it going on. However, very often it is a lawyers' charter being paid for by legal aid. In the instance of planning, very often you have one

developer using judicial review, not because they are interested in badgers or newts, but because they are interested in ensuring that someone else does not take up a commercial opportunity that might impinge upon their commercial viability.

Mr Allister: In fact, I do not think that there is any serious threat from a judicial review on the same-sex marriage issue, but even if there were, what any executive, government or legislature does must be capable of withstanding the scrutiny of the courts. To think otherwise, to say otherwise or to do otherwise is to embrace tyranny and dictatorship, and that cannot be right. That is why it is frightening that there are Ministers in this House who are so anxious and so eager to ride roughshod over the rule of law. Access to judicial review is part of the rule of law. Make no mistake about that. Sadly, there are those in this House who are doing the bidding of whoever it is who has that ambition. That is a most retrograde step, and one that reflects most adversely on those who take that stance.

I am particularly surprised — well perhaps "surprised" is not the right word, because I am going to talk about Sinn Féin. Sinn Féin has been the champion of running to the courts at every whim for a judicial review. If it gets a coroner's decision that it does not like, it judicially reviews it. If it gets a Parades Commission decision that it does not like, it judicially reviews it. Yet, here its Members are as co-signatories of amendment No 26 to shut down, as far as planning is concerned, judicial review. These great libertarians who, when it suits them, proclaim that particular outlook are the fellow conspirators with those advancing the developers' charter to suppress judicial review. Is that, too, not quite surprising?

(Mr Deputy Speaker [Mr Dallat] in the Chair)

Let us be very clear, Mr Deputy Speaker. This suppression of judicial review does not relate just to the matter that we discussed yesterday, the matter of planning decisions taken in an economically defined zone. This attack on judicial review applies to every planning decision, whether it is made in a couple of years' time by a council or made by the Planning Appeals Commission or made by the Department. All of them are now going to be relieved of the threat of judicial review. What is that but an invitation to unchallengeable decisions and, therefore, bad and corrupted decisions? If you have no court to look over your shoulder and to say that that is irrational or unlawful, and if you gag the courts and gag the

citizen from going to the courts to say that, what sort of a dictatorship are we creating? What sort of a monster are we seeking to introduce in this legislation? I think that it is quite, quite staggering in that regard.

Let us take an example. Let us root it in amendment No 20 of yesterday. Let us say that OFMDFM, in its all-knowing, unchallengeable wisdom, decides that a particular ASSI — something very close to the heart of the Member for South Down Mr Wells, who is not here at present — should, even though it is an ASSI, become a classified zone, where any class of planning permission that OFMDFM decrees can be given, will be given. As I said yesterday, that is without recourse to issues such as location, siting or design. People are exercised, outraged and beside themselves because of the impact that it will have on them, their environment or where they live.

5.45 pm

There are those in the House who are prepared to say that not only should those people have no third-party right of appeal but that they should have no right of appeal to the courts. So they have no recourse to challenge or say that they want someone to look at this independently from the legal perspective to see whether procedures have been followed. One thing that results from suppressing judicial review is that even the procedures followed cannot be challenged, never mind whether the decision is unlawful because it is irrational.

Are we seriously saying to this and future generations that that is the way that we want to shape our planning law? For years, developers have wanted to shape it in that fashion and very much resented how the courts acted, on occasion, as brakes on them. At every turn, developers pleaded that it was for the economy, and, more often than not, they meant their economy. Now, under this charter gifted to them by their friends, they are to have free rein. I think that that is wrong.

May I say —

Mr Poots: Will the Member give way?

Mr Allister: Just let me finish this point. Mr Weir said that we need not get excited about this because any decision about what class of area is to be exempted from judicial review will have to be approved by a resolution of the Assembly. Let us tear away the nonsense that covers that statement. Anyone who knows

anything about how the House and the Executive work — this is true of amendment Nos 20 and 26 — knows that the Members who sit in the House did not draft any of these amendments. There are Members in the House who will vote for these amendments tonight, as they voted yesterday, without even reading them. Some, even if they read the amendments, would probably not even understand them, if you do not mind my saying so, but they will vote for them because they are told to vote for them.

How were the amendments drafted? Some special adviser, elected by no one, cooked up the idea with his political masters, instructed the draftsmen and then agreed — as part of some other wider package, no doubt — with special advisers on the other side of the House that this was the way that they would go. Then, hapless individuals such as Mr Boylan are sent in to propose them, and so they dutifully do, yet the Benches are empty because there is no appreciation of or enthusiasm for any of it. It is what they have been told to do. So when Mr Weir tells us that we should not be concerned about any of this because anything that happens will require a resolution of this House, again, the question is this: so what?

A resolution will be cooked up by the DUP/Sinn Féin cabal — by their special advisers — presented as a fait accompli and voted dutifully through the House. There is no protection there — none whatsoever.

Mr Poots, if he still wants to, can intervene.

Mr Poots: I thank the Member for giving way. I think that the Member is not against economic development; I certainly hope that that is not the case. However, over the past number of years, there has been a series of cases where judicial review has stifled economic development. We just heard today, for example, that legal aid for lawyers has risen again on both fronts. We can talk about fat cat developers, but there are fat cat lawyers. We could throw accusations about who people's lawyer friends are and who is defending lawyers here today. I am not accusing the Member; I am asking a question. Has he no association whatsoever with any law bodies any more? Has he resigned all that and is, therefore, free to speak without declaring any interest whatsoever in those bodies? Planning and other issues have dragged on and have been held back by judicial process for a very long time. In some instances, I am not sure where the added value has come. So I do not think that the planning system, as it has existed, has been good for opportunities in Northern

Ireland, vis-à-vis the Republic of Ireland and other places where potential opportunities for development have come. However, the Member may view that differently, and I would like to hear whether he does.

Mr B McCrea: On a point of order, Mr Deputy Speaker. Is it not the case that conflicts of interest are for the Member himself to declare and that no other Member should suggest that there is an issue in this matter?

Mr Allister: Without your needing to rule on that, Mr Deputy Speaker, I assure Mr Poots that if I had an interest to declare, I would declare it. Has he any interests to declare? Has his party anything to declare from development donors? Is his party saying to the House that it has no development donors? If so, things must have changed, Mr Deputy Speaker. Is that what he is saying to the House?

Mr Deputy Speaker: Order. The Member will resume his seat. I ask the Member to return to the Bill.

Mr Allister: Mr Poots, again, cannot get his blinkered view past the fact that there have been judicial reviews that did not turn out the way he wanted them to turn out. Therefore, his answer is to abolish them.

I had an interest to declare from another life. I had many clients, and things did not turn out the way that they wanted them to. They ended up in jail, but they could not abolish the courts. They could not say, "Let's have no more judges, let's have no more juries." No — there is such a thing as the rule of law. I am sorry, Mr Poots, there is such a thing as the rule of law in the check and balance on Executive authority. It is called judicial review, and it affects most gravely those people and their attachment to the fundamentals of our system to the extent that they want to shred and remove it. That is what they will vote for tonight. There is no doubt about that. The Health Minister's erudite contribution is now to say, "Nonsense". However, the Minister's actions will show who is talking nonsense, because the Minister's actions will be to vote to suppress — to remove — judicial review. That, of course, comes from someone who might have declared the interest that he has been the object of successful judicial review applications against him.

In that context, I turn to amendment No 24. In its own right —

Mr Givan: He revels in gay adoption.

Mr Deputy Speaker: Order, please. The Member will resume his seat.

Mr Allister: I could not hear it, Mr Deputy Speaker.

Mr Deputy Speaker: I must remind Members that you are not in a position to make remarks across the Chamber. Any contribution that you make will be made through this Chair. Thank you. Continue.

Mr Allister: I did not hear the intervention, but I suspect that I am none the poorer for that.

Mr Givan: Will the Member give way?

Mr Allister: Ah, Mr Givan. *[Laughter.]* Another walking embodiment.

Mr Givan: I appreciate the Member giving way. Does he want to explain to the public why, for example, he revels in the outcome of a judicial review of the laws pertaining to gay adoption? Why does he revel in the outcome of that judicial review?

Mr Deputy Speaker: Order, please. Before the Member responds, can we please deal with the issue before the Assembly, which is the Planning Bill?

Mr Allister: I revel in no such outcome. The problem that the Member has, and this goes back to the point about a little knowledge being a dangerous thing, is that he seems to think that if you believe in a court system, you are bound into every decision that is made. It is on the other hand: you are bound into respect for the rule of law and the fact that there should be recourse to inspection and oversight of Executive authority.

It has nothing to do with the outcome of judicial reviews, gay adoption or anything else. I disagree with that outcome and hope that the appeal is successful. However, the very fact that you can have a judicial review or that the outcome is not what you like is not a reason for abolishing judicial review. If that is the simplicity and mindset of those who are voting for this, I do wonder what their next proposition will be.

I was turning to amendment No 24. In its own right, I support amendment No 24. I believe in third-party appeals. I believe in them as a matter of equality because the planning process is very much an unequal struggle between the big developers who Mr Poots, before he

disappeared, mentioned and the little man, and very often — not always, but very often — the objectors are the little man.

When the big developer does not get his way with the planning authorities on his application, he can appeal to the Planning Appeals Commission. However, the little man — oh no; no appeal for him. It is a fundamental question of equality. That is why I have always believed in third-party appeals. However, in the circumstances of this smash-and-grab raid on powers by OFMDFM, and its handmaiden of tyranny — the suppression of judicial review — I find an abundance of extra reasons to believe in third-party appeals.

You cannot say to someone, "Not only will you not have the right to have a third-party appeal, but you now will not have the right even to challenge the decision by judicial review." So the liquidating of the right to have a judicial review is itself an added reason why, in these circumstances, third-party appeals are more necessary than ever. That is why, tonight, I will support amendment No 24, although steps have been taken to make sure that it will not succeed, and, for the reasons that I have outlined, I will oppose amendment No 26.

6.00 pm

Mr Attwood (The Minister of the Environment): I intend to address amendment No 26 to begin with, and to speak on the subsequent amendments later in my contribution. I have been trying to work out what is different about the debate this evening compared with the debate yesterday evening. I have drawn the conclusion that nothing much has changed. The debate is, essentially, still one-way traffic, with all the good arguments about good law, good politics and good government coming from those who oppose amendment No 26; and the weaker arguments, bad politics and bad government coming from those who support amendment No 26. The only difference has been that Peter Weir, unlike his colleague Simon Hamilton last night, did not even try valiantly to defend what the DUP and Sinn Féin were doing. Contrary to last night, Mr Boylan tried more valiantly to defend what the DUP and Sinn Féin were doing. However, as I hope I will explain to him, he only dug himself into deeper and deeper holes in so doing.

What is going on in this debate around the DUP and Sinn Féin amendments? It seems to me that there are three things going on. First, if it is good enough for the DUP, it is good enough for everyone. That is very much the political culture and the character of government that we

now have and which we see expressed in these amendments. Secondly, we see that, if it is good enough for the British Government, it is good enough for the DUP. I will come back to that point shortly. Ultimately, what is going on this evening is that, if it is good enough for the British Government and the DUP, Sinn Féin just has to live with it. That is what this debate has been about.

The revealing moment in this debate, if there was one, was the comment that was made by Peter Weir and picked up by Mrs Kelly. He said that these issues had been discussed at a national level, to use his words. What he meant was that what is going on in the amendments has been discussed with the British Government. Imagine that. These amendments were discussed with the British Government and published jointly by the First Minister and deputy First Minister, the Prime Minister and the Secretary of State for Northern Ireland. They were discussed at a national level and not discussed at a domestic level. Who is running this country when Peter Weir comes into the Chamber and quite casually says that these have been washed through at a national level? What a withering indictment on our democracy and our devolution if we are now subject to the whim, or the will, perhaps, of the British Government, when it comes to what we decide is good for our economy and good for our planning system. It was a very revealing moment. It reminded me a bit of a comment made by Mr Allister in respect of the SpAd Bill. There is always a moment in a debate when everything becomes clearer and the fog lifts, and it was Mr Weir's corroboration of what I claimed last night, which is that this is about much more than what is going on in Northern Ireland; it is about what is required by the London Government.

What does that say about those who signed this document; who put their names to this document a couple of weeks ago; who put their names down next to those of Mr Cameron and Ms Villiers? It says that they agreed with the London Government; not with the Northern Ireland Government; not with the Northern Ireland Assembly; not with the the Environment Committee. They agreed with nobody in this place about what was going to happen in this place.

What a comment about the character of our democracy and the nature of our Government that is expressed in those amendments and confirmed in that document and by Mr Weir's contribution.

I want to deal with the issue of judicial reviews (JRs). It was touched upon in earlier contributions — at least, by one Member. The point was actually a curious one for Mr Allister to make because, in my judgement, he has been — let me put it mildly — overprotective of the use of state power in this part of the world during the past 40 years. Nonetheless, he made the point, a criticism of another party, that it, and people who may have had the same mindset, had used judicial reviews in order to interrogate public policy. It was quite curious for Mr Allister to criticise a party for using JRs when, in my view, he may have been over-defensive of the actions of the state in many previous years. Put that aside for a moment. The point remains a valid one.

When, a number of weeks ago, I sat down with the First Minister and the deputy First Minister, and they began to talk about those issues of judicial review, I said to them what I have said in the Chamber, and what I will keep saying, which is that the capacity of the citizen, community, business or third party to interrogate public policy by applying for leave for judicial review is one that has served this part of the world particularly well.

When no other remedies were open to a grieving family or citizen, a community felt that state power had been abused or a government would not stand with a citizen, community or organisation, and they were left to no other device, wise judges in this part of the world said, "Let us extend the scope of judicial review". That is what they did. They said that if the state would not account for its actions in a proper way, it must account for its actions through the courts. That is the legacy of JR in this part of the world; that, for 20 or 30 years, people — I have to say that, in particular, it was people from nationalist and republican backgrounds, who, rightly, in my view, saw that there was abuse by the state in respect of their legal and human rights — went to court in order to interrogate public policy and have accountability from the state for what it had done. That served our society well. Some might disagree with that. However, in my view, it began to create the principle of accountability around state power that was driven through the political negotiations and the Good Friday Agreement and should be at the heart of all that we do. Judicial reviews have served us well.

Therefore, there is tension and downright conflict between that and, now, sending out a message to citizens and communities. As I will explain in a second, that amendment sends out the message to citizens and communities first: it does not send it out to developers. Does

anyone think for one moment that a developer who has looked after his own interests for so long will not find ways and means to try to interrogate public policy under what might be law on the far side of the DUP/Sinn Féin amendment? Of course, he will. It is the citizen, community or third-party organisation — and, indeed, it is the National Trust — that will be restricted from going for JR. That is the consequence of what the DUP and Sinn Féin propose.

It may be that DUP members can justify that in their own minds. However, how Sinn Féin members can justify that in their own minds after the good use to which JRs have been put over the past 20 or 30 years is something that they have to explain to themselves and their communities. That is the message that Sinn Féin is sending out.

When it came to the use of plastic bullets, shoot to kill, the Diplock courts, inadequate inquests or other examples throughout the past 30 years, JRs have been the friend of the citizen, the community and, most of all, those in pain.

If you do not want to look at the history of the past 20 or 30 years, look at the history of the past 20 or 30 weeks. What JRs are going on at the moment? There are JRs around the Parades Commission, the murder of a solicitor, and so on and so forth, and there will be more before the Twelfth of July, I presume, given the determinations that may or may not be made by the Parades Commission.

Therefore, let us understand what we are doing here, and let Sinn Féin in particular understand what it is doing here. It is crossing a line that has been jealously guarded, rightly, to protect the citizen and the community from state power. It has crossed that line apparently with its eyes wide open, because the British Government and the DUP dragged it there. That is what has gone on.

The DUP is using this weapon of the amendment as a huge hammer to crack a nut. Last night, I referred to the number of JRs, and that was picked up on in the DUP contributions today. Before touching on that, in the absence of almost all Members of the DUP, I will make this point: what really surprises me about the weakness of the DUP response to today's debate is that I gave it warning yesterday about some of the stuff that I was going to say today. I essentially gave the party warning about what my legal advice was and what my arguments might be on the profile of JRs in the planning system over the past three years compared

with the number of applications that have been decided.

Mr B McCrea: Will the Minister give way?

Mr Attwood: I will in a second.

However, it has been utterly silent. Do you know what that tells me? It tells me that the DUP does not care what the arguments are around this amendment, because it has the will and the power and it will force it over the line. That is what debate in the Chamber has been reduced to. You tell people who are opposed to you what you are going to say, but they do not have the respect or the capacity to respond. In the absence of many of them, they just sit there in embarrassed silence. That is a strange way to conduct debate and democracy.

Does the DUP not have a responsibility to explain itself, given the scale of the amendments that it has visited on the House at this late stage? Does it not have a responsibility under basic democratic standards and principles to explain what it is that it is doing, rather than just impose its will, first on Sinn Féin and subsequently on everyone else? What does it say about the quality of our democracy when the law can be fundamentally rewritten and one person contributes on behalf of the DUP? What sort of democracy is that? To go back to some of the comments that I did not answer last night, what sort of a Government are they?

Let us look at this issue of — sorry, I will give way to Mr McCrea now.

Mr B McCrea: I am grateful to the Minister for giving way. He moved on, but I join him in saying this: look at the Benches opposite. For the cameras here: look how empty the Benches are. The Benches —

Mr Anderson: We have more than you.

Mr B McCrea: Mr Deputy Speaker, I am drawing attention to the fact that I am speaking while on my feet and not from a sedentary position. If the Member wishes to speak, the Minister has challenged the DUP to stand up and be accountable on this issue.

I wish to draw attention to the fact — the Minister has gone through this — that this is a fundamental challenge to democracy, to the Belfast/Good Friday Agreement, to judicial reviews and to the legal system, yet nobody is here to answer the charge.

I want the people of Northern Ireland to see this. This is not democracy; this is people riding roughshod over democracy and I support the Minister in his stance on this.

Mr Attwood: That is twice in two days that the Member has supported the Minister on his stance. I am getting worried now, but I am grateful for that.

6.15 pm

The profile of JRs in the planning system over the past three years is that there were four in 2010-11, 11 in 2011-12 and four in 2012-13. There have been 19 JRs. Around 16,000 decisions were made in 2010-11, 14,500 in 2011-12 and around 13,000 in 2012-13. I passed my maths O level, but as I demonstrated recently in the Chamber, I am not very good at maths. I asked Sean Rogers, who was a school principal, to work out the maths for me, and in year 2010-11, the amount of JRs arising pro rata from the number of decisions was 0.025%; in the subsequent year, it was 0.075%; and in the third year, it was 0.0307%. There were 16,000, 14,500 and 13,000, which is 33,500, planning decisions made and there were 19 JRs around them. Does anyone seriously think that the scale of that justifies the scale of this when it comes to the amendment proposed?

The more curious point is where those JRs came from. We were told by Mr Poots when he was here earlier that we have to deal with these developers. Let me tell you about the developers, although I am not going to name them because others got slightly on the wrong side of things yesterday for so doing. I named them to the First Minister and the deputy First Minister when I met them last Wednesday. I named the four, if there are four, developers who may have had the means to go through the courts in order to interrogate planning decisions for whatever reasons, including, and I have no doubt that this is the case, for commercial self interest.

I said that those people, in my view, are trying to frustrate due process on occasion. They may have had good grounds for taking cases forward on other occasions, but that is not the point. The real point is the profile of those who take JRs. That profile confirms that I have taken one, a council has taken one, green NGOs including the National Trust took one, the developers took four and the rest were taken by citizens in communities who were concerned about what was happening to them. To go back to my earlier point that JRs have been used as a weapon to defend the individual, JRs

in the planning system have been used as a weapon to defend the individual and the community much more than by developers.

Turning to the Sinn Féin Benches, we are being told by your colleagues in the DUP that this is all about the developers. No, it is not. This is all about the citizens, the communities and the green NGOs. They are the people who substantially take the JRs. Mr Poots comes into the Chamber and makes an argument about developers and legal costs and the legal aid bill without telling the Chamber that the developers do not get legal aid; it is the citizens and the communities who might get legal aid to take the lead applications for JRs. To come into the House and say that there is some connection between the legal aid bill, JRs and developers is not the case and is not accurate. I will not go any further than that in case I end up being unparliamentary.

The legal aid bill, whatever it is, helps the citizen and the community who otherwise do not have the wherewithal to take judicial review applications. Let nobody complain otherwise.

I am glad that Mr Hamilton has now joined us, because I made these points to him yesterday during the debate on the amendment about economically significant zones. I read into the record some of my legal advice to explain why I thought that what they were doing was outside European and convention law.

I will now do the exact same and read into the record the legal advice that I have received in respect of this clause and JRs. I do so primarily because of Mr Boylan's assertions, which were — and I will come back to it when I find the note — that the clause was keeping open most of the opportunities for JR for those who might wish to make the application to the court. Let me explain to Mr Boylan, in particular. I will then have some questions to ask him.

Let me outline the legal advice. First of all, it says that:

"whilst we consider that the restriction of challenge to six weeks is lawful"

— and I will come back to that point —

"and compatible with EU law and the European Convention on Human Rights, we do not consider the limitations on the basis of JR challenge are likely to be so compatible. Planning decisions are generally regarded as determinative of civil rights."

Then it quotes a number of recent cases:

"However, judicial review is generally required to secure compliance with article 6 of the European convention since decisions by Government, local or national, are not considered to be independent. That is, not independent of the Executive. PAC decisions may be independent, providing that PAC is the final decision-maker since, unlike the Planning Inspectorate in England or the planning authorities in the North, it is an independent body."

These are the questions for Mr Boylan, if he cares to answer them. He did speak from prepared notes; he clearly had some advice about what the clause meant. This is the critical bit:

"If JR is restricted to EU and ECHR grounds, then we do not consider that this would secure compliance with article 6 of the European Convention on Human Rights, except in a narrow group of cases."

This is the critical stuff:

"JRs on traditional common-law grounds of breach of procedural requirements, failures of consultation, Wednesbury unreasonableness and the like would not be within the narrow grounds permitted, unless they overlapped with a permitted ground. Eg, some grounds relating to natural justice might overlap with article 6 of the European Convention on Human Rights. Even challenges based on ultra vires would be sought to be excluded."

What does that legal advice tell us? It tells us that, on four critical bases for JRs, this amendment does not give the citizen and the community the right to go to court. What are those grounds? Procedural requirements, failures of consultation, Wednesbury unreasonableness and ultra vires. What message does that send to the citizens and communities who, for the past 30 years, be it on planning issues or other issues of public policy, have gone to our courts and have been found to be in the right by our courts. Why? Because there was a breach of procedural requirements. Why? Because there was a failure of consultation. Why? Because some public authority acted ultra vires. Why? Because some person or body did not live up under the standards of Wednesbury unreasonableness.

I ask Mr Boylan, who came with some prepared notes, whether he accepts that the amendment

proposed by the DUP and Sinn Féin removes from citizens and communities, whatever about developers, the right to seek JR on breach of procedural requirements, failures of consultation, Wednesbury reasonableness, or because a public authority acts ultra vires. Those are fair questions. We have seen the conduct of the DUP this evening. It does not seem to want to engage in the debate. It does not seem to want to answer the questions. Even though it was given advance notice of what I might say today about my legal opinion, it does not seem to have checked it. Maybe it has, and it does not have answers. That may be for it to answer. I ask Sinn Féin to answer those questions, if not now, subsequently. That is the legal advice, and I stand by it.

For those reasons, I say to the House that the content of that amendment is not competent under domestic or European law. Until I am convinced legally that it is otherwise, I will draw that conclusion. In the absence of people being able to share that legal advice and have it interrogated, that is the only conclusion that people have to draw, and those who act otherwise do so with their eyes wide open.

I want to deal with some other issues raised by Mr Boylan. Maybe he or the other parties do not appreciate this, but I can tell you that the SDLP, the party for which I speak, understands it. It goes back to something that I said yesterday about comments made about the CNCC member who spoke to the Committee. The comment was that you demand the right to dissent because there is:

"much to dissent from."— [Official Report, Vol 86, No 5, Part 1, p47, col 1].

If it takes a while to explain that in this Chamber or anywhere else, I will defend the right of anybody to take whatever time is necessary to explain it. It really was ungracious for anybody in the House to talk about anybody else in the House. It could be me, Mr Allister or God knows who. It could have been Mr Flanagan, who, in a recent debate on the SpAd Bill, rightly took a long time to explain his party's position on its content. I defended his right to do so and told my colleagues that I thought that he was right to do so. The point is that it is not the sound of your voice but the quality of your argument that is important. Whether it is done short or long, you do not, after the years of democratic struggle to be heard in this part of the world, dismiss it in the way that Mr Boylan chose to do.

The only point raised by any Member was the delay in the decision on John Lewis. Mr Poots

is not here, nor is any of my other predecessors as Environment Minister. However, I have taken decisions in the past two years that I think could have been pushed on in the previous four. There were also decisions that I could have taken earlier over the past couple of years that would have sent out a big message. John Lewis does not tell the tale of planning in Northern Ireland. If they want to tell the tale of big planning decisions in Northern Ireland, there is a weight of evidence to do so. Runkerry is the proof that, after a decade of delay, a decision can be made. I defend the right of the National Trust to go to court, but, for all the reasons that I explained earlier, I welcome the fact that the court found that the decision was lawful on every one of the 21 grounds of challenge. That sends a message to the development community that decisions that have been around for a long time can be taken, that they can be taken lawfully, that they can be challenged and that, on the far side of that, they can be proven to be lawful. The National Trust has to get its head around that. We, as a community and as politicians, also need to get our head around that when explaining where the planning system is now. I will come back to that point in my concluding remarks.

As I explained last night, the advice that I gave on John Lewis was the right advice because of the consequences for so many town centres, not just in greater Belfast but beyond. Secondly, is it not a curious fact that when it came to the advice that I gave to the planning inquiry on John Lewis that, for all the frenzy that arose around it, the applicant did not push on with the appeal? Is it not curious that he did not do that when it appeared that he had so much political support, so much so that it was discussed at length at three or four Executive meetings? What did it say about Westfield that it aborted the planning appeal, even though people were saying that I had given the wrong planning advice? I leave people to draw their own conclusion. My general conclusion is that the decision to favour in-town and edge-of-town retail over out-of-town retail is a strategic decision that we have to address, deploy and get right over the next period.

6.30 pm

I will move on, because I am sure that people want me to. I will deal with a number of the other amendments that I have to speak to, and then I will make some very quick concluding remarks.

First, I will deal with amendment No 24, which is about third-party appeals. As Anna Lo and others know and as, I think, I even told the

Committee, I believe in third-party appeals. I think that they should be part of the architecture of our planning system. There should be equality of arms, just as the right to a JR should not be restricted in the way that it is. As I said yesterday, there are issues around JRs, but, in my view, those are at the point of application for leave and thereafter. The critical point is during that decision and the management thereafter. That is not me interfering with judicial independence; it is just my observation. If there is something around the very small number of planning appeals, especially if they have come from one or two developers, given that there are a small number from that source, there are ways in which we have to look at it. However, this is the wrong way.

I believe in third-party appeals. Mr Allister made a fair point. Given what we have seen happening in the Chamber in the past 24 hours, it cautions us to build more checks and balances into the planning system and the operation of public policy. It does not tell me to lessen the checks and balances; it warns me and a lot of other people to build in more checks and balances. That may be what happens over time with the Planning Bill with economic zones, restrictions and JRs. It is not finished yet; let there be no doubt about that. In the next concoction that the DUP comes up with and Sinn Féin goes along with, you will see a junior planning Minister as part of DFP. What Ministry will the DUP always go for? It will always go for the Finance Ministry. That is where we are going next with this. People can draw their own conclusions about whether that is the right or wrong model, and there could be a debate about that.

I agree with the principle of third-party appeals, and I can understand and have great sympathy for why people might think that third-party appeals are more relevant now, given the shape of the law that is getting passed by the Assembly. However, as Anna Lo also said — I think that I explained this to the Committee — a couple of years ago, my judgement was that there were many issues with the planning system that, I felt, I had to deal with in the first instance. The scale of reform and the need for proper decision-making in a speedy manner was more urgent. As officials will confirm, I remember the meeting where, having got the submissions on third-party appeals, I made the judgement call, rightly or wrongly, that, because there were multiple issues in the planning system, I needed to deal with them. For good or ill, that is what I tried to do to make planning better before it is devolved to the councils. I tried to get this Planning Bill through, because it would reconfigure the architecture of planning

in advance of devolution to the councils. It was about getting more PDRs out, which is on a massive scale and which is a great economic driver. I say that because the telecommunications and broadband industry will not go for many further planning applications for new masts; it will upgrade the current masts. In doing so, it will be able to expand the telecommunications and broadband network, especially to the areas where coverage is restricted. It was about dealing with article 31 applications and having more challenging timelines for all the other applications and so on. My judgement was that going hard on those issues, for what good it may or may not have produced, was the better strategy.

I also had a wider concern that third-party appeals, when they are in place as they are in the Republic, are the safety net at the end of the process. The processes in the South mean that there is less involvement for communities and citizens in the pre-application period and during the overall consultation process. Therefore, the experience of other jurisdictions suggests that the practice — whether right or wrong — is to limit citizen input in the consultation because they have the protection of a third-party appeal at the end of the decision-making process. Given that we were building into the planning system a pre-application discussion process under this Planning Bill and the Planning Act and given that that was being successfully piloted, certainly in the proposal for the extension to Windsor Park and in respect of Casement Park, my judgement was whether we put on top of the planning a system a mechanism that I thought was right in principle but did so in the wrong way.

I listened closely to Mr Dickson's thoughtful and well-argued speech. It was well crafted and had a lot of content and stuff to challenge you with, but it did not deal with the fundamental point, which is this: what overall shape of planning system do we need? At the moment, the system is more and more front-loaded rather than one that sees a planning appeal at the back end.

Given that that was my judgement before and that I have to try to make balanced and good law, I advised my Executive colleagues not to support this amendment. I know that parties will think and vote differently. I very much regret that the power of the big can be used to frustrate the will of the many in situations where that is not the proper mechanism, as has been outlined in the debate, but that is where we are.

Amendment No 25 provides for an appeal in default of a planning decision. It is a technical amendment. Proposals for pre-application and community consultation contain provision that the Department must refuse to determine an application if the applicant developer is not compliant with the consultation requirements set down by the Department. The Department wants to ensure that if the developer applicant has not complied with the pre-application community consultation requirement, they cannot circumvent that requirement by appealing to the PAC, in default of a decision, to have the commission determine the application. That is useful because it sends a message to developers that there are new standards and higher thresholds, and, if you do not comply with them, you do not have any short circuit to the PAC. In that way, we send a message to developers who want to hear it. I can tell you that some do not want to hear it. Mr Robinson and Mr McGuinness know who I am talking about. I have told them what the consequences of planning decisions that I have made will be. I am absolutely certain that the consequences will be JRs. In my view, there are people who use the planning system and JRs for the wrong reasons, but those people are not a reason to do what the DUP and Sinn Féin propose. To facilitate what I have talked about, the Department needs to amend article 33 of the 1991 Order, which allows for an appeal in normal circumstances. A similar amendment is made to the 2011 Act to ensure front-loading works effectively. I urge Members to support that amendment.

Amendment Nos 28, 29 and 30 are, again, technical. They do not involve any change in policies. They are intended to clarify a policy that may be applied, and they arose, in part, from comments made by the Environment Committee during Committee Stage and at a stakeholder event hosted by the Committee. These technical amendments clarify that the payment of fixed penalties as an alternative to court prosecution, while providing immunity from prosecution for that particular offence, will equate to an initial court conviction and will not provide ongoing immunity for any subsequent offence. Any offender who pays a fixed penalty should be in no doubt that that is not the end of the matter. I reassure Members that this is not a way of making it easy for the offender; it is a way of ensuring that they do what they had to do in the first place and comply with building control. The technical adjustments for this Planning Bill and the corresponding provisions of sections 153 and 154 of the Planning Act are merely intended to provide clarity in how the policy will be applied.

Amendment No 30 is a technical amendment to facilitate amendments tabled by Members and by me and to allow the repeal of amendments to the 1991 Planning Order and powers transfer. I urge Members to support amendment Nos 28, 29 and 30.

It would appear that we are being told that a flawed amendment that frustrates the citizen and community and will have virtually no impact on the figures for who may take judicial reviews from the developers' side is the way to send out the message that Northern Ireland society and its planning system are changing. There are multiple ways to send out the message about the Northern Ireland planning system. Some have been sent out over a number of years, including the past two, and there are many more to send out, but that narrative is out there and is gathering pace. That is the way to send out the message about the planning system.

Let us be frank with ourselves. What sends out the message about change in this society? It is that we deal with the unfinished business of agreement politics. That is what will give investors confidence. That will embed in the mind of those who might want to create jobs, both indigenous and through foreign direct investment, that the character of this place is all that it should be, that this is not just the best place to invest but the best place to live and to recreate and that, in doing so, you will be part of an English-speaking community — other languages are spoken as well, but the first language of many will be English — and part of one of the biggest trading blocks in the world, with some of the best-educated people in the world and with a quality of life when it comes to our natural and built heritage that is unsurpassed on these islands. That is what will send out the message to the investment community.

What will complement that is if we deal with the unfinished business of agreement politics. When we do not deal with the issues of the past and the disappeared; do not conclusively deal with the issue of healing and reconciliation; do not deal conclusively with the issues of flags, emblems and symbols; and do not accept the rule of law and the authority of the Parades Commission when it comes to parades determinations — in all their shapes and forms, I have to add — that sends out the message to the investor community about what the character and content of our politics and our society are. That is where we have to apply our minds, not to these spurious amendments, driven by London and the DUP, imposed on Sinn Féin and now being imposed on the House.

Mr Agnew: At the outset, to follow on from the Minister's remarks, I will outline clearly that the Green Party intends to support amendment No 24, tabled in my name, and oppose amendment No 26. We will also support the Minister's technical amendments and oppose the technical amendments tabled by Peter Weir and Cathal Boylan, because we see them as augmenting the amendment that we opposed yesterday.

Amendment No 26 has caused some discussion, and rightly so. Seeking to restrict legal redress in that way is regrettable and misguided. If my own instincts are anything to go by and, perhaps more importantly, according to the legal advice received by the Minister, they are not only misguided but potentially not competent. I would certainly argue that that is the case.

It has been consistently argued by those who support amendment No 26 and oppose amendment No 24 that the issue is about delay and achieving faster planning decisions. I will repeat what I said yesterday: we do need more speed in planning, but amendment No 26 promotes haste. As was pointed out by Basil McCrea, improving planning, improving the professional nature of our planning system, modernising that system and making it more efficient — to give credit to the Minister, he has sought to achieve that while he has been in office — are the ways in which we should speed up planning, not by restricting legal challenge or denying rights of appeal to third parties.

6.45 pm

John Lewis has been used as an example of the evil of judicial review. I think that it was mentioned by Peter Weir and Edwin Poots that the judicial reviews against the John Lewis application were taken by vested interests or rival commercial operators. Mr Poots suggested that they were a lawyers' charter. However, the Minister highlighted the incredibly low number of judicial reviews. I think that in one year it was 0.025%, if I quote him correctly. They are a process of last resort, but bringing a clause into the Bill that states that planners should take regard of economic advantage and disadvantage does exactly what Edwin Poots was concerned that judicial reviews would do: it pits commercial interest against commercial interest and every planning decision at a lower level will be challengeable on this basis even before a decision has been made. We are bringing the divisive nature of competing

commercial interests into our planning system lower down and bringing it more to the fore, which is regrettable. As Peter Weir would have it, Northern Ireland is open for business. I would say that it will be wide open for business, and it will be wide open for business challenges because of changes that have already been made.

Cathal Boylan suggested that the motivation behind amendment No 26 was putting jobs and investment first. I would argue that, in denying people a challenge, whether it be through third-party rights of appeal or judicial review, you are saying that people should be subservient to the economy. That is the flawed analysis and flawed economic short-termism that has led us to the point that, when the economy is doing well, people are not necessarily doing well. Ultimately, our aim should be to ensure that people do well in all this. Again, that is why I spoke so much yesterday about the importance of social well-being.

The role of planning is not to grow our economy, particularly when we look at the growth of the economy by using the simple and somewhat flawed measure of GDP. That is not the role of the planning system. The role of the planning system is to ensure sustainable development that is balanced between the needs of communities, the economy and the environment. It is not the role of planning to create growth or fix our economic woes.

Amendment No 26, which is about the restriction of access to judicial review, has been criticised quite strongly by Basil McCrea, who described it as democracy turning on itself. He noted that the price of democracy was vigilance, and he and Mr Allister described the amendment as a move towards a totalitarian system. Indeed, Mr Allister called it a new tool of tyranny to gag the citizens and circumvent the courts. He noted the importance of restraint on the abuse of power and challenged the arrogance of any Government who seek to refuse the right to challenge their decisions. I concur particularly with that final comment.

To err is to be human, and any government is made up of humans. To deny the right to challenge is to suggest that our Ministers are somewhat other than flawed. As Mr Allister and I have pointed out, enough Ministers' decisions have been challenged and overturned by the courts for us to know that our Ministers get things wrong. We should not seek to restrict that challenge. Ultimately, we should seek to get good legislation from this House that fits within wider law.

I now turn to the Green Party amendment on third-party rights of appeal. I liked the Minister's description of it as "equality of arms" — equality between the applicant and the potential objector. The objector may be the community; indeed, as the Minister pointed out, in the case of a judicial review it is more often than not the community rather than well-funded vested interests.

It is unfortunate that, although the clear will of the House is that we should have third-party rights of appeal in our planning system, we will not because of a petition of concern.

I made note of Mr Dickson's speech. There has been some discussion about whether people have had their heart in this debate. Either Mr Dickson has his heart thoroughly in this debate through his speech or he is a fine actor. I suspect that the former is the case. He talked about championing third-party rights of appeal, and I respect and thank him for doing so. He noted that Carrickfergus Borough Council, including its DUP councillors, has unanimously supported third-party rights of appeal. It is important to note that, because many Members will have served on councils. When you have that intimate knowledge of planning applications, the effect that they have and the consternation that they can bring about in local communities when what appear to be bad planning decisions are made, that can only strengthen your resolve to introduce third-party rights of appeal.

Another comment that Mr Dickson made really struck me. He said that poorer areas get poorer developments. There is a lot of truth in that: it is a wide perception, but it is one that I share. In taking power away from communities and moving it elsewhere, whether to OFMDFM or to political parties whose funding sources are unknown, we only exacerbate the problem of poor development in some of our most deprived areas.

I will now deal with the issue of petitions of concern. As Mr McCrea pointed out, we will have two amendments that are supported by the majority of the House blocked by petitions of concern. One of those petitions of concern will prevent the protection of the environment and the other one will prevent third-party rights of appeal, thereby denying citizens and communities extra rights. That is regrettable. The defence that came was, "The DUP can, so it will." That is a fact and that is a flaw in the processes of the House, because it is not a good way to make or, to be more accurate, not make law.

It is time that the issue was looked at, whether by the Committee on Procedures or the Assembly and Executive Review Committee. Ultimately, the Speaker should judge whether a petition of concern meets the criteria that the mechanism was designed for. There is no doubt in my mind that the petition of concern function has been abused on far too many occasions.

Finally, I come back to Mr Weir, who complained about the disparaging remarks that I may have made about his party. I will certainly apologise if I suggested in any way that the DUP is doing anything untoward, corrupt or illegal. If I suggested anything in that regard, I apologise, because I have absolutely no evidence to support it. I do not know who the DUP makes its decisions on behalf of, because I do not know who funds the DUP. To be fair, it is not just the DUP: I do not know who funds the parties in the House. I have particular concerns about those parties that sought to continue the secrecy and lobbied the Government, as they put the Northern Ireland (Miscellaneous Provisions) Bill through its latest stage yesterday, to extend the secrecy of political donations. That has been supported by the DUP, the UUP and the SDLP. It is regrettable that Members of the House have campaigned against transparency and the right of the electorate to see how political parties — *[Interruption.]*

Mr Deputy Speaker: Order. The Member will resume his seat. I have picked up remarks from my right that are not parliamentary. If it happens again, I will have to take some kind of action. The Member will continue.

Mr Agnew: I am willing to give way to anyone who wishes to come back.

I want to bring my remarks back to the Bill. Whatever amendments we make to planning, whatever processes we put in place and regardless of whether we seek to improve planning as some amendments do — other amendments seek to create bad planning by deregulating it — whatever we do and whatever the views are outside the House about those amendments and our planning system, there will be no confidence in the planning system until we know, as Ms Lo put it, who pulls the strings, how our political parties are funded, and whether decisions are being made on behalf of voters or funders. To those who are concerned about disparaging remarks being made against their parties, I say this: open up your donations, end suspicion, and bring full transparency to political funding in Northern Ireland.

Mr Deputy Speaker: I remind Members that, as I have received a valid petition of concern in relation to amendment No 24, the vote will be taken on a cross-community basis.

Question put, That amendment No 24 be made.

The Assembly divided:

Ayes 57; Noes 30.

AYES

NATIONALIST:

Mr Attwood, Mr Boylan, Ms Boyle, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Mr McDevitt, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mrs McKeivitt, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Ó hOisín, Mr O'Dowd, Mr P Ramsey, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

UNIONIST:

Mr Allister, Mr Copeland, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Hussey, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Mr Swann.

OTHER:

Mr Agnew, Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle.

Tellers for the Ayes: Mr Agnew and Ms Lo.

NOES

UNIONIST:

Mr Anderson, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Miss M McIlveen, Mr McQuillan, Mr Moutray, Mr Newton, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Anderson and Mr McQuillan.

Total Votes 87 Total Ayes 57 [65.5%]

Nationalist Votes 36 Nationalist Ayes 36 [100.0%]

Unionist Votes 43 Unionist Ayes 13 [30.2%]

Other Votes 8 Other Ayes 8 [100.0%]

Question accordingly negated (cross-community vote).

Clauses 11 and 12 ordered to stand part of the Bill.

New Clause

Amendment No 25 proposed: After clause 12 insert

"Appeal in default of planning decision

12AA.—(1) In Article 33 of the 1991 Order (appeal in default of planning decision) for "or 25AA" substitute ", 25AA or 25AB".

(2) In section 60 of the 2011 Act (appeal against failure to take planning decision) for "or 48" substitute ", 48 or 50".— [Mr Attwood (The Minister of the Environment).]

Question, That amendment No 25 be made, put and agreed to.

New clause ordered to stand part of the Bill.

New Clause

Amendment No 26 proposed: After clause 12 insert

"Review of certain decisions

12A.—(1) After Article 33 of the 1991 Order insert—

"Review of certain decisions

33A.—(1) This Article applies to—

(a) any decision by the Department or OFMDFM to—

(i) grant or refuse planning permission;

(ii) grant or refuse any consent, agreement or approval of the Department or OFMDFM required by a condition imposed on a grant of planning permission; or

(iii) grant or refuse any approval of the Department or OFMDFM required under a development order;

(b) any determination of an appeal under Article 32 by the planning appeals commission, where the decision or determination is one which is specified in, or is of a class of decision or determination which is specified in, an order made by OFMDFM which has been laid before, and approved by resolution of, the Assembly.

(2) Subject to paragraph (3), a decision or determination to which this Article applies shall not be subject to appeal or liable to be questioned in any court.

(3) A person aggrieved by a decision or determination to which this Article applies may, within 6 weeks of the decision being taken or the determination being made, appeal to the High Court on any question of law material to the decision or determination only where the question of law raises matters of—

(a) the compatibility of the decision or determination with the Convention rights; or

(b) the compatibility of the decision or determination with EU Law.

(4) The period referred to in paragraph (3) may be extended if, in the opinion of the High Court, there are exceptional reasons for doing so.

(5) In this Article—

"the Convention rights" has the same meaning as in the Human Rights Act 1998;

"EU law" means—

(a) all rights, powers, liabilities, obligations and restrictions created or arising by or under the EU Treaties; and

(b) all remedies and procedures provided by or under those Treaties."

(2) After section 60 of the 2011 Act insert—

"Review of certain decisions

60A.—(1) This section applies to—

(a) any decision by a council, the Department or OFMDFM to—

(i) grant or refuse planning permission;

(ii) grant or refuse any consent, agreement or approval of the council, the Department or

OFMDFM required by a condition imposed on a grant of planning permission; or

(iii) grant or refuse any approval of the council, the Department or OFMDFM required under a development order;

(b) any determination of an appeal under section 58 by the planning appeals commission,

where the decision or determination is one which is specified in, or is of a class of decision or determination which is specified in, an order made by OFMDFM which has been laid before, and approved by resolution of, the Assembly.

(2) Subject to subsection (3), a decision or determination to which this section applies shall not be subject to appeal or liable to be questioned in any court.

(3) A person aggrieved by a decision or determination to which this section applies may, within 6 weeks of the decision being taken or the determination being made, appeal to the High Court on any question of law material to the decision or determination only where the question of law raises matters of—

(a) the compatibility of the decision or determination with the Convention rights; or

(b) the compatibility of the decision or determination with EU law.

(4) The period referred to in subsection (3) may be extended if, in the opinion of the High Court, there are exceptional reasons for doing so.

(5) In this section—

"the Convention rights" has the same meaning as in the Human Rights Act 1998;

"EU law" means—

(a) all rights, powers, liabilities, obligations and restrictions created or arising by or under the EU Treaties; and

(b) all remedies and procedures provided by or under those Treaties.".— [Mr Weir.]

Question put, That amendment No 26 be made.

Mr Deputy Speaker: I have been advised by the party Whips that, in accordance with Standing Order 27(1A)(b), there is agreement

that we can dispense with the three minutes and move straight to the Division.

The Assembly divided:
Ayes 54; Noes 33.

AYES

Mr Anderson, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Girvan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Miss M McIlveen, Ms Maeve McLaughlin, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Milne, Mr Moutray, Mr Newton, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Boylan and Mr McQuillan

NOES

Mr Agnew, Mr Allister, Mr Attwood, Mr Byrne, Mrs Cochrane, Mr Copeland, Mr Cree, Mr Dickson, Mrs Dobson, Mr Durkan, Mr Eastwood, Dr Farry, Mr Ford, Mr Gardiner, Mr Hussey, Mrs D Kelly, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr B McCrea, Mr McDevitt, Dr McDonnell, Mr McGimpsey, Mr McGlone, Mrs McKeivitt, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr P Ramsey, Mr Rogers, Mr Swann.

Tellers for the Noes: Mr Agnew and Mr Lyttle

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

Clauses 13 to 16 ordered to stand part of the Bill.

New Clause

Amendment No 27 proposed: After clause 16 insert

"World Heritage Sites

16A.—(1) Before Article 50 of the 1991 Order (Conservation areas) insert—

"World Heritage Sites

49A(1) *In exercising any powers under this Order in respect of a World Heritage Site or its buffer zone, the Department or the Planning Appeals Commission shall have regard to the desirability of—*

(a) *protecting the Outstanding Universal Value for which the World Heritage Site was inscribed on the UNESCO World Heritage List; and*

(b) *Preserving the character and appearance of the World Heritage Site or its buffer zone.*

(2) *In this Article—*

"Buffer Zone" has the meaning set out in the 'Operational Guidelines for the Implementation of the World Heritage Convention';

"Outstanding Universal Value" has the meaning set out in the 'Operational Guidelines for the Implementation of the World Heritage Convention';

"World Heritage Site" is a place that is inscribed on the UNESCO World Heritage List."

(2) *Before section 104 of the 2011 Act (Conservation areas) insert—*

"World Heritage Sites

103A.—(1) *In exercising any powers under this Act in respect of a World Heritage Site or its buffer zone, the Department or the Planning Appeals Commission shall have regard to the desirability of—*

(a) *Protecting the Outstanding Universal Value for which the World Heritage Site was inscribed on the UNESCO World Heritage List; and*

(b) *Preserving the character and appearance of the World Heritage Site or its buffer zone.*

(2) *In this Section—*

"Buffer Zone" has the meaning set out in the 'Operational Guidelines for the Implementation of the World Heritage Convention';

"Outstanding Universal Value" has the meaning set out in the 'Operational Guidelines for the Implementation of the World Heritage Convention';

"World Heritage Site" is a place that is inscribed on the UNESCO World Heritage List."— [Ms Lo.]

Question put.

Mr Deputy Speaker: As no Tellers have been appointed for the Ayes, amendment No 27 falls.

Clauses 17 to 19 ordered to stand part of the Bill.

Clause 20 (Fixed penalties)

Amendment No 28 made: In page 11, line 6, at the beginning insert

"() In Article 72 of the 1991 Order (offence where enforcement notice not complied with), in paragraph (6) after "such an offence" add "or the payment of a fixed penalty under Article 76C(2)(b) in relation to such an offence".

() In Article 76A of the 1991 Order (enforcement of conditions), in paragraph (10) after "such an offence" add "or the payment of a fixed penalty under Article 76D(2)(b) in relation to such an offence".— [Mr Attwood (The Minister of the Environment).]

Amendment No 29 made: In page 13, line 29, at end insert

"(3) In section 147 of the 2011 Act (offence where enforcement notice not complied with), in subsection (6) after "such an offence" add "or the payment of a fixed penalty under section 153(2)(b) in relation to such an offence".

(4) In section 152 of the 2011 Act (enforcement of conditions), in subsection (10) after "such an offence" add "or the payment of a fixed penalty under section 154(2)(b) in relation to such an offence".— [Mr Attwood (The Minister of the Environment).]

Clause 20, as amended, ordered to stand part of the Bill.

Clauses 21 to 24 ordered to stand part of the Bill.

Clause 25 (Duration)

Amendment No 30 made: In page 16, leave out line 19 and insert

"6(1) and (1A), 7 to 12, 12AA(1), 13 to 18, 19(1) and (2), 20(1) to (4) and 21 to 24."— [Mr Attwood (The Minister of the Environment).]

Clause 25, as amended, ordered to stand part of the Bill.

Clause 26 ordered to stand part of the Bill.

Clause 27 (Commencement)

Amendment No 31 made: In page 16, line 31, after "1" insert "2(1), 6(1)".— [Mr Attwood (*The Minister of the Environment*).]

Mr Deputy Speaker: Amendment No 32 has already been debated and is consequential to amendment Nos 20 and 26.

Amendment No 32 proposed: In page 16, line 31, before "15" insert "3A(1) to (6), 12A(1)".— [Mr Boylan.]

Question put, That amendment No 32 be made.

The Assembly divided:

Ayes 54; Noes 33.

AYES

Mr Anderson, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Girvan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Miss M McIlveen, Ms Maeve McLaughlin, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Milne, Mr Moutray, Mr Newton, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Boylan and Mr McQuillan

NOES

Mr Agnew, Mr Allister, Mr Attwood, Mr Byrne, Mrs Cochrane, Mr Copeland, Mr Cree, Mr Dickson, Mrs Dobson, Mr Durkan, Mr Eastwood, Dr Farry, Mr Ford, Mr Gardiner, Mr Hussey, Mrs D Kelly, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr B McCrea, Mr McDevitt, Dr McDonnell, Mr McGimpsey, Mr McGlone, Mrs McKeivitt, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr P Ramsey, Mr Rogers, Mr Swann.

Tellers for the Noes: Mr Eastwood and Mr Rogers

Question accordingly agreed to.

Amendment No 33 proposed: In page 16, line 33, at end insert

"(1A) Sections 2(1) and 6(1) come into operation 4 months after the day on which this Act receives Royal Assent.".— [Mr McCallister.]

Question, That amendment No 33 be made, put and negatived.

Mr Deputy Speaker: Amendment No 34 has already been debated and is consequential to amendment Nos 20 and 26.

Amendment No 34 proposed: In page 16, line 35, at end insert

"(3) Section 3A(7) to (13) and section 12A(2) come into operation on the day on which Part 3 of the 2011 Act comes into operation.".— [Mr Boylan.]

Question put, That amendment No 34 be made.

The Assembly divided:

Ayes 54; Noes 33.

AYES

Mr Anderson, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Girvan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Miss M McIlveen, Ms Maeve McLaughlin, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Milne, Mr Moutray, Mr Newton, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Boylan and Mr McQuillan

NOES

Mr Agnew, Mr Allister, Mr Attwood, Mr Byrne, Mrs Cochrane, Mr Copeland, Mr Cree, Mr Dickson, Mrs Dobson, Mr Durkan, Mr

Eastwood, Dr Farry, Mr Ford, Mr Gardiner, Mr Hussey, Mrs D Kelly, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr B McCrea, Mr McDevitt, Dr McDonnell, Mr McGimpsey, Mr McGlone, Mrs McKeivitt, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr P Ramsey, Mr Rogers, Mr Swann.

Tellers for the Noes: Mr Eastwood and Mr Rogers

Question accordingly agreed to.

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 54; Noes 32.

AYES

Mr Anderson, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Girvan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Miss M McIlveen, Ms Maeve McLaughlin, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Milne, Mr Moutray, Mr Newton, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Boylan and Mr McQuillan

NOES

Mr Agnew, Mr Attwood, Mr Byrne, Mrs Cochrane, Mr Copeland, Mr Cree, Mr Dickson, Mrs Dobson, Mr Durkan, Mr Eastwood, Dr Farry, Mr Ford, Mr Gardiner, Mr Hussey, Mrs D Kelly, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr B McCrea, Mr McDevitt, Dr McDonnell, Mr McGimpsey, Mr McGlone, Mrs McKeivitt, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr P Ramsey, Mr Rogers, Mr Swann.

Tellers for the Noes: Mr Eastwood and Mr Rogers

Question accordingly agreed to.

Clause 27, as amended, ordered to stand part of the Bill.

Clause 28 ordered to stand part of the Bill.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Planning Bill. The Bill stands referred to the Speaker.

8.00 pm

Committee Business

Carrier Bags Bill: Extension of Committee Stage

Ms Lo (The Chairperson of the Committee for the Environment): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 30 November 2013 in relation to the Committee Stage of the Carrier Bags Bill (NIA Bill 20/11-15).

On Tuesday 11 June 2013, the Assembly referred the Carrier Bags Bill to the Committee for the Environment for scrutiny. The Bill will apply charges to a wider range of carrier bags, including cheaper versions of reusable bags, and will allow the Department to make regulations to increase the amount of the levy charged.

At its meeting on 13 June, the Environment Committee agreed to call for written submissions from interested organisations and individuals. In addition to signposting notices in the local press, stakeholders have been contacted directly, and a number have already indicated their intention to respond to the Committee's request for evidence. The Environment Committee firmly believes that it is essential that all stakeholders are given the opportunity to comment on the Bill, particularly as the call for evidence has been made over the summer months. The Committee is also very much aware that there has not yet been time to gauge the impact on consumers and retailers of the initial charge for carrier bags, which was introduced only a short time ago. Therefore, we cannot afford to rush this through without proper and full scrutiny.

The Committee's public call for evidence does not close until 15 August 2013, and we anticipate a high volume of submissions. After considering these, the Committee plans to invite respondents to take part in a stakeholder event so that members have a wider opportunity to explore the views expressed. The Committee will also wish to bring its concerns to the Department for its response. The Committee believes that it is essential that it is afforded the time to exercise its scrutiny powers to the full, and asks that the House supports the motion to extend the Committee Stage of the Carrier Bags Bill to 30 November 2013.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 30 November 2013 in relation to the Committee Stage of the Carrier Bags Bill (NIA Bill 20/11-15).

Private Members' Business

IF Campaign and G8 Summit 2013

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mr McDevitt: I beg to move

That this Assembly welcomes the principles, aims and targets set by the IF campaign; condemns the fact that two million children die from malnutrition each year; recognises the opportunity that hosting the G8 summit presents to call on the eight global leaders to honour their responsibilities to developing countries and to tackling climate change and the associated injustices of hunger, dispossession and human rights violations; and calls on the British and Irish Governments to realise their pledge to contribute 0.7% of their national income to international aid.

I know that it has been a long couple of days' work in the House, and I shall be as brief and succinct as possible. We in the all-party group on international development wanted to bring the motion so that the House would formally have the opportunity to acknowledge not just the event of the G8 meeting at Lough Erne — an event in which we have all been able to take some pride and some opportunity — but the substance of the meeting and the fact that, when the leaders of those very powerful countries come together, they owe a great duty, in fact, arguably the greatest duty, to those in the world who still go to bed hungry.

The IF campaign was led by non-governmental organisations, many of which were faith-based, which were determined to ensure that that summit was the one that would continue to address head on the tragedy of hunger in our world today. They chose to do that by making four simple asks. Those were not, as in previous decades, simply to ask that the developed world be slightly more charitable to the developing world, either through the cancellation of debt or through actual cash support. They were asks about governments, transparency, taxation and the duties that large companies, the developed world and developing countries have to ensure that, when investment does arrive — something that we talk about a lot in the House in the context of

our own little region — it arrives in a way that benefits not just the investor but the society that is giving the investor a great opportunity to profit.

I want, very briefly, if it is OK, to read into the record of the House a few words from Jim Clarken, who is the chief executive of Oxfam here in Ireland and a close confidante of the Deputy Chair of the Committee, Mr Wells. Jim wrote an article for the 'Irish Independent' the week before the G8, and I think that his opening paragraph really sums up the poignancy of why a meeting taking place on the shores of Lough Erne to talk about hunger was significant in many ways. He said:

"On the other side of Lough Erne in Co Fermanagh, in a churchyard dotted with the 400-year-old surnames of Irish, Scottish and English settlers, sits an eerie but distinctive site on the Irish landscape. If G8 leaders do nothing else this month, they should take a ramble from their hotel rooms during their summit and remind themselves of what happens when governments fail. In a pit 120 feet by 14 feet lie the bodies of 200 people, a small fraction of the one million who died during the Irish potato famine of 1845 to 1848."

Jim goes on to talk about the famine being a political tragedy and the fact that 150 or 160 years later, arguably, we continue to allow the same sort of political tragedy to occur in the developing world. We allow countries that are resource-rich and have more than enough food to feed their own to fall into famine. When the House meets to talk about the G8, sub-Saharan Africa, parts of Asia or parts of South America, it meets with a very rich history of understanding and appreciating that Governments can fail and that resource-rich, food-rich places can somehow or other end up unable to feed their own. What is different today from 160 years ago is that if you want to go out of your way to conspire to deny your people food or to cause accidentally people to be denied their food, you have to be pretty sophisticated about it.

A very interesting figure emerged one evening when we had a load of schoolchildren upstairs debating the G8 — most of the colleagues who are in the House this evening were there. Eithne McNulty, who heads up Trócaire and is another champion of the development cause here at a regional level, Linda McClelland, who heads up War on Want, and the people from Save the Children and Christian Aid were talking to the kids about some of the hard numbers at the heart of our hunger crisis today.

In Africa, \$129 billion a year in tax is embezzled, avoided and evaded — the bottom line is that it is unpaid — by companies that we hold up as paragons of business, of enterprise and of innovation, yet the price of ending hunger in that very same continent is \$33 billion. If the G8 did nothing else but clean up the unacceptable level of tax avoidance and evasion in Africa, it would solve much of the hunger crisis on that continent.

I want the House, even if it is only the committed few, to send out a message tonight that we will continue to challenge the United Kingdom Government, the Republic of Ireland Government — particularly when it is in the presidency of the European Union — and the other global powers to demand not only that democracy live, that accountability exist and that transparency be at the heart of their own societies, economies and democracies but that it be there for the people who need it most — the people who have least.

If they get politics that works, democracies that mean something and economies that have stakeholders, where ordinary people feel as though they can make a future for themselves, we will have done them a fantastic service. We will have given them the opportunity to transform themselves.

Mr Deputy Speaker, I thank my colleagues on the all-party group on international development — the internationalists in the House — for agreeing to the motion. Thank you for calling me to move it.

Ms Ruane: Go raibh maith agat, a LeasCheann Comhairle. I want to follow on from what —

Mr Deputy Speaker: Conall.

Ms Ruane: Conall, gabh mo leithscéal; tá mé an-tuirseach anois. I want to follow on from what Conall said. Eight hundred and seventy million people go to sleep hungry every night in our world. That is an awful lot of people. They go to bed hungry because we live in a very unequal world, a world of haves and have-nots, a world in which the economic order is created to favour the interests of elites here in Europe and in North America.

In the 1980s, when I was an aid worker in Nicaragua, I watched as the democratically elected Government brought in policies to create real change for their citizens. They had a literacy campaign that won the UNESCO prize for the best literacy campaign in the world. They had a preventative health campaign that

won the World Health Organization gold medal. They tried to provide basic food for every family in their country. It may not sound much, but they ensured that every single family got rice, beans, corn and oil every single week.

What was the response of the then US Administration? It was to impose an economic embargo and fund a right-wing militia and an opposition made up of the wealthy and elite.

In El Salvador, 13 families, known as the oligarchy, controlled millions of pounds; and foreign Governments poured in money.

8.15 pm

In South Africa, the US and British Governments, which should have known better, actively supported apartheid and vicious regimes in which millions of black people had no vote. I was an observer at the first free and fair elections in South Africa, at which Nelson Mandela got elected. I hope that people in the House will join me in sending best wishes to Nelson Mandela who, I read, is in a critical condition as we speak. There were very long election days, and in one area I was in, an elderly woman queued for three days in the hot sun. I went up to her and gave her water. I tried to talk to her, but she did not speak English and I did not speak her language. She just said, in her broken English, "Madiba Mandela".

Last December, I visited Gaza a few days after the indiscriminate bombing by the Israeli Government. I sat with parliamentarians from all over Europe in a new school that had been bombed. The United Nations had built that school. We were told that, to build a school, the United Nations had to supply the Israeli Government with its GPS details. They bombed that school as well a hospital, a house in which an entire family was wiped out, and a football field. Israel is one of the biggest recipients of US Government aid.

I join Conall, as will others in this House, in paying tribute to the aid agencies that do so much work to look at the root causes of poverty and hunger. I worked with Trócaire in 1987 when I returned to Ireland after my years in central America.

I also want to pay tribute to the trades union movement, which organised last week — and I have the programme here — innovative, educational and cultural events to highlight world hunger, the waste of resources on unnecessary and criminal militarisation and the need to spend our resources on ensuring that

there is food for everyone in the world, not just for some. I support their key demands on tax, land, aid and transparency. I love the title they have, "They Are G8 — We Are 7 Billion."

Following on neatly from a point that Conall made, I want to pick up on the issue of land. I come from Mayo originally, which was disproportionately affected by the famine and was the place in which the Land League was founded. The Land League was very powerful and supported the peasants in three areas: fair rent, fixity of tenure and free sale. Those were three very important things, which were brought together by one of my heroes, Michael Davitt. He understood the importance of land and food and that there was food for everyone. I want to see resources spent on health, education, food security, housing and shelter. We have a responsibility to the 870 million people who go to sleep hungry.

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

Ms Ruane: Let us do our bit to eradicate that figure.

Mr Copeland: This is a very timely debate, given the recent events in Fermanagh, where the G8 gathered and, according to reports, held a very successful summit, proving that Northern Ireland is open for business.

The Ulster Unionist Party fully supports the principles, aims and targets set by the IF campaign and has been most impressed with the dedication and lobbying of all those involved in what is such a vital and worthwhile campaign. It is a disgrace, an embarrassment and an indictment of the international community that each day at least one person in every eight goes to bed hungry despite the world producing more than enough food for everyone to eat.

As set out in the wording of the motion, the G8 presented an opportunity for world leaders to honour their commitments to developing countries and the associated injustices of hunger, dispossession and human rights violations. With that in mind, the Ulster Unionist Party is pleased to welcome the G8 communiqué, which, if implemented appropriately across all the G8 nations, will lead to reforms in tax, land and trade, which could further reduce poverty across the globe.

So, while the Ulster Unionist Party welcomes the commitments, we encourage the G8 to look further into developing these commitments and,

if possible, to ensure that there is an end to the scourge of world hunger and the shame of tax avoidance and that the West's commitments to developing nations are truly met.

I, personally, welcome and support the last part of the motion, which calls on the UK and Irish Governments to realise their pledge to commit 0.7% of their national income to international aid. Without doubt, austerity has impacted on much of our society. With the public sector cuts across the board, we must not forget our commitment to those around the world who live in dire poverty that threatens their life every day. As has been said, the United Kingdom was among the first to produce the 0.7% of GDP. The advice of even the highest echelons of the army is that it would be short-sighted and foolish to cut this money. Committing that money to international development is not only the right thing to do but the smart thing to do. I find it incredible that, by 2015, aid from the UK Government will have secured schooling for more people than are educated in the United Kingdom for one fortieth of the cost. It will help immunise more than 55 million children, young people and adults against preventable diseases, helping to save a child's life every two minutes.

The truth is that, all over the world just as here, people are born, they live, they laugh, they dance, they meet, they fall in love, they have children, and they die. Very shortly, there will be more mobile phones in the world than people. I do not think that this country, any country or the world should be run for the benefit of the corporations. The world must be run for the benefit of the people — not some of the people, but all of the people. I hope that we, through our support for this, will play a small part in making the world a better place for everybody.

Mr Lyttle: I welcome the cross-party support for the motion. It is reflective of the cross-community support for international development that we have across Northern Ireland. As a member of the Assembly group on international development, I am delighted to have an opportunity to recognise the creativity and commitment of the many people and organisations who united around the IF Enough Food for Everyone campaign and made sure that hunger and, in particular, the key issues around tax, land, aid and transparent government were put firmly on the agenda of the G8 leaders' summit in Northern Ireland.

I want to recognise the hard work of people like Tim Magowan of Tearfund, organisations like Save the Children, Trócaire, Concern and

fantastic artists such as Marie Lacey and the Belfast Community Gospel Choir, Duke Special, Two Door Cinema Club, Beyond Skin and the excellent Harry Hamilton, who supported the IF concert that my Alliance colleagues and I and many other people attended at a very, very wet Botanic Gardens in advance of the G8 summit. That was an excellent occasion and one of the many creative ways in which the IF campaign put these issues firmly on the agenda.

I would also like to recognise the work of my Alliance Party colleague and Member of Parliament for East Belfast, Naomi Long, who has worked closely with the IF campaign and was able to raise the concerns of young people from east Belfast directly with the Prime Minister at Westminster. Naomi has also sought to ensure that the UK Foreign and Commonwealth Office and the Department for International Development help to create land registries that protect farmers against displacement. The Alliance Party will certainly work to ensure that the Government develop that issue even further.

It was the collective creativity and hard work of everyone involved in the IF campaign and indeed many other campaigns around G8 that contributed to the achievement of a set of commitments set out in the Lough Erne declaration. I believe that the noise of many united voices contributed to a historic statement that called for new rules on tax information exchange to be obeyed. That will help developing countries access the information that they need to receive the money to which they are entitled and that will help them achieve more development.

The IF campaign held the UK to its promise to become the first G8 Government to ever spend 0.7% of national income on aid, despite a difficult economic climate. The Lough Erne declaration does not go far enough in confirming specific details of how measures set out in the summit will be delivered, but we have to ensure that the momentum gathered by the IF campaign is not lost. Progress can be made in these areas as a result of the declaration. It would be a significant step towards addressing hunger and a fantastic legacy of Northern Ireland's contribution to the G8. The G8 communiqué is only the beginning, and a great deal more work will be required to turn the pledges into concrete action. There has been some criticism, and the final agreement could have had more detail. Indeed, the word "should" was mentioned 13 times but the word "will" was not mentioned at all. In my opinion, the detail in the communiqué will help the agenda moving forward.

It is important that we do not lose sight of the challenge before us, but ending global hunger is not as far-fetched as it may sound. One of the world's greatest leaders, Nelson Mandela, reminds us that poverty is man-made and that the solution can be man-made also. John F Kennedy said:

"we have the means, and we have the capacity to eliminate hunger from the face of the earth in our lifetime. We need only the will."

The IF campaign and its thousands of supporters proved that the will is there in Northern Ireland, and it is our collective responsibility to continue the campaign to secure action for those who desperately need it most and to sustain our call on the G8 leaders to take the bold steps necessary to build a world free from hunger and full of hope.

Mr Agnew: In my teenage years, I had the laudable ambition of going to Africa to work to combat poverty, but I soon realised that, as somebody with a philosophy degree, I would probably have little to offer those people in practical terms. Much as asking people, "You feel hungry, but are you really?" might have seemed a clever question to a philosopher, it would not have offered much help.

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

After taking on the principle that I still hope to adopt today of thinking global and acting local, I worked with the local homeless to tackle poverty in my backyard. I then moved on to politics, and I try, in my politics, to keep that philosophy of thinking global and acting local. In everything that we do in the House, the importance of which cannot be denied, there is no issue greater than global hunger that should occupy any of us. Global hunger is exacerbated by climate change, and we can impact that through our policies in Northern Ireland and in our actions as citizens as well as politicians. Aid agencies will tell you that, when you work in developing countries in the global south, it is not a question of if or when climate change happens; the question is about the impact that climate change is having now on many of our poorest communities around the world.

I support the IF campaign message. There is enough food to feed everyone if we seek to end tax evasion and avoidance. We must be willing to tackle climate change and, most importantly and more challengingly, to look beyond our own

economic self-interest as a nation and seek to rebalance global economics and end extreme poverty, particularly in the global south. Over 200 aid agencies, human rights organisations and other campaign groups, including trade unions, have been involved with the IF campaign, and many of them do the real work that I would have liked to do. I pay tribute to their campaigning efforts and to all those volunteers and workers who go out and tackle poverty head-on and see the devastation that our economic policies and way of life sometimes inflict on other parts of the world.

Although there will be some who will say that we are in times of austerity and we have to look after our own, the millions of pounds that our citizens in the UK and Ireland donate to these agencies suggests that that is not the view of the majority. Our citizens will support the call on the UK Government and the Irish Government to contribute 0.7% of their national income to international aid. I welcome that the House will support that call, and I ask the Governments to listen to it and to do it.

8.30 pm

Mr Ford: I do not intend to detain the House too long at this time of night, but I want to add a few words to what has been said. In proposing the motion, Conall McDevitt referred to the history of this island. I suspect that that history is part of the reason why people throughout Ireland, particularly Northern Ireland in our context, are so generous in their giving to development charities. It is also probably why we have such a high number of people who go on either short-term or long-term service overseas, seeking in some cases to take the gospel or in other cases to take education or their skills as engineers or in the medical field. We should certainly be grateful for that, but we have to recognise that, however good that is, there is a further need beyond the charity and the personal service, and it is around political action. That is why it is such a pleasure to have the opportunity to commend the work that the IF campaign has done over recent times. It has highlighted in such a creative, imaginative and positive way what can be done to feed the world, if we answer the many questions.

Having stood beside Chris Lyttle and got soaked in Botanic Gardens a couple of Saturdays ago, I am happy to join him in saying what a worthwhile exercise it was. It was a wonderful mixture of entertainment and serious hard campaigning in recognition of the facts of the world in which we live. Given the global village that we now are and the communications that we have, including the

iPads and whatever that a number of Members have in front of them in the Chamber at the moment, there is no excuse for our people not to be informed. A century and a half ago, it may have been that people in one part of Ireland did not know what was happening in another part of Ireland; we now know exactly what is happening in the world. That has to be part of what reminds us all of our responsibilities as those who are among the top 10% — probably the top 2% or 3% — in income, food security and general welfare.

Unusually for me, I want not only to call on the Governments but to praise David Cameron. We saw in the previous Government some good work that Gordon Brown did on the Jubilee 2000 campaign on the cancellation of debt. That had not to stop there but to be a basis for taking things further. The commitment that David Cameron's Government have given to protect the aid budget at a time when a number of other budgets are being cut is a very positive statement about the role that the UK sees itself having on the world stage and about its responsibilities as one of the key nations in the G8. The fact that the Taoiseach was also in Fermanagh to represent the EU is another positive statement of involvement in a slightly wider sphere not only on a cross-border basis but on the basis of persuading other EU countries of their responsibilities. Countries such as some of the Scandinavian countries and the Netherlands are committed to going in line with this call to meet the 0.7% of GDP target for Britain and Ireland, and there is no doubt that we should seek to encourage the EU as a whole to go that way.

Four years ago, I had the pleasure of visiting a village in a remote part of Nigeria where people were becoming sick literally because in many cases the river where they got their water was where they also did their washing. Indeed, cars and children were washed beside where people were accessing drinking water. Last year, thanks to aid from this part of the world, a deep well was dug there, which means that many of the people in that village are now able to access clean water. That is the kind of small-scale project that can make a difference, but we also need the kind of points that were highlighted by the IF campaign: transparency; ensuring that taxes are paid fairly; and ensuring that we build trade as well as aid. One of the crucial things about the IF campaign was the way in which that message was put across and got across to the media during the time of the G8.

I may be back in the House next week talking about the rather more mundane issue of what it

cost to stage the G8. However, one of the key things for me was the way that the G8 ran because of the creative and positive way in which those highlighting important issues like the IF campaign did their work.

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

Mr Ford: They got publicity for positive engagement, and it was the kind of positive engagement that we must continue to encourage our two Governments to continue.

Mr Wells: I thank all those who took part in this important debate. I suspect that the only lighter moment in all this was the advice given by one protest group on the mainland of the United Kingdom. Advising protesters on how to get to the Lough Erne hotel, they said, "Take the ferry to Belfast and then the train to Enniskillen". *[Laughter.]* I am afraid that, unless they did that in about 1964, I do not think that there was any prospect of a train to Enniskillen.

Mrs Foster: Nineteen fifty-seven.

Mr Wells: The year I was born.

Everyone is very pleased at how successful the G8 was, how smoothly it went and the lack of any form of significant disruption or protest. It reflected well on Northern Ireland that that happened. We welcome the various discussions at the G8 on international development. Conall McDevitt outlined the main purpose of the IF campaign and who was supporting it. He reminded us that even County Fermanagh, 160 years ago, suffered deprivation very similar to what is occurring in most of sub-Saharan Africa. He indicated that a mere £30 billion — it sounds a lot but, in the overall scheme of things, is not — would solve the poverty problem in Africa.

Caitríona Ruane spoke about her experiences in Nicaragua and mentioned the importance of the literacy campaign and the provision of food for all in that small central American country. It showed what could be done if government is really pledged to alleviating poverty.

Michael Copeland, on behalf of the Ulster Unionist Party, said that they were enthusiastic supporters of the IF campaign and decried the fact that one in eight people goes to bed hungry every night, which is a terrible indictment of our society. He praised the fact that the United Kingdom had reached the target of 0.7% of GDP. It is worth pointing out that the Irish Republic has come closer to and may, in fact,

have met that target. However, unfortunately, because of the significant decline in the Irish Republic's GDP the 0.7% does not represent as much as it used to; in the boom days, it was a far more significant amount of money.

That 0.7% is a very reasonable target. It still means that the Western World and North America have 99.3% of GDP to look after their own needs. So therefore, though it is a very realistic target, it is not overly generous. However, it is significant that, even in difficult and trying economic times, that target has been met. That is to be applauded. I noticed that several Members said that David Cameron, our Prime Minister, was to be congratulated on that, and I would have to say also that Enda Kenny and his predecessors in the Republic made that a priority.

Chris Lyttle, who, like many others, sat through that concert in the rain, felt that it had been a very worthwhile effort, and, certainly, all the artists gave their services, I understand, free of charge. It was a very important way of allowing young people to express their support for the IF campaign and to raise issues of concern about international development in a very peaceful and non-threatening way. There certainly was no trouble at that concert, and it was a testament to the organisers, particularly to my friend Jim Clarkin and all those in the international development agencies who were so active in its organisation. Chris praised the work of Naomi Long at Westminster in raising the profile of international development. He said that the G8 communiqué did not go far enough and that the content was shrouded in words like "may" or "should" rather than "will". We accept that the document could have gone an awful lot further.

Steven Agnew mentioned the fact that climate change is not a matter of "if" — it is happening now, it is with us, and, if we do not deal with it, it will cause tremendous destitution to many communities throughout the world. He also praised the active involvement of the 200 agencies involved in the IF campaign. It was a remarkable piece of organisation to get all those disparate groups together to organise such an effective campaign.

David Ford indicated how generous the people of both Northern Ireland and the Irish Republic were in supporting international development. Indeed, I had very practical experience of that recently. The First Minister, Mr McDevitt and I attended a fundraising event for Fields of Life at La Mon Hotel a few weeks ago and, in one evening, £80,000 was raised for work in Uganda. I think that that is extraordinary in the

present economic conditions. Between them, 500 people raised an amazing total, so congratulations to them. Obviously, the First Minister must have put in a very generous cheque that evening. That shows just how committed Northern Ireland people are to this. We saw the huge support that there was for fundraising efforts for the tsunami disaster eight years ago. Northern Ireland people can take some self-praise for what we have achieved. It is something that we do well as a community, and we know that a large number of people in the Province are committed to it.

In August, I had the privilege of going to Tanzania with Jim Clarken and Oxfam to see its work at first hand. There was one rather amusing incident. I went with Pat Breen, who is Chairman of the Oireachtas Committee on Foreign Affairs and Trade in the Dáil. He was representing the Dáil and I was representing the all-party group here in Northern Ireland. One day, the photographer arrived, took my picture and asked for my details. The following day in the Tanzanian press, I was shown as "Jim Wells, Chairman of the Oireachtas Foreign Affairs Committee", which I certainly am not. I can assure you, Mr Deputy Speaker, that I hope that I never have to stand for that position. I do not know how they described Mr Pat Breen, but we all had a laugh when we saw that in the paper, which had clearly got its facts mixed up. Much more seriously, in Tanzania we saw a community that can feed itself, but that will go absolutely nowhere in terms of international development until it deals with the fundamental issue of how it treats women. In Tanzania, women are treated as mere chattels. We met chieftains who said that they had 35 cows, which entitled them to one wife. Some were up to 69 cows and they were hopeful that they would get a second wife the next week. Their ultimate aim was to have a third wife. The purpose of the wife was to tend the cattle and to produce children to help with the farming activities. What was even more sinister was that we learnt of men who, when a female child was born, went round the huts and booked that child for marriage in 12 years. It is absolutely appalling that that female child's life is determined from the day she is born to be yet another wife to a leading herdsman in the tribe.

Women in Tanzania have no chance of education beyond the age of 13. Those who do are remarkable women: they are incredibly powerful, active and well educated, and they are leaders in the community. Unfortunately, very few of them get the chance to get past education at 13 because, by that stage, they are expected to be either betrothed to be married, or married off already in a polygamous

marriage. Tanzania knows that, and it knows that it is going to get absolutely nowhere until it deals with that problem, which is fundamental.

The problem in Tanzania is not food, per se; the problem is that 51% of the population live wretched lives. It is a structural issue. We know that we have the solution to those problems. The first solution is that we have to stop land grabs. We saw huge parts of Tanzania that had been grabbed by multinational companies for game ranching where the native farmers had been driven off.

Secondly, we have to deal with the issue of encouraging all western societies to reach the 0.7% development assistance target. Thirdly, we have to have some form of sensible taxation system in the global economy. It is appalling that Apple has cash reserves of \$120 billion that it has built up by using very clever means to avoid taxation anywhere it operates in the world. We have all read recently of Starbucks and other companies, including Google, that manage, by very subtle sleights of hand, to send vast amounts of taxable income offshore. Apple must be selling a phenomenal number of computers in Dublin, because all the receipts go through one office where there is much reduced taxation. Those clever ploys are being used throughout the world. Starbucks has a licensing agreement with Luxembourg. It makes a token loss in the United Kingdom because it pays a huge sum through a Luxembourg-based company for the use of its rights.

8.45 pm

If all those companies throughout the world paid their fair share of taxation, particularly in African countries, that would go a long way to provide the much-needed income for development in those countries. Huge amounts of money are sloshing around the world economy from one tax haven to another and not being used to sustain indigenous communities.

We have the solution but are a long way from it. The G8 was a step in the right direction. I am glad that it found time, among so many other issues, to deal with this important matter. I am hopeful that we are getting there. I congratulate everyone in the IF campaign.

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

Mr Wells: It was timely and successful, and well done to all those involved in bringing so

many together to hit the target as far as this important issue is concerned.

Question put and agreed to.

Resolved:

That this Assembly welcomes the principles, aims and targets set by the IF campaign; condemns the fact that two million children die from malnutrition each year; recognises the opportunity that hosting the G8 summit presents to call on the eight global leaders to honour their responsibilities to developing countries and to tackling climate change and the associated injustices of hunger, dispossession and human rights violations; and calls on the British and Irish Governments to realise their pledge to contribute 0.7% of their national income to international aid.

Motion made:

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

Adjournment

Economic Development: Down District

Mr Deputy Speaker: The proposer of the topic will have 15 minutes, the Minister will have 10 minutes to respond and all other Members who are called to speak will have approximately six minutes.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I thank the Members who have stayed behind to participate in the debate and, indeed, the Minister. I am grateful to her for taking the time to respond to the debate. Members will be glad to know that I got rid of a few pages from my speech and will certainly not need anywhere near those 15 minutes.

As with any debate of this nature, some of the issues that I will cover undoubtedly fall outside the remit of Minister Foster and her Department. However, I am sure that there is an Executive colleague of others, such as the Minister for Regional Development, who I may touch on, so permit me latitude to set an appropriate context to our discussion.

In recent months, 'The Down Recorder' ran a special feature on what could only be described as the abject failure of local government and associated organisations to build economic prosperity in Down district over the past 20 years. The editorial synopsis was forthright and, to a large extent, long overdue. With the people of Down district bearing the brunt of that failure, the image of another generation of young people maturing under that blanket of economic woe undoubtedly struck a chord with not just the local business community but with the vast majority of local people who are fed up languishing in Down district while watching neighbouring areas progress at what they feel is their expense.

Figures in the local media last week suggested that at 22% below the North's average, Down district average incomes ranked with Strabane and Limavady as the weakest of all local districts in the North. The example of neighbouring Newry and Mourne district was held up as proof that great economic improvements could be implemented with the

right leadership and vision, with more than 1,200 foreign investment jobs promoted with the help of Invest NI (INI) in the past five years alone.

We in Down district have had to make do with a meagre 15 foreign investment jobs in five years — a paltry return, no doubt everybody will agree. It is a depressing situation, hammered home by the sight of nearly 4,000 cars leaving the district every morning taking people to work in Belfast. Down district remains the highest commuting district in the North, and with fuel prices going through the roof, the people of Down district know only too well the financial impact of such an inglorious title.

To many, the solution to those failings is an increased relocation of public sector employment. Given the great buzz that emanated from the recent decision to relocate the Department of Agriculture and Rural Development's (DARD) fisheries division to the district, perhaps there is some merit to that argument. Despite the objection by many observers that the decentralisation of public sector jobs to the district is lazy and short-sighted, we must recognise the demographics and dynamics of local employment trends in the district.

A recent Oxford Economics report highlighted the fact that one third of workplace employee jobs in Down district were in the public sector, making the Down economy much more dependent on the public sector than all other surrounding council areas. A further 1,000 indirect jobs are estimated to be sustained locally by that public sector employment. However, a high concentration of public sector jobs in the Downpatrick area meant that the town and adjacent area were most negatively impacted by recent public sector job losses and relocations out of the area over the past decade or so. That negative impact has been felt in direct job losses as well as indirect and induced impacts on sectors from which the public sector procures goods and services.

Without doubt, a sustained and planned relocation of public sector jobs to Downpatrick would achieve a large net impact and could play a huge role in improving economic prosperity for all in Down. With that in mind, I wrote to each Department this week to ascertain what plans it might have to decentralise services and jobs to the area. No doubt it will be very interesting to see what plans are in the pipeline.

In the light of such potential opportunities, I also welcome the establishment of a public sector

jobs task force in the Down district area. It has dovetailed well with the local business community and local representatives. This Thursday, I will be hosting the launch of its brochure inviting the decentralisation of public sector employment to the district, as we continue to strengthen that vital aspect of local employment.

However, it is important to stress that, although important, the relocation of public sector employment must not be viewed as the silver bullet to our economic situation in Down district. Compared with surrounding districts, the private sector in Down created relatively few private sector jobs during the past two decades. Indeed, the baseline outlook for Down's private sector has weakened considerably over recent years, and, worryingly, if Down were to lose a significant number of public sector jobs, there does not appear to be any major private sector investment in the pipeline to cushion any blow to the local economy.

Without doubt, we, like most districts across the North, seriously need to strive to grow our private sector economy across the district. It is a scenario that will face all aspects of government in the years ahead. Indeed, the ambitious targets inherent in the Programme for Government commitments, such as the creation of 25,000 jobs, the capture of £375 million worth of foreign investment and the desire to increase tourism revenue to £700 million, suggests that if the appropriate framework and support is established, Down district can be well placed to take advantage of such opportunities.

In that regard, it is worth noting that Invest NI has a total of 112 acres of landholding in the Down district area, 50 of which are available for immediate development on the Clough road on the outskirts of Downpatrick. All that land is apparently held in support of economic development, and we are told that it is proactively marketed to foreign and indigenous investors. Without doubt, the Department of Enterprise, Trade and Investment (DETI) and local government have a huge amount of work to do in order to utilise such holdings, and I will be interested to hear from the Minister tonight of any plans that may be in the pipeline for that sort of thing.

Invest NI is sometimes held up as an easy target. We must praise an organisation when it does well, and, recently, Invest NI has improved massively. It has great potential for helping growth in areas such as Down district, so this should not in any way be seen as any sort of veiled attack on Invest NI.

Furthermore, the development of the Downpatrick Business Centre has stalled in recent years, as Invest NI has been unable to fill a number of its units. Analysis indicates that the present policy dictating that the units must be used for manufacturing business models is limiting the appetite in the park. It is with that in mind that Sinn Féin has called for the policy to be amended to allow for small and medium-sized enterprises (SMEs) to trade in the park and for Invest NI to promote the area in that regard through a new marketing strategy and a relaunch of the facility's potential.

However, while discussing the challenges facing us in attracting investment into the district, and, indeed, the potential for the continued relocation of public sector employment, we must recognise the single biggest hurdle — the poor transport and connectivity features of the area.

When the Bain review announced its agenda for action in 2008, it identified transport and connectivity as the major constraining factors in any future expansion of public and private sector employment. Once again, the extent of such constraints was revealed last week, when the Minister for Regional Development, Danny Kennedy, confirmed to me that Down district received a mere 2% of all capital investment in road infrastructure in the past five years. When you bear in mind the very dispersed, rural nature of the area and the urgent need to upgrade various main routes, it beggars belief that we in the district of Down receive such a low figure. Priority projects, such as the Ballynahinch bypass and the upgrade of the Belfast to Downpatrick and Downpatrick to Newry roads have clearly fallen off the agenda in Roads Service.

How are we going to grow local business opportunities if we continue to receive such meagre assistance from central government? Down district requires serious investment to improve its roads infrastructure and transport connectivity. For too long, we have been the poor relations, and despite rejections to the contrary, the statistics tell the story.

It is clear that a failed political culture of complacency and a stagnant satisfaction with the status quo has not served the people of Down well over the past 30 years. It is high time that we gave our young people hope for the future and an economically prosperous future at home in Down district.

Mr Wells: I concur with much of what Mr Hazzard said. Down district has many attributes; it has many things going for it.

Unfortunately, structurally, it has significant economic problems. First, it has an excellent education system. It has schools such as Down High School and St Patrick's Grammar School, and, more recently, the colleges of further education. We are very fortunate in Down district. We now have three brand new, state-of-the-art colleges of further education in Ballynahinch, Newcastle and Downpatrick. I have been round all of them. They are doing excellent work to train young people for future employment possibilities. The area has an excellent tourism product.

The fundamental problem with Down district, however, is that the vast majority of people who live there are not employed in the area. In order to see that shown graphically, one just has to stand in the main street of either Ballynahinch or Saintfield on any weekday morning and see the vast number of people leaving Down district to work in the greater Belfast and Lisburn areas. We really need to try to redress that balance.

It reminds me of Newry and Mourne, when I was first elected to this House in 1982 and when Newry was part of my constituency. At that stage, Newry was the ultimate basket case. After Strabane, it had the second-highest unemployment rate in western Europe. The sagebrush was almost blowing down the middle of Hill Street. People despaired. Then, what happened to Newry? Three or four home-grown entrepreneurs from Newry came on board and, basically, pulled that town — or city as it is now — by the bootstraps. People of the calibre of Eddie Haughey, Gerard O'Hare, Feargal McCormack and Gordon Coulter arrived on the scene. They built up manufacturing companies, some of which have survived very well even to this day. I realise that Coulter Construction has faced terrible times as a result of the recession. However, Norbrook Laboratories has come through the recession practically unscathed, although with great difficulties. It now employs well over 12,000 people. Gerard O'Hare invested money in Newry when no one else would touch it. He built the Quays Shopping Centre, which has been a great success.

So, we found local entrepreneurs, who came along and were given support by LEDU and IDB, as they were — more recently, INI. Companies were nurtured with considerable success. What we need to do in Down district is to identify the Eddie Haugheys and Gerard O'Hares. We need to find people who, if they are given a little bit of support from organisations such as Invest Northern Ireland, could take the opportunities that are clearly

there to develop those communities. Unfortunately, at present, I do not think that we have identified those people yet. However, I believe that they are out there. The South Eastern Regional College (SERC) and the schools are producing those types of entrepreneurs.

In the meantime, while that is happening, we also need to bring a big state-controlled employment opportunity to Down district. On Thursday week ago, I visited a new police victims unit which has been set up in a palatial multi-storey building in Bedford Street. I asked them how they did their work. They said that it is all done by phone. I asked where they could be based. They said that they could be based in Timbuktu and still do the work. I asked whether they had ever thought about placing themselves in Down district or south Down. They said no: they could not do that. The total disbelief in their faces about the prospect of doing the work from Down district was laughable. It had never occurred to them that that could happen. I believe the catalyst that could move Down district forward until private investment and enterprise really gets to grip in the district is to bring a large public-sector back-office to the area.

I applaud the decision taken to move DARD from Dundonald House, which I always thought was a ridiculous place for it, to Ballykelly in east Londonderry. I think that that will have a most enormous benefit for that community. I think that Down district should be considered for a similar move. For example, do we really need to have hundreds of officials in the Department of Health, Social Services and Public Safety working from Castle Buildings when their work could be done on the internet or by telephone from any part of Northern Ireland? The movement of 200 or 300 jobs from the congested greater Belfast area into Down district would have a significant pump-priming effect on the economy of the Down district. Yet, time and again, we seem to be overlooked when those decisions are made.

I applaud the decision to move fisheries branch from Dundonald House to Downpatrick. However, although it is very welcome, when one analyses the number of jobs, one sees that its effect is more symbolic than real. At the last count, they were talking about jobs of fewer than double figures. I welcome that. Wherever it moves to — I think that it is moving to the new Down council site at Downshire — I will cut the ribbon there, but we need something much more significant than that. We can now say that we have the premises. I have to applaud the council on the excellent site that it has now

established on the Ardglass Road. We now have an Invest Northern Ireland site, with plenty of capacity, on the Belfast Road and the site on the Ardglass Road. The capacity is there to move jobs to Down district.

9.00 pm

Mr Deputy Speaker: Will the Member draw his remarks to a close.

Mr Wells: I believe that if that happens, there is a bright future for that area.

Mr Rogers: I welcome the opportunity to speak in this Adjournment debate. It is good to get Down district on the agenda.

A socio-economic report was commissioned by Down District Council in 2012, and it is going to be used by the council to inform future economic policies. We are in the grip of a recession, and like all the other areas, Down district has suffered heavily. We depend a lot on farming, fishing and construction. Total income from farming has dropped by 50% in real terms. Added to that, we have had higher than average rainfall and heavy snowfall, which devastated many family farms in Down district.

Our Ardglass fishermen, along with their colleagues in Portavogie and Kilkeel, have had to contend with bad weather, quotas, Isle of Man fees and gear changes, but they have received no hardship payments.

The collapse of the construction industry right across the island has had devastating effects on the area, and construction workers have travelled across Ireland and further afield to get work.

The farmers, fishermen and construction workers, and their families, spend their money locally. When they do not have the money to spend, the results are obvious in the towns and villages, with closing down sales and closed-down shops. The report found that there are enough jobs in Down district for one in two of the working population, and one in three of those living in Down district commute out of the area. Downpatrick is ranked sixteenth out of 19 rural hubs for connectivity because of accessibility issues to key transport corridors.

We in south Down do not believe that we need an amendment to a Planning Bill to create preferential economic areas, because they already seem to exist, but Down district certainly is not one of them. However, I believe that we are moving to a new era in the

relationship between the council and Invest Northern Ireland. I must pay tribute to Mr Mark Bleakney, southern regional manager, for his help over many years. As you can imagine, I have had many encounters with Invest NI in both council areas. You win some, and you lose some.

There are many good stories from entrepreneurs in south Down. One of the most recent was from a local boat builder who was full of praise for the help he got from Invest NI to develop his business. A Castlewellan businessman had a similar story. The jobs fund, business investment projects and support for business in neighbourhood renewal areas are all good stories. Then there is the not-so-good news, when jobs promoted do not match up in any way with jobs created, and entrepreneurs are snowed under with bureaucracy and form-filling.

I recently spoke to the chief executive about the promotion of "raising finance" workshops. There is none from Shaw's Bridge right round to Newry, and I hope that that will be addressed in the future. I subsequently met Invest NI staff and found them — from the CEO down — to be very helpful.

I welcome the setting up of an office in Down District Council headquarters so that clients can meet Invest NI there instead of having to go to Newry. There is a great entrepreneurial spirit in Down district, which I witnessed at the recent Down business awards. I welcome the support from Invest NI and others on the night. However, Down district — in fact, right across south Down — needs the same treatment as Belfast or the Causeway Coast.

I believe that there is some joined-up working at a local level to begin to address the lack of economic activity in Down district. Council officers are working with Invest NI to develop a council action plan. Similarly, they are working with the Northern Ireland Tourist Board (NITB) to develop a strategic tourism project. We have so much potential right across Down district, from St Patrick's Trail to Dundrum castle and beyond, but we need input from central government. There are major opportunities in agrifood and renewable energy, but that does not just happen without central government support. In fact, we will only realise the true potential of Down district if we have joined-up government working for all the people. It cannot all be left to DETI, and I am glad that the Minister is here tonight. All Departments have a major role to play.

As Mr Wells said, education and innovation really are key to our economy's recovery. We have good schools in Down district that work closely with SERC. We need to ensure that our young people have the right skills for the world of work. All our businesses, from macro to large employers, need the support of the Executive.

Mrs Dobson: I am pleased to be able to speak in the Adjournment debate this evening. The area of Down district is made up, in the most part, of the South Down constituency. However, as an MLA for Upper Bann, I welcome the opportunity to contribute to a debate about my neighbouring constituency.

The economy, quite rightly, remains the number one priority of the Executive, as set out in the Programme for Government. However, we must ensure that the advancement of that priority happens as fairly as possible on a geographical basis. We should not allow a situation in which all our resources are being ploughed into a selected number of areas. That would result in Down district, for example, suffering a further lack of economic development, as the title of the Adjournment debate suggests.

I would like to focus for a moment on one such area that concerns me, and that is the number of business start-ups across constituencies. Although I fully understand that Invest NI does not seek to target specific geographical areas, it cannot be right that there is a considerable disparity in the number of indigenous business start-ups from one area to another. In Strangford, for example, where Down District Council has some overlap of jurisdiction, there were only 477 start-ups over the past five years. That is less than half the number in constituencies such as Fermanagh and South Tyrone, East Londonderry and West Tyrone.

I also want to take the opportunity to raise the issue of tourism in Down District Council area. The area boasts some of the most beautiful countryside that Northern Ireland has to offer. I am thinking specifically of Delamont Country Park, Castle Ward near Strangford and Slieve Donard, one of the Mourne mountains that has Newcastle at its base. The area caters for everything from fishing, golfing and sailing to many other leisure activities, and this sector is deserving of our continued support. It is fundamental to the economic well-being of the region that the tourism action plan being taken forward by the Department of Enterprise, Trade and Investment takes full account of what it has to offer.

As my party spokesperson on agriculture and rural development, I am all too aware of the value of the agrifood sector to our economy, not least in the constituency of South Down. The industry has sustained our economy throughout an extremely challenging recession, and we know all too well the plight of farmers and falling incomes. Indeed, I brought a motion to the House recently on that very issue. We also know that fishermen continue to struggle, not least because of poor weather conditions and little or no help coming from the Agriculture Minister. I am pleased that we now have an agrifood strategy in place that sets challenging targets, which, in Tony O'Neill's words last night, are stretching. I hope that the Executive can be equally stretching when it comes to the £400 million required and meeting all the targets set out in the plan.

In conclusion, I want to mention two significant economic announcements made by the First and deputy First Ministers in recent weeks. First, the 'Together: Building a United Community' document contained a range of measures, including 10,000 placements for young people not in education, employment or training (NEET). Secondly, the economic pact that came from Westminster included the continuation of 100% assisted area status and a variety of other measures that could help business. My desire is that these announcements will lead to positive change throughout Northern Ireland, including the Down District Council area, and it is therefore the responsibility of the relevant Ministers to ensure that this is the case. Our shared future must be equally shared in all aspects.

Mr Hamilton: I congratulate the Member for South Down Mr Hazzard for securing the debate this evening. I speak as a representative of about a third of Down district, principally, the towns of Ballynahinch, Saintfield and Killyleagh within the Strangford constituency.

I stand to be corrected, but, looking around the Chamber, I may be, albeit only by virtue of having an advice centre in Saintfield, one of the only ratepayers in Down district who is contributing to the debate this evening. I am a born-and-bred Comber man, which is slightly outside Down district, but I have deep family connections to Down district. My mother was from Ardglass and my father was from Killyleagh.

In some ways, those two villages highlight part of the problem that the Member identified. Ardglass is a town that is built on the fishing industry, which has obviously gone into quite

deep decline over the past number of years, and Killyleagh is a village that is built on two linen mills and a tannery. In fact, my grandfather worked in the linen mill for most of his working life. All those have gone, as have other mills in other parts of the district, including Drumaness and Saintfield. Undoubtedly, there has been economic decline in Down district over the past number of years.

I do not wish to dwell too much on the doom and gloom. I appreciate that times are tough in Down, as they are in Ards, north Down, Castlereagh and everywhere around Northern Ireland. I thought that the Member was far too young to be so doom-laden and cynical about these things, but it is contagious in this place. Without wishing to gloss it over by saying that there are no problems, I think that there is a lot that we should celebrate about what is going on in Down district. It is worth taking a moment to celebrate some of the great business successes and some of the assets that the district has.

Principal among them — a couple of Members talked about this — is that it is a premier tourism area in Northern Ireland. You can look at the investment that has gone into Newcastle's streetscape, the huge increase in footfall that that has brought about and the resurgence in the economy that has come from that. You can also look at the investment in the likes of the Slieve Donard Hotel in Newcastle. The whole area can and should take advantage of the fact that it is the gateway to the Mourne.

You have other assets, such as St Patrick's Christian heritage trail, which I do not think has been capitalised on half enough. There is certainly positive work to be done on that. The area has great assets. We had a row and dispute by proxy earlier on the Planning Bill with the National Trust. There are places such as Castle Ward and Rowallane, where I officially opened a new visitors' centre last summer. Those are great assets that the area has. Nowhere else has anything like them. Nobody else can stake the claim to St Patrick that —

Mr Wells: Will the Member give way?

Mr Hamilton: Very briefly.

Mr Wells: Does the Member also accept that Downpatrick has a brand new complex on the Ardglass Road that Down council fostered and that that complex provides a huge capacity for employment? Of course, we also have the benefit of having a large industrial estate run by INI that has capacity to expand dramatically.

Mr Hamilton: Yes. They are both advantages. I have had different reasons to be in both. Ratepayers in Down district should be very proud of both those assets.

There is no huge company in Down district that you could point to and say that that is the premier industry in the area. There are lots of little industries, but some of them are doing absolutely fantastic work. I am thinking of Walter Watson in Castlewellan, which is outside my constituency. All the steelwork in the O2 arena in Dublin came from Castlewellan. That is something that I think that we should be proud of.

Ballykine in Ballynahinch is providing the steelwork for the regeneration of Ravenhill. Again, we should be proud of that. Datum Design in Ballynahinch is working in the growing area of aerospace technology. It is doing some fantastic work on composites. It is about to take off — literally — in the aerospace sector, which is doing very well. Those are small companies. They do not employ lots of people, but they are doing very well. We should be very proud of those companies and of what they are doing in Down district. We need a lot more companies like them in Down district.

I caution Members about hanging their hat too much on attracting public sector jobs into Down district. I think that that is setting our ambitions a little too low. It certainly does no harm to have public sector jobs in the local economy to underpin it and bolster it a little bit. However, it is not the future. There will be some benefits, jobs and spin-offs, such as spend in the area, but it is not the sort of growth economically that we want.

I put on record praise for Down District Council and what it has done through the business programme Beyond. I think that the business awards and the support and mentoring that it helps to provide have been very beneficial. That needs to be built on as we move into the review of public administration (RPA). The RPA will provide the Down district with an opportunity to capitalise on additional powers such as planning, community planning and regeneration.

We need to start to look at the advantages and assets that the area has. We also need to look at our ability to sell those and to partner with friends, perhaps in Newry and Mourne, to develop the economy of the whole area in a way that I and hopefully everybody here believes it can be developed. If Down district

can capitalise on powers that come from the RPA and the opportunities brought about by scale and size along with it, I think that the future, economically, can be bright.

9.15 pm

Ms Ruane: Go raibh maith agat, a LeasCheann Comhairle. We badly need strategic investment in Down district and, indeed, throughout south Down. My colleague Chris Hazzard highlighted the failures to date, notwithstanding the successes, and Jim Wells spoke about the lack of investment.

One area that I want to focus on a little bit is tourism, and the previous Member who spoke mentioned it too. We have very little tourism infrastructure in the Down district. What we have is good, but we do not have enough of it. If you go right along the coastline — Members have spoken about how beautiful the area is — we do not have the tourism infrastructure. We do not have the hotels or B&Bs, and we do not have enough hostels. I want to see the development of activity-based and appropriate tourism; I am not talking about tacky tourism. Ironically, given the lack of investment to date, we now have an opportunity to put in the correct investment.

Members talked about a couple of big businesspeople helping to build areas, and big businesspeople can certainly do that. However, I would like to see the development of small and medium-sized enterprises. I would like to see cultural tourism, Irish language tourism and GAA tourism. In all the different areas, the GAA provides a huge benefit to local communities, as do other sporting organisations.

If we are to develop tourism appropriately, one of the things that I would point to is the Great Western Greenway that is in operation and being further developed in my native County Mayo. I urge people to go and look at it because it is well worth seeing. It began as an old railway track between Mulranny and Achill Island and Newport and Mulranny. It now runs all the way from Westport to Achill Island, and it will eventually run from Castlebar to Achill Island. The biggest thing for me is that successful little industries have built up around it, such as bicycle hire shops, B&Bs, hostels and hotels. It is benefiting local small businesses.

There are similar plans, on a smaller scale, for a greenway from Carlingford to Omeath and from Omeath, across the bridge at Narrow Water, into Warrenpoint and up the towpath into

Tandragee. That is the type of tourism infrastructure that I want to see being built.

We also need all-Ireland marketing. Ministers have to stop standing with their back to the border. They have to work very closely together at an all-Ireland level. There is no point in spending millions attracting people to Dublin and Newgrange and them turning back to Dublin. We need them to come across the bridge at Narrow Water into Down district and Newcastle. We also do not want those same tourists who come into Newcastle turning back. We want them to come into Newry and Mourne.

We need regional marketing. We need to get them in and to work with people in the Mournes, Carlingford, Slieve Gullion, Omeath and the Cooley peninsula. We need to work together to do that.

We need investment from all Ministers, and I join with Jim Wells in paying tribute to the Minister of Agriculture and Rural Development for the work that she has done. In my small way, I played a role in investing in schools. We put significant money into the south Down area and into schools, such as the "Red High"; Assumption; Shimna Integrated College; and Bunscoil Bheanna Boirche, and the further education colleges that Jim Wells mentioned. Money is now also going to be put into the "Green High", and the primary schools have also been developed.

I absolutely agree with the Member who spoke previously: RPA is going to make a significant difference. Newry and Mourne District Council, I would argue, has played a huge role in helping to develop the district, along with the east border region through the memorandum of understanding, which was the first one with Louth and one of the first of its kind in Europe. Now that Down District Council and Newry and Mourne District Council are working together, I think we will see big changes. They deserve credit for the role that they have played.

Tá deis iontach againn anois, agus is féidir linn rud iontach a dhéanamh.

We now have a unique opportunity to make real changes for the Down district, but it needs to be done in that district, then through cross-border working between North and South.

Mrs McKeivitt: I am pleased to have the opportunity to comment this evening. I thank the Member for securing the debate, particularly in light of the recent economic study by the well-known independent economist Maureen O'Reilly. The study by Ms O'Reilly recognises

that Invest NI had not created the same levels of investment in the Down district as it had in other district council areas. The Public Accounts Committee (PAC) report on the performance of Invest NI, which was published May, also recognised that. The report states:

"There is significant disparity between assistance levels received by individual district council areas (DCA's). For example, excluding Belfast, the six DCA's in receipt of the highest levels of assistance by Invest NI between 2002-03 and 2010-11 were allocated £381 million, which was over nine times greater than the £41 million allocated to the six DCA's with the lowest levels."

Down District Council was listed among those with the lowest levels.

Another startling measurement is the amount of spend on foreign direct investment as of December 2011. In Belfast, it was £604 per head of population; £366 in Derry; and £216 in Antrim. So, what would you imagine it to be in Down district: £100; £20; £50; or £10? Not even close. It was £1. I kid you not: one single pound per head of population in foreign direct investment.

I am informed that Down District Council is taking action to promote investment in the area. It has agreed to the creation of a new economic development post to lead on that issue, and it recently entered into discussions with Invest NI about how the area can be promoted more effectively. I am pleased that the council has shown initiative and adopted a self-help attitude to improve the situation, but I feel that this question needs to be asked: what has Invest NI delivered for the people of the Down District Council area?

I welcome all positive steps taken at local level, but we need a commitment from the DUP and Sinn Féin-led Executive and individual Ministers that more will be done to ensure that Down District Council receives a fair slice of the economic development pie.

With urban regeneration schemes and the east coast master plan, I recognise that there is an appetite for developing the area, but we need more than plans and draft schemes. We need urgent action from the top level.

I must acknowledge the investment that has come to the Down District Council area, including the millions of pounds recently invested in the new hospital, the new South Eastern Regional College and the Down civic centre, which was recently opened. As

spokesperson for culture, arts and leisure, I am particularly pleased that funding for the new leisure centre has also been secured, and work will begin in the near future.

In Down district, we have a certain dependence on the tourism product. The Mourne Mountains, which is one of the NITB's signature projects and features St Patrick's country, are significant to the area. Independent economist Maureen O'Reilly said that tourism is one of the areas in which Down District Council should be excelling. It is also being under-exploited, with fewer people visiting the Mournes compared with other major tourist attractions in Northern Ireland. I call on the tourism Minister to ensure fair spend on the Mourne signature project, compared with others such as the Titanic centre and the Giant's Causeway.

I also call on our roads Minister to examine road issues, which have been talked about here this evening, and to explore the potential of creating critical economic corridors to the east. A major road upgrade could be a catalyst for creating economic opportunities for Down district.

Mr McCallister: My apologies to the House for missing the start of the debate. I congratulate Mr Hazzard on securing it.

I was fortunate enough to arrive in time to hear some of Mr Hamilton's contribution. I suppose that, when he is in line to be Minister designate, it is important that he is here to contribute to the debate, and, of course, some of Down district is in the Strangford constituency. He talked about some of the important industries that are in the district, and the message about getting a balance in the economy is important. We do not want to be completely dependent on public sector jobs or for them to be seen as the district's only option. We want to make a strong commitment that, where we feel that we can sell the facilities and trained and skilled workforce that are available in the district, it is well worth making the argument for them and presenting the case to various parts of government as they seek to decentralise. Down district can provide a home with a high-quality workforce to staff those facilities, which is a cause that colleagues and I will, I am sure, continue to advance.

A few months ago, with my South Down colleague Sean Rogers, I attended the Down District Business Awards. Like many of my colleagues, when I attend events such as that, I am sometimes surprised by the amount of activity that goes on in a district, the number of small business enterprises — employing one,

two, three people or whatever — that are working hard to come up with innovative ideas and solutions to problems and to respond the challenges out there. Like all businesses, they face the age-old problem that, I am sure, the Minister hears about constantly: access to finance and issues around how they will grow and develop their business. Those are some of the challenges that DETI and Invest NI, whose contribution or lack of it was mentioned by Ms McKeivitt, can help to meet in developing business in Down district. The Minister has to address that.

I was certainly impressed by the sheer drive and determination of some of the businesses in Down district. Despite all the problems in the wider economy, they were determined to keep going. So, we need that mix in the economy. We need to support small and medium-sized enterprises and some of the slightly larger ones. Mr Hamilton talked about Walter Watson, a company that I am also familiar with. Such companies not only make a huge contribution in the area but carry out a huge volume of work across the water and south of the border. It is about getting that balance in the economy, getting the public sector jobs that, we think, we have the skilled workforce to do and encouraging small and medium-sized enterprises and even some of the larger companies.

We will, of course, encourage tourism. We have a good tourist product to sell, from Saint Patrick's Trail to the Mourne mountains and all the work that is going on in places such as Newcastle to really lift the town as a proper gateway to the Mournes. It is about bringing all of that together in a tourism product that continues to evolve and develop through the creation of things such as cycle tracks in Castlewellan Forest Park and across the district. We need a collective effort to get Down district up and running again. The infrastructure will be very important. I know that colleagues across South Down and Strangford have consistently made the case about the Ballynahinch bypass. Mr Wells has been making the case since 1964 apparently. Of course, Downpatrick is in need of help in that department as well. Those are things that we need to look towards and for which we should collectively continue to campaign. With those thoughts and given the lateness of the hour, I look forward to the Minister's response.

9.30 pm

Mrs Foster (The Minister of Enterprise, Trade and Investment): First, let me join others in congratulating the Member on his

topic being chosen, which allows me the opportunity to speak on what is obviously, given the number of people who have managed to stay in the House until this late hour, a very important issue. Let me also say that, from my own constituency background in Fermanagh and South Tyrone, I am absolutely aware of the challenges facing our more peripheral areas in Northern Ireland. However, I want to be honest and forthright, as you would expect me to be, about economic development in the Down district, particularly when it comes to attracting foreign direct investment.

We had Ms McKevitt making comparisons between our capital city and Down district. Of course there will be differences between those two figures. I find it rather strange that, in one paragraph, the Member talks about the failure of DUP and Sinn Féin Ministers but then goes on to praise the Culture Minister for investing in cultural facilities in the Down district, the funding for which was obviously helped through by the Finance Minister, who is also a member of the Executive. You cannot have it both ways. You either try to work positively for the area or you decide that you will criticise in a negative way.

I want to say to the Members present that, particularly in attracting foreign direct investment, it is important to clarify that the location decisions are of course a matter for individual companies. I want to spend a little time on foreign direct investment, but I do of course want to talk about our indigenous companies as well. There are some very good companies in the south Down area, some of which I recently visited again. To attract inward investment, an area must be able to demonstrate that it can meet the investor's needs. Recent trends indicate that investors favour reducing their risk by locating their business in areas where they can draw on a pool of skilled labour and where, they believe, investment and cost risk will be minimised. Potential inward investors will also typically look at an area with regard to existing investors in the same business sector. Invest NI's key inward investment target sectors are ICT, business services and financial services. It will also look at universities or colleges, and we have heard from Mr Wells about the standard of the schools and colleges in the Down area and what they have to offer the business sector.

ICT skill sets and the infrastructure to support business in that sector are, of course, in high demand. In determining a potential inward investor's requirements and specific preferences, Invest NI offers solutions to meet the investor's needs. Invariably, the situations

that will occur will not be area-based; rather, they will be driven by skills availability and cost competitiveness. A company will be attracted to where it perceives most of the talent to be or where increased cost competitiveness exists. Therefore, it is vital — Mr Hazzard made the point in his opening comments — that all the — I do not like the word — stakeholders in the Down District Council area or, indeed, the wider area work together proactively to make sure that the story is told of what Down has to offer to particular inward investors. I note that Mr Rogers said that Invest Northern Ireland was working proactively with the council. I hope that it will work with the other public representatives in the area so that they can put forward the story of Down district council area and what it can offer to inward investors. It is not just about us bringing inward investors in; it is about what you have to offer those inward investors in that area.

Mr Wells: Will the Minister give way?

Mrs Foster: Yes, I will.

Mr Wells: Does the Minister accept that the success of Newry was not based on FDI as such but on entrepreneurs who were Newry born and bred investing their skills and expertise in the Newry area and building indigenous companies with tremendous success? That is what we need to do in Down district; we need to replicate what has happened elsewhere in the constituency.

Mrs Foster: I was going to speak about that. Mr Wells has made a very important point: those people of vision for the Newry area have attracted people into the indigenous cluster that they have created, and people from outside the area are now interested in doing business in it.

Mr Hazzard: Will the Minister give way?

Mrs Foster: Yes, I will.

Mr Hazzard: I want to say, on the back of what my colleague Jim Wells has said, that just this week Down High School celebrated a young pupil who had won a Sentinus innovation award. I am sure that the Minister will agree that it is important to foster an appreciation for role models such as Gordon Coulter and others. Is there something that we can do to foster aspiration and innovation in our young people so that they look up to business-type role models in our society?

Mrs Foster: Again, that is a very important point. Just last week, I visited Kilkeel. I know that Members will be well acquainted with B/E Aerospace. In the G8 advertisements that were seen all over the world, one of the advertisements was for the seats that are made in B/E Aerospace. We should be very proud of the fact that that is the case. As well as that, I visited Kilkeel harbour and spoke to a group that has come together with a vision for working in the renewable energy space. It is a very important space. They are mostly fishermen, but they see that there are opportunities in the renewable energy scene. In fact, they asked me to come down because they wanted to launch a DVD for them. They have tremendous plans for the development of the Kilkeel harbour area, and that is exactly what Mr Wells was talking about — people who have a vision for their area. As a result of that, Invest Northern Ireland has supported the DVD and will make sure that it goes out across the region. They will be able to say that Kilkeel has an offshore renewable energy installations hub, which is very exciting for the Kilkeel area. I will be very involved in promoting that because I see the way in which they have a vision for their area.

Invest Northern Ireland's new FDI app is another positive development. It will present a snapshot to potential investors of the benefits of setting up in Northern Ireland. Both Down and Newry and Mourne district council areas have indicated that they wish to be involved, and Invest Northern Ireland is working with them on that. As the Down offering develops, it can be reflected in the updating of the FDI app and in continuing engagement with Mark Bleakney and his team in Invest NI's southern regional office. Essentially, the idea is that you go into the Northern Ireland app and then find all the other apps for the different areas. In those apps, you will set forward the proposition for your area. That is an innovative way of being able to put forward what the area has to offer.

I know that Alastair Hamilton was in the Down district council area last month. Invest NI's international investment team has offered to spend time with the council's economic development team, and I am sure that that offer will be taken up in order to help them broaden their understanding of the international investment market. I would encourage continuing investment between all the stakeholders, including the private sector. Mr McCallister made the point that we should not over-rely on the public sector. Of course, public sector jobs are welcome, but the growth is in the private sector. It is in those small and medium-sized enterprises that we will be able to grow the economy in Down and in many

other parts of Northern Ireland. Indeed, I understand that the Regional Start initiative is going well in south Down and right across the Down area, which I very much welcome.

I think I have answered most of the issues that were raised tonight. In respect of tourism — Mrs Dobson mentioned tourism — of course, one of the jewels in the crown of Northern Ireland is Royal County Down Golf Club, which is always in the top 10 golf courses in the world. My goodness, what a great accolade to have. What a tremendous thing to have to draw people into your area.

There has of course been investment in Newcastle. I have visited many times and seen the way in which that has lifted the whole area. We will work continually with Members in relation to the Mourne and St Patrick's Christian heritage trail, because tourism is a very important part of the south Down proposition. When I was down there last Wednesday, I thought again about how lucky you are to live in such a beautiful part of the world.

Adjourned at 9.40 pm.



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