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Northern Ireland Assembly

Tuesday 30 April 2013

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

Members observed two minutes' silence.

Ministerial Statements

North/South Ministerial Council: Institutional Format

Mr M McGuinness (The deputy First Minister): In compliance with section 52C(2) of the Northern Ireland Act 1998, we wish to make the following statement on the eighth North/South Ministerial Council (NSMC) institutional meeting, which was held in Stormont Castle on Monday 29 April 2013. The Northern Ireland Executive were represented by the First Minister and me, and the Irish Government were represented by Tánaiste and Minister for Foreign Affairs and Trade, Eamon Gilmore. The First Minister and I chaired the meeting.

We had a broad discussion on the economy, particularly on the economic challenges that are faced in each jurisdiction and the budgetary actions being taken to address them. There were discussions on corporation tax and the National Asset Management Agency (NAMA). We noted the importance of building confidence in the economy and the tourism industry and recognised the benefit of mutual co-operation in both. There was also a discussion on the upcoming G8 summit to be held in Enniskillen and on developments during the Irish EU presidency.

We discussed the Irish presidency of the EU in 2013 and welcomed the co-operation that had taken place between Irish Government and Executive Ministers. We noted progress on the various EU-related matters, and we noted that, while both the multiannual financial framework and a reform of the common agricultural policy (CAP) have been agreed at European Government level, negotiations are ongoing between the EU Council of Ministers and the EU Parliament.

We also discussed the current situation with EU funds, particularly from Peace III, INTERREG IV and FP7 research and development programmes. The potential for future

programmes was also discussed, in particular a new Peace programme.

We welcomed progress under the north-west gateway initiative and noted that there would be further engagement with key stakeholders to seek their views on the future development of the initiative. The Council agreed to review progress on that engagement at a future meeting.

We discussed matters relating to the North/South bodies, noting progress in their corporate and business plans and the implementation of cumulative efficiency savings in the bodies. We also discussed governance issues, including the review of the financial memoranda and changes to the North/South pension scheme. A further report on progress will be provided to the next NSMC institutional meeting.

We noted changes to the boards of the North/South bodies and that an event for board chairs, vice chairs and chief executives had been hosted by the joint secretaries in February 2013. We thanked the outgoing chief executive of Waterways Ireland, John Martin, and the outgoing chief executive of the Loughs Agency, Derick Anderson, for their contributions to the work of the North/South bodies and wished them well in their retirement. We noted that work is under way to identify their successors.

We discussed the St Andrews Agreement review and looked forward to further discussion at the next NSMC plenary meeting.

The next plenary meeting will take place in July 2013, and we agreed to meet again in institutional format in October 2013.

Mr Moutray: I thank the deputy First Minister for bringing his statement to the House this morning. Did he receive any assurance from the Irish Government that they will get agreement on CAP reform over the line before their presidency ends in June?

Mr M McGuinness: I certainly think that that is their ambition. At yesterday's meeting, we all noted that progress had been made on CAP reform during the EU negotiations. We noted that CAP reform negotiations had progressed in recent months and the ongoing trilateral discussions between the Parliament, the Commission and the presidency aim to reach a final agreement by June this year. Of course, the support provided by the CAP remains crucial for farmers and rural communities, hence the agreement by EU leaders to reduce the CAP budget by 13% in real terms for the 2014-2020 period, compared with the 2007-2013 period. Obviously, that is disappointing, but work continues to ensure that the final agreement delivers a flexible CAP, particularly in relation to the move to flat-rate payments and greening, which can be tailored to address local concerns. I know that our Agriculture Minister and Simon Coveney have been involved in meetings on that issue. Given the fact that the Irish Government have the presidency of the EU at this time, his voice is particularly influential.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an LeasChéad-Aire as an ráiteas sin. I thank the deputy Prime Minister — gabh mo leithschéal — the deputy First Minister, for his statement. Were the A5 and the Narrow Water bridge, both very important cross-border projects, discussed at your meeting?

Mr M McGuinness: Yes, both issues were discussed. Everybody knows that those projects are vital for cross-border infrastructure, and it was very important that we discussed them yesterday. It is also important to stress that our Executive and the Irish Government are fully committed to implementing the A5 project. Everybody is conscious of the recent judicial review where a judgement was made on one of the 12 objections; in the other 11, the court found for the Department. The issue of habitats and the environmental impact assessment went against the Department. The Minister decided not to appeal but to go for a remedy. It appears that that remedy will probably require one year to 18 months to resolve. However, there is still total commitment from the Executive and the Irish Government to the scheme.

During the discussions with Eamon Gilmore, we also took the opportunity to remind him that the First Minister and I, in previous conversations with Enda Kenny, had pressed the Irish Government to ensure that the decision that they took to withdraw from their part of the scheme — with the exception of £50 million —

needed to be reviewed on an ongoing basis. The Taoiseach gave us a commitment that it would be reviewed in 2013. We hope that that will take place this year. If the Irish Government are in a position to come up with their end of it, it could all coincide neatly with what will, hopefully, be a positive development with regard to the A5 when the Department goes through the procedures that will have to be undertaken.

In relation to the Narrow Water bridge, the Department of Finance and Personnel is undertaking a rigorous critical review, as per the assessment process outlined by the INTERREG IVa programme. That process involves DFP reviewing the costs, benefits, value for money, deliverability and risk associated with the project and the verification of all relevant planning preconditions to ensure that they are adhered to and statutory approval is sought and obtained. I hope that there is an early and positive decision, given the importance of the project.

I recently met representatives from the area who are all very exercised about the prospect that the bridge could be built. From my experience and as the Speaker knows well, there is the impact that a very small bridge in our city has had not just on the architecture of the city but on the psychology of the citizens of the city, bringing people together in a very powerful way during the City of Culture celebrations. There is no doubt whatsoever that we will see the situation expedited in the next short while, and, hopefully, we will see a positive outcome.

Mr A Maginness: I thank the deputy First Minister for his full report. He said that Ministers:

"discussed the St Andrews Agreement review and looked forward to further discussion at the next NSMC plenary meeting."

Could I ask the deputy First Minister about that aspect of the meeting? At the last North/South meeting, which, I think, was in November or slightly earlier than that, there was a report that proposals relating to the review would be made by Christmas. There is no mention of those proposals in this report.

Mr Speaker: I encourage the Member to get to his point.

Mr A Maginness: I just want to ask the deputy First Minister if those proposals were put to the

meeting, and, if they were not, why not? When will there be progress on that issue?

Mr M McGuinness: We had a very useful discussion on the St Andrews Agreement review at yesterday's meeting, and the part of the review relating to the recommendations specific to the North/South bodies is now effectively complete, subject to any further discussions at NSMC sectoral meetings. The respective Finance Departments have concluded that the provision of Enterprise-scale shared services within the bodies is not feasible due to a lack of scale. However, they have recommended that the bodies should continue to share knowledge and expertise where it is beneficial to do so. Work by the Finance Departments on the review of the financial memoranda is at an advanced stage, and we hope to have that work completed by December 2013.

At the June 2012 plenary, we advised the Council that there was still some work to do in terms of reference two and three, and we agreed that further reflection on those elements of the review would be needed. At the November 2012 plenary, we agreed that senior officials would meet to bring forward proposals so that we could move to deal with this at the next plenary in July, at which point, we hope, there will be a decisive step forward on the matter.

Mr Nesbitt: What is the Minister's assessment of Peace III and his thinking on the shape and focus of the proposed Peace IV funding?

Mr M McGuinness: Peace III has brought enormous benefits to our community. There is no doubt whatsoever that it has contributed greatly to harmony and cohesion in the community and increased working together, not just in the North but between North and South.

Everybody here is very conscious of the discussions that have been ongoing in relation to Peace IV. The First Minister and I were recently in Brussels and were involved in serious discussions around that. That happened against the backdrop of the discussions at European level on the European budget, over which there was much disagreement. We were pleased to see that €150 million has now been committed. That is a great relief, and that money needs to be used wisely. There is also a huge challenge for both Governments to recognise that maybe they could contribute further to that financially. We have recently had discussions on that with the British and Irish Governments.

We cannot pre-empt the outcome of what will be an important vote in the European Parliament. It has already voted down the budget, which is par for the course at European level. However, there is increased optimism that the budget will be endorsed by the Parliament in the next couple of months. If that is the case, the €150 million will be secured. We will then agree how we direct that money in a way that brings maximum benefit to our community.

10.45 am

Mr Lyttle: I thank the deputy First Minister for his statement. I am sure that he will join me in recognising the work of organisations such as the IFA, Groundwork and the Playhouse Theatre and their presentations to the EU on the work of the Peace programme. What regional framework does the deputy First Minister think needs to be in place to continue to support the work of such organisations if and when Peace programmes from the European Union are no longer available?

Mr M McGuinness: I certainly would endorse the comments of the Member about the contribution made at the exhibition that took place in Brussels, which we were honoured and privileged to attend. The work that is happening within the IRA — sorry, within the IFA — *[Laughter.]* Just to — *[Interruption.]*

Mr Speaker: Order.

Mr M McGuinness: Just to reiterate the point that they have gone away, you know. *[Laughter.]* The anti-sectarianism work that has taken place in the IFA has to be commended. Other events have taken place since the visit to Brussels that I have been very pleased to attend in my own city. I pay tribute to all those who are involved in that important work.

In the context of Peace IV, we will have to consider how we can ensure the continuation of that good work. There is a huge responsibility on everybody to recognise that sectarianism is very damaging to our society and economy. Given that we will see an IFA cup final shortly between Cliftonville and Glentoran, I appeal to everybody associated with both clubs, including the supporters of both clubs, to engage in that game in a way that will bring maximum enjoyment to themselves. There is always a danger in the context of such occasions that a tiny minority who are not representative of the overall fan base will try to exploit them for their own end. We need to see increased

exhortations on behalf of people within clubs and communities to impress on people how negative that is and how damaging it is for community relations.

Mr G Robinson: Will the deputy First Minister outline the topics included under "Future Development"?

Mr M McGuinness: One of the most important discussions that we had with the Tánaiste yesterday centred on youth unemployment and the prospect that a fund that exists at European level can be used in a way that will bring benefits to ourselves and the South. Whether we can exploit that fund remains to be seen. However, we have emphasised to all our Departments the importance of continuing to draw down funding from Europe and to meet our Programme for Government commitment of increasing that by something like 20%. Those discussions are continuing. It is important that we continue to emphasise to people that the programmes that are in place, which are very wide-ranging — far too wide-ranging for me to go into in detail this morning — are crucial.

We have to go forward with an Executive approach, but Departments, some of which could, maybe, do a wee bit more, need to consistently examine how they can put in a better performance on financial drawdown for the sort of programmes that, I know, the Member would like to see take place, not least for his own area.

Mr McMullan: Go raibh maith agat, a Cheann Comhairle. Is the Irish presidency of the EU proving to be beneficial and successful for our own agriculture sector and the ongoing talks centring around the reform of the common agricultural policy?

A Member: You cannot hear a word he is saying.

Mr M McGuinness: He was basically asking whether the Irish Government's presidency of the European Union was beneficial to the farming community, North and South, in the context of the CAP negotiations. I think that I gave a clear indicator earlier that those discussions are ongoing and that Minister Coveney and Minister O'Neill are collaborating to ensure that we get maximum benefit for farmers, North and South.

When the Irish Government's EU presidency began, there was a lot of concern that the issue of budgets would not be resolved, but it appears that it is on its way to resolution. There

will, hopefully, be a final vote in the European Parliament prior to the end of the Irish Government's presidency of the EU. If that and the CAP negotiations were settled, I think that the Irish Government would regard their presidency as a huge success, albeit low-key.

Mr Speaker: Members who turn the amplifying system away from themselves will not be heard in the House.

Mr Byrne: I thank the deputy First Minister for the statement and the answer he gave about the A5. However, can he confirm that any obstacle that is in the way will be removed as quickly as possible so that the project can progress without any diversion of moneys to other projects? Secondly, in relation to CAP reform, will the deputy First Minister acknowledge that, under the current budget proposals, there will be a severe, drastic cut to the rural development programme relating to Northern Ireland, because of the Cameron approach to the budget?

Mr M McGuinness: On the Member's first point, I know that there is huge concern in the west amongst all the councils and, indeed, the elected representatives that the A5 project could be jeopardised. Indeed, some in the media — mostly commentators, I suppose; I am not blaming media organisations — went as far as to say, more or less, that the project was dead in the water. Nothing could be further from the truth. This is a very important item for the North/South Ministerial Council. It is of an international dimension, and I think that the commitment reasserted at the meeting yesterday between ourselves and the Tánaiste that we are still committed to the project is clearly there for everybody to see.

I think that the Department is moving with all haste to deal with the one area of difficulty — the habitats — and the need for an environmental impact assessment. Obviously, that might lead to all sorts of new processes being put in place, which will cause a delay of, maybe, something between a year and 18 months, but, in the context of that being resolved, we are absolutely committed to providing the funds to ensure that this road will be constructed.

As I said, I hope that any financial review that takes place in Dublin with regard to their budgets will recognise the importance of coming back on board on this vital scheme. It is not just important for us here in the North. Sometimes, when people talk about the A5, they talk about it being a road to Dublin.

Clearly it is a road to Dublin, but it is also a very important internal road for the North of Ireland. It is important for people living in the area that the Member comes from and people living in Omagh to get to Belfast and to link with the new road at the Ballygawley roundabout. It is a road that ticks all sorts of boxes internally within the North and between North and South, so we are absolutely dedicated and committed to ensuring that the project goes ahead with funding being made available.

The Member is absolutely right about the CAP: there are difficulties. The European Union has taken its own decision and has imposed cuts. It is now a matter of seeing what the final outcome will be when the deliberations end in a vote at the European Parliament. Our Minister and Minister Coveney are working closely together to minimise whatever difficulties will be presented to the farming community, North and South.

Mr Hazzard: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an LeasChéad-Aire. Will the deputy First Minister provide an update on any discussions relating to EU matters?

Mr M McGuinness: We had a wide-ranging discussion on the EU. Yesterday, the Tánaiste made it clear, not only during the meeting but in the press conference afterwards, that he regarded the ongoing discussions between the EU and the Governments of the United States and Canada as vital in the context of the island of Ireland and, specifically, the North. Any increased trade agreements with those English-speaking countries would clearly suggest that, when they consider foreign direct investment or further trade agreements, they are more inclined to focus their attention on English-speaking parts of Europe. That gives the island of Ireland a big advantage.

We had a useful update from the Tánaiste on the Irish presidency of the EU, which, as we all know, runs to the end of June. The Irish Government are focusing on securing stability and driving recovery in Europe, leading to job creation and growth, which all of us want. The Tánaiste was keen to acknowledge the attendance of our Ministers and officials at a range of presidency-linked events and the assistance that we have provided through secondees from a number of Departments that are working on the presidency. Of course, the most significant issue is the agreement on the provision of funding of €150 million for a further Peace programme. The discussion was wide-ranging and dealt with all those matters.

Mr Cree: I thank the Minister for his statement. It is good that things are progressing. What will the legacy be at the end of the presidency? What can people look back on and say, "We have moved forward. This was our main achievement during the six-month period"?

Mr M McGuinness: Obviously, the presidency is being held by the Irish Government. We had our own discussions with them prior to their taking over the presidency. From their perspective, the big concern was whether there would be agreement on budgets at European level. The last time that the First Minister and I were in Brussels, the British Government, in particular, were getting a very bad press from European leaders because people thought that their approach would slow down the prospect of an agreement and, as a result, be damaging when future budgets were being decided. That has now been resolved, and there is agreement at governmental and European level. The European Parliament will now be the only body to adjudicate on this. I think that a vote will probably come in June. If that and the CAP negotiations go though in the way in which they have designed them, I think that the Irish Government will consider that to be a major success for them.

We have renewed our efforts with Brussels and are trying to get the drawdown of extra funds to the target of the increased 20% that we sought when we outlined our Programme for Government. That is why it is critical that all Departments are energised about trying to capitalise on that. As a result of our discussions yesterday, the First Minister and I intend to pursue one or two new angles that were suggested by Eamon Gilmore.

Mr Spratt: I thank the deputy First Minister for his answers so far. In reply to a question on the A5, he mentioned getting the Southern Government back on track with the financial programme. Can he confirm whether there was any discussion on the £50 million due from the Irish Government in 2015-16?

11.00 am

Mr M McGuinness: The Irish Government are still committed to that; they have not withdrawn that commitment. During yesterday's meeting, the First Minister and I emphasised to the Tánaiste the importance of the review promised by Enda Kenny when the Irish Government announced that they were withdrawing their commitment because of economic circumstances and their negotiations with the

IMF and the European Bank. I think that that will be a very welcome review during this year.

It is hard to say at this stage whether we can be optimistic that the review will mean that the Irish Government come back on track to the full extent that they initially committed to, but we certainly intend to pursue that. We do not intend to give up because this will be, I think, a very important economic driver for us in getting proper infrastructure in the west that will benefit everybody, not least by putting three major companies to work, which is a very important aspect, and, of course, their employing local people, which is also critical. As we go forward, we are very committed to this project and to seeing it through to completion, which will require the Irish Government coming back on board.

Mr Allister: I want to ask about the pension scheme for the North/South executive bodies set up under the Belfast Agreement, not the North/South body that the Minister knows best and to which he inadvertently referred some time ago. The pension scheme for those bodies entails lavish employer contributions. In one case, over 31% of salary is contributed by the employer and a mere 1.5% is contributed by the employee. When will that lavish squander be addressed by bringing the scheme into line with what exists in the Civil Service scheme? Is it good enough for it simply to be pushed back for another six months? Why not address it now instead of looking at it further down the road?

Mr M McGuinness: At the NSMC meeting on 28 March 2013, we noted that the NSMC approved an amendment to the North/South pension scheme, which means that increases to the scheme for benefits paid in the northern currency will be in line with the consumer price index. Prior to that, they were increased in line with the retail price index. The amendment ensures that the North/South pension scheme follows public sector pension policy, as agreed by the Executive.

We also noted that the two Finance Departments are in discussion about how to further amend the scheme. These amendments will ensure that northern members are not immune from pension reform. The first amendment will increase employee contributions on average from 1.5% by 3.2 percentage points. That will align with the employee rates payable from April 2014 in the principal Civil Service pension scheme here in the North. The second amendment will introduce, by April 2015, the wider Hutton reforms, such as the introduction of a career

average revalued earnings scheme and a linkage between the North/South pension scheme age and the state pension age.

Mr B McCrea: In an earlier answer to Mr Maginness about the St Andrews Agreement review, the deputy First Minister said that the group had discussed North/South issues. However, it seems that a wider discussion is needed here. Will the deputy First Minister outline whether there are ongoing discussions on the matter and whether he thinks that those should be treated as a matter of urgency?

Mr M McGuinness: Obviously, these situations are kept under constant review. I outlined our approach to the matter in my earlier answer. With respect, I think that there is a vagueness in the question. I am not trying to score a point. If the Member would like to communicate his concerns to me more directly, I could give him a much fuller answer.

North/South Ministerial Council: Road Safety

Mr Attwood (The Minister of the Environment): In compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the fourteenth meeting of the North/South Ministerial Council (NSMC) in transport sectoral format, which was held in Armagh on Wednesday 17 April 2013.

Before doing so, it is fitting that I record that a further death, of someone aged 25, occurred on our roads in the past 24 hours. Given that the statement touches on road safety issues, I think it only appropriate that the House notes and expresses condolences to the family of the young person who died so tragically.

The meeting was attended by me, by the Regional Development Minister, Danny Kennedy, and by Minister Varadkar TD, Minister for Transport, Tourism and Sport. I chaired the meeting. I will address those agenda items for which my Department has responsibility: mutual recognition of penalty points; road user safety; and vehicle safety policy and enforcement. I would also like to report that there was a transport sectoral meeting in Dublin on 28 March for a very short number of minutes to facilitate the approval, in advance of the end of the financial year, of an amendment to the North/South pension scheme.

I think that this has been touched on elsewhere this morning, but the Council meeting in April discussed the importance of the Narrow Water

bridge and noted the timeline for the drawdown of European funding. The Council also noted that the project had obtained planning permission and a marine licence and that that involved extensive engagement with stakeholders. It looks forward to the assessment process being completed as soon as possible.

I emphasise that the planning consent and marine consent have been issued and that the standard pre-commencement conditions in advance of construction are all proceeding satisfactorily. I wrote to the First Minister and deputy First Minister in advance of the institutional meeting yesterday about the Narrow Water bridge matter to try to accelerate a conclusion to it.

The Council also discussed the negative impacts of the use of illegal fuel on the transport industry, on revenues to the exchequers and to the environment. There will be a further statement to the House about last week's North/South environmental sectoral meeting, where the impact of the use of illegal fuel was discussed. All of us who were present viewed the situation as acute.

I met representatives of the haulage industry yesterday; I have now met them twice over the past four or five months. They confirmed to me the severity of the situation and the impact on legitimate business of those who use completely or partially laundered fuel. That is something that I believe that the NSMC and the respective Governments need to further interrogate and address.

The Council noted that the steering and working groups on the mutual recognition of penalty points are continuing to take forward their work and that a further update will be provided to the next NSMC transport meeting, which is scheduled for November. The Council agreed that that is an important road safety initiative, and it is aware that it is a complex and groundbreaking matter.

The public consultation on the proposals, which was launched in Northern Ireland on 12 March 2013 and which is closing on 14 May 2013, was also noted. The Council further noted the commitment from both sides, North and South, to have the necessary primary and secondary legislation in place by 31 December 2014. This will be a first for Europe: the mutual recognition of penalty points between two jurisdictions that are members of the European Union.

Where road user safety is concerned, the Council welcomed the continued sharing of

knowledge and experience between officials from both jurisdictions on the delivery of our respective road safety strategies and on measures to further reduce road casualties. I particularly welcomed the recent launch of Ireland's road safety strategy, which took place at an EU road transport safety conference on serious injuries that was held in Dublin on 20 March. That event was attended by Minister Kennedy and me. It was a very important event, because, although a lot of attention has been focused legitimately on road deaths, less attention has historically been paid to serious injuries. That is a matter that Leo Varadkar and the Irish Government are quite clearly attending to and taking forward as part of the EU presidency.

On that occasion, I also met the chair of the Road Safety Authority (RSA) in Dublin, Gay Byrne. I have written to him, subsequently, to suggest some further North/South activities between the RSA and the Department of the Environment (DOE) on road safety. I also shared progress on the drafting of our road traffic amendment Bill, which will include provisions to tackle drink-driving, reform the learner and restricted driver regime with the introduction of graduated driver licensing, and make the wearing of helmets mandatory when riding a quad bike on public roads. I hope that that Bill will come before the House, subject to Executive approval, for First and Second Reading in advance of the summer recess.

We also welcomed progress on Ireland's road traffic Bill 2013, which will include provisions to further reform Ireland's driver licensing regime, adjust the penalty points regime and make a number of amendments to legislation regarding commercial vehicle roadworthiness testing. We shared information on new road safety campaigns in each jurisdiction, including Vision Zero, which I launched last week and which has already been the subject of positive public comment even though it is a very challenging campaign; a new 60-second TV campaign launched by the RSA in March 2013 to educate drivers on sharing the roads safely with cyclists; and a seat belt wearing campaign that is planned for launch by the Department this autumn.

We welcomed the continuing proactive co-operation to target a wide range of illegal activity in the goods haulage and passenger transport industries. I accept, especially having met the haulage industry yesterday, that further tension is needed in the escalation of enforcement, especially in respect of goods haulage. When I met the hauliers yesterday, I adjourned the meeting to reconvene on 29 May

to see what more can be done in the interim period. Nonetheless, there will be an increasingly targeted approach towards enforcement and continuing liaison on cross-border enforcement operations in both jurisdictions.

We welcomed the signing of the memorandum of understanding between Ireland and the UK on mutual recognition of vehicle-type approval, which should help trade. The Council also noted the continuing co-operation on enforcement of EU tachograph and drivers hours rules and proposed a training exchange for enforcement officers, which will take place in 2013.

Ms Lo (The Chairperson of the Committee for the Environment): I, too, express my sympathies to the family and friends of the victim of that latest tragic road accident.

I thank the Minister for his statement. I welcome the ongoing co-operation between the two jurisdictions to improve road safety across Ireland. Given that the mutual recognition of penalty points between North and South would require a multi-agency approach in Northern Ireland, and given that the Minister has given the commitment that the necessary legislation will be in place by December 2014, will he confirm that he has Executive agreement to bring forward a Bill on this important issue? If so, when does he expect it to be introduced?

Mr Attwood: I thank the Member for her question. To date, the number of deaths this year on our roads in Northern Ireland is 18, which is around twice the figure for this time last year. It is difficult to extrapolate from that what the figures will be over the next four and eight months. Nonetheless, it is a very timely and stark message to all of us and all road users. It is a message that is also understood in the Republic, where there has been an even more disproportionate increase in the number of road deaths in the four months of this calendar year than there was in the same period last year. That is something that Leo Varadkar, when Mr Kennedy and I attended the EU serious injuries conference, raised and spoke about to the media.

11.15 am

That is why we have this campaign, Vision Zero, and why I will be writing to all MLAs, all civil servants and all Ministers to ask them to go online and make the personal commitment to do what they should be doing with respect to road safety. These issues are very personal

when it comes to serious injuries, road deaths and their impact on families. If we make that personal commitment, we may be able to make some contribution to ensuring that the figures at the end of the next four months are not of the same pattern as the last four months.

The approach being adopted by Minister Varadkar and me on the mutual recognition of penalty points has been discussed and agreed through the NSMC structures. Policy proposals are currently being developed and, on the far side, those proposals will go to the Executive for approval in advance of legislation being tabled. The principle has been approved. As is normal with new law, we are now going through the relevant processes to bring about the right outcome.

It is not straightforward work. This will be the first time that there will be mutual recognition of penalty points in the European Union; nobody has gone down this road before. Consequently, given the complexity of the regimes North and South, there is a need to create the right administration on the far side of the law being introduced to ensure that there is mutuality in the recognition of penalty points for the categories that will be captured. It is not going to be all categories; it is going to be those areas of greatest threat, namely drink-driving, the wearing of seat belts, excess speed, careless driving and the use of telephones in cars. The administrative, legal and management issues are very challenging. Nonetheless, the two Governments and the respective Ministers have made the commitment that we will have the law in place by 2014 and the practice in place by 2015.

Mr Hamilton: I want to touch on one of the latter points in the Minister's statement, about:

"co-operation to target a wide range of illegal activity in the goods haulage and passenger transport industries."

What amount of illegality has been detected as a result of that co-operation? What kind of illegality has been taking place? Is there evidence that the co-operation that is taking place between both jurisdictions, on each side of the border, is actually lowering the level of illegality?

Mr Attwood: The question is very timely, given the conversation that I had with the hauliers yesterday. It is their view, for example, that, even in the past number of months, because of challenging economic circumstances and the benefit — I use that word in a very neutral way — to hauliers that use illegal fuel in savings per

gallon and benefit per mile, its use is having a hugely disproportionate impact on legitimate businesses.

It is the view of the legitimate businesses that up to and maybe in excess of 50% of hauliers are now using illegal fuel. It is also their view that those multiple small family businesses in the North, in particular, that have served this part of the world very well over many years, face the most immediate threat, given the scale of illegal use. I am only using that as one example of vehicles and hauliers that are not in compliance. There are many examples of the failure of compliance; it is not just that people are using illegitimate fuel.

So, what are we doing in that regard? In my previous remarks, I indicated that I think that the situation is acute and that there is going to be a need to escalate all our enforcement actions, be it through the Driver and Vehicle Agency (DVA), the Organised Crime Task Force, the various policing and criminal asset agencies North and South or the respective tax authorities. Mindful of that, I think that there is a need for a gear change. A lot of work is going on, but a lot of further work is required. For example, I have a map in my Department on which we have identified those parts of the North, particularly in south Armagh, where fuel sludge has been abandoned on multiple occasions — in essentially the same place — to be collected by the relevant authorities.

There is a road in Northern Ireland where sludge has been dumped following fuel laundering on 10 separate occasions at around the same location. Given that scale of problem, that works itself through with the impact on the hauliers and so on.

So, what are we doing? First, there will be a roll-out of operations that will try to create cohesion between the Southern authorities and the Northern authorities in targeting hauliers who are suspected of failing to comply. The failure of compliance is significant. The figures from the last compliance survey indicated that compliance was at only about 70%. Therefore, at any one time, up to 30% of heavy goods vehicles were not in compliance. That is an improving situation; nonetheless, it is not good enough.

Secondly, we believe that there are hauliers who are using Dublin port in order to move their goods into Britain. Although there appears to be a lot of rigour in the enforcement in Britain at the Scottish ports, in our view, there is not similar enforcement at the Welsh ports. Consequently, I will be writing to the relevant

authorities in Britain and the South asking whether the Vehicle and Operator Services Agency (VOSA), which is the relevant compliance agency in Britain, given that it seems to have a rigorous approach for vehicles from Northern Ireland going into Scotland — there is some evidence and some would claim that that is disproportionate compared with vehicles from other jurisdictions — is applying the same rigour in its other operations, especially at the Holyhead port. Arising from yesterday's meeting, I will write to the relevant authorities to ensure that compliance enforcement is robust at all points of entry and is targeted against hauliers who we suspect are not complying, be that around tachographs, the quality of their vehicle or the illegal fuel that they might be using.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I welcome the Minister's statement. I welcome the very last point you brought up, Minister, because it seems that a number of small operators who leave here through Belfast heading to Stranraer are unduly stopped by VOSA in England compared with anyone who is going to Holyhead. When do you think you will hear anything back about that? Will you consider meeting hauliers who are having such problems?

Mr Attwood: As I said in my previous remarks, I met hauliers yesterday. I also met them in December when I asked them to come in following the closure of the haulage firm Target. There had been some suggestion — this may not be the full answer, by any means — that part of the reason for the closure of that business was that it was getting squeezed by other hauliers whose cost basis was less because they were using illegal fuel to give them a competitive advantage.

I adjourned yesterday's meeting in the late afternoon with the words that we would reconvene on 29 May, because, in my view, the situation is so acute — there is no other conclusion to draw from that — that it needs immediate intervention. I think that DOE and DVA, through the roll-out of new law on goods vehicles, are escalating their response to the threats that they face across the range of compliance issues, be it around illegal fuel, the conduct of drivers or the quality of vehicles.

So, there is a new regime in place. I will give you one example. New law was rolled out late last June. The consequence of it was that, in January this year, a new enforcement regime was introduced, arising from which there have been 19 so-called public inquiries into the

conduct of hauliers. Two of those hauliers are now on the verge of having their haulage licence not just suspended but withdrawn. That was welcomed by the hauliers yesterday. The new regime, created by law through this Assembly in a previous mandate, has now moved to the point where enforcement is interrogating 19 hauliers about which we have concerns. Two of those hauliers are on the verge of losing their licence.

That is the sort of approach that we need to adopt and escalate going forward. I will meet hauliers; I have no difficulty with that. I will meet the representative organisation again on 29 May in order to take these matters forward.

Mr P Ramsey: Like other Members, I offer sympathy and send thoughts and prayers to all those victims this year. There were 18 deaths, which was most worrying going into a new year.

On the matter of the Narrow Water bridge, will the Minister acknowledge to the House the importance of that project infrastructure for south Down right through to Carlingford lough? Is there any likelihood of seeing progress on this most important matter?

Mr Attwood: Let us be frank about this. We are at the eleventh hour or one minute to midnight, or whatever way you want to convey it. We have run out of road, or run out of bridge, when it comes to this matter being concluded. If that does not bring people to their senses, I do not know what will.

Yesterday, at the North/South institutional meeting, a paper was delivered on how to maximise the drawdown of EU funds. At that meeting, we were trying to scope out how to draw down and maximise EU funds, and on the same agenda there was the issue of the North/South review, part of which, in my view, is to do with Narrow Water. So, on one hand, we are asking to draw down more funds, and on the other hand, there is a risk, which I trust is diminishing, that we are not going to draw down the EU funds for Narrow Water.

Can someone in politics or in government reconcile that to me? President Barroso has opened up the European funding door for us, but in my view we have a lot more to do in order to get through that door. That is as much a comment on my Department as it is on government. How do we reconcile the fact that while Barroso opens the door for European funding, we close it when it comes to Narrow Water? That does not add up politically, and it is disrespectful to the European authorities. More than anything else, it cuts off our nose to

spite our face. Whose noses will be cut off? It will be the many people in south Down and County Louth and in the Mourne and the Cooleys; people who need more economic opportunities.

Imagine the situation — I am not prejudging this — in which a planning application is made for a new ferry between Greencastle and Carlingford. I am not saying that that application is going to come in soon —

Mr Kennedy: It will.

Mr Attwood: Someone is saying in the background that it is. I am not prejudging in any shape or form what the outcome of that might be. However, that would be an infrastructure project between two parts of Ireland, between the people of Louth and the people of Down, along with a bridge at the same time. What message would that send out for economic and tourist opportunities and the building of North/South relationships between those two parts of this island?

If this matter is not concluded in the next couple of weeks, we may be past one minute to midnight in getting it over the line. Therefore, there is only one way forward, which is to make the decision now.

Mr Elliott: I thank the Minister for that. I share his condolences with all those who have been bereaved through traffic accidents this year and in previous years, and also yesterday in County Fermanagh.

The Minister may be aware of significant delays in obtaining operator licences. I wonder whether there is any tie-up between the Republic of Ireland operator licence and the UK operator licence, and whether any lessons can be learned from either jurisdiction in deliberating on those applications.

11.30 am

Mr Attwood: I note what the Member says. It has not been brought to my attention heretofore that there is a delay in issuing operator licences. There should not be delays in issuing consents, whatever their character, be they environmental, planning or road licences. That is part of good government and making sure that our economy works in the interests of all our citizens. If the Member has examples of delays in operator licences being issued, I ask that he bring those to my attention. It has not been brought to my attention thus far by other political representatives or representative

organisations for the haulage business. However, if it is brought to my attention, I am more than willing to look at it.

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

Mr Weir: I thank the Minister for his statement. The Minister had discussions with the Southern Government about changes that they are making to the road traffic Bill 2013 and specifically, as referenced in his statement, the amendments on commercial vehicle roadworthiness testing. Will that, in effect, bring standards in the Republic of Ireland up to and in line with standards in Northern Ireland, or are there implications for hauliers and commercial vehicle users in Northern Ireland?

Mr Attwood: I will have to get back to the Member on the specific details. Although I said 2013 in my statement, I think that the Bill is proposed for 2014. However, I will come back to the Member about whether the roadworthiness regime is to be advanced in the image of what we have in the North.

We agree with the Republic that some previous European proposals about roadworthiness were overreaching. My Department, through London, and Minister Varadkar, directly with the European Commission, raised serious concerns, as did the Committee, about the scale and ambition of some European roadworthiness proposals. As I understand it, in the latter months of last year, the scale of those proposals was mitigated in a way that will not disadvantage people here.

We had another conversation on the proposal in London, which has now received Royal Assent, to charge foreign operators to use roads in Britain and Northern Ireland. That will go live next year. I am in sympathy with the Irish Government's view that there should be exemptions for some roads. Those exemptions should not be restricted to a small number of what were previously called unapproved roads, which weave in and out of the border area, criss-crossing at places that people are not aware of, but be broader than that. Given the need for spatial planning on the island of Ireland and the fact that the Irish Government have contributed so substantially to the roads infrastructure in the North and have further ambitions for future years, London should be more flexible about exemptions to the proposed charging of foreign operators using roads in Northern Ireland and Britain.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom mo

bhuíochas a ghabháil leis an Aire as ucht an ráitis atá romhainn ar maidin.

The Minister has written to Gay Byrne and Noel Brett of the Road Safety Authority about elements of its strategy that the DOE might adopt in the North. Will the Minister give us details about those additional elements? Has the NSMC considered the merits of speed limit signs in the North changing to kilometres per hour, as is the case in the rest of Europe?

Mr Attwood: I did write to Gay Byrne. We had a conversation in Dublin Castle about the increasing number of deaths in the three months to date in the North and in Britain. We had years of reducing the number of deaths on the roads in Ireland, with only 48 deaths in the North last year. However, given the serious situation and the risks, could further work be done to profile road safety issues? Given the profile of Mr Byrne, in particular, could he come to the North to get the road safety message out more clearly, both here and on the island generally?

I outlined some possibilities: for example, in the event that the Executive endorse the Bill, which is now all but drafted and contains the road traffic proposals that I referred to earlier — graduated driver-licensing, a reduction in alcohol limits and helmets for quad-bike riders on public roads — there may be an opportunity to demonstrate the Government's authority over road safety issues and encourage more and more people to apply their minds and attention to better driving. There are other examples of that nature.

The more that we co-ordinate on an all-Ireland basis, the better we will be. That is why I am writing to Ministers who are responsible for road safety in all Governments in these islands to suggest that, in the margins of the forthcoming British-Irish Council meeting, which is scheduled for June, we all sit down and try to identify how we can have more integration and coherence when it comes to road safety law and practice. There is the new Bill in the South, the forthcoming Bill in the North and the Green Paper in London, which will look at some of the proposals in our road traffic Bill over the next number of weeks. Is there not an opportunity to create coherence around all that legislation so that, on these islands, there is mutual legislation and a greater scale of common approach that ensures a greater opportunity for people to improve road safety?

The issue of speed limits and signage has not been discussed. You may have a point; it may

be worth looking at. I will take further advice on that.

Lord Morrow: The Minister's statement referred to a seat belt wearing campaign to be launched in the autumn. That surprised me somewhat because I thought that most people were already compliant. Does he have any evidence that cross-border traffic impacts considerably on that problem?

Mr Attwood: The main reasons for death or serious injury in road traffic collisions and crashes — they are not accidents because 95% of road crashes come down to human error, and only 5% are viewed as being due to circumstances beyond an individual driver or pedestrian's control — are using a phone, excess speed, drink-driving and carelessness. I will have to come back to the Member on seat belts. There are figures on the scale of that problem, but I cannot recall them now. Obviously, the problem is more acute in respect of the desirability of wearing seat belts in rear seats. The Irish Government have identified the wearing of seat belts as a road safety issue, and any campaign that addresses any of the threats or risk areas is welcome.

Mr Dallat: I share other Members' regret that road deaths are again on the increase. The Minister will recall that, in the distant past, many road deaths, particularly of young people, took place in border areas.

Can the Minister assure us that the co-operation between the RSA, the DOE, the gardaí and the PSNI is alive and well today? I believe that that co-operation made a very positive contribution to reducing deaths on both sides of the border.

Mr Attwood: I can certainly make a definitive comment about the co-operation between the RSA in the South and the DOE and its agencies in the North. That co-operation is very intense. In March, for example, the relevant authorities North and South met at a conference in Enniskillen to deal further with road safety issues. The fact that, from a standing start a year and a half ago, we have made such progress on the mutual recognition of penalty points is only representative of the fact that Mr Kennedy and I were at the EU conference on serious injuries. More and more on this issue, and on many transport and environment matters, there is better and greater communication and familiarity.

Mr Kennedy and I concur that, at the meetings that we attend in the sectoral formats,

substantive, serious and ongoing relevant work is being undertaken and expanded. All the indications are that cross-border co-operation between the police agencies North and South — the Garda Síochána and the PSNI — has never been better than at the moment. I think that that also extends to these issues.

Mr Ross: In answer to a previous question, the Minister mentioned the five main reasons for road collisions, one of which is drink-driving. Were drink-driving strategies discussed at the meeting? Can he confirm that he has changed his mind and is now supporting the Committee's position, which is that repeat offenders for drink-driving offences should face an automatic three-year ban?

Mr Attwood: I thank the Member for his question. Yes, drink-driving was touched on in the overall conversation about road safety and the new legislation that is coming before the Assembly soon, subject to Executive agreement. So, drink-driving is always an issue that is discussed in and around the North/South Ministerial level conversations.

More than that, if the new law is adopted in Northern Ireland, we will be adopting a practice on drink-driving limits that has been in force since October 2011 in the South. As of the bank holiday at the end of October 2011, the Irish Government created a new regime for drink-driving levels. That regime means that there is essentially a de facto zero level for novice drivers and professional drivers and a reduced level of 50 mg in each 100 ml of blood for all others involved in driving offences.

I have no doubt that, when the Bill comes before the Assembly, there will be a lot of conversations on what the right penalty should be for drink-driving offences. The Member touched on that when he said that the Committee's position is that there should be a three-year ban for a repeat offender. My recollection tells me that that is the direction, if not already the practice, in the South. So, I look forward to the debate on that in the Chamber, and I have no doubt that amendments will be tabled on that matter.

You will not get any argument from me about the need to upgrade our law so that we have more deterrents for and greater enforcement in drink-driving. That is why I made the proposals that I did for alcohol limits in people's blood. Clearly, where the line is between where we should be now and where we might be, which was indicated in the Member's question, is the subject of some dispute.

I am in a settled place in what I think is the right approach at this stage, but I understand the argument that we should go further. For example, I have had representations that, if there is to be a zero limit for novice and professional drivers, there should be a zero level for all classes of drivers. I have no doubt that that matter will be further raised and discussed, perhaps by amendment, when we come to the Consideration Stage of the Bill. You will not get resistance from me to the idea that we should push on, even though, in my view, we should not push that far at this stage. However, that is an argument that we are going to have, and the will of the Assembly will prevail.

11.45 am

Mr Campbell: On the issue of the mutual recognition of penalty points, does the Minister share the concern of many Northern Ireland drivers that, despite the complexity that he alluded to, it will be another 18 months before we see, hopefully, the issue resolved? In resolving it, has the Minister examined any possibility, given the complex nature of its resolution, that, post December 2014, there might be a role — I know that he is working at this — for the Driver and Vehicle Agency in County Hall in Coleraine?

Mr Attwood: I will not deny that the timeline is challenging and the complexity is great. Consequently, the risk cannot be diminished. Our ambition to have new law through the Dáil and the Assembly by that stage will certainly push us. On the other hand, the legal advice that I received on the matter when I became Minister is that, if this was to be done, it needed to be done as was done with mutual recognition of disqualification; namely, on an island-to-island basis between Britain and Northern Ireland and the Republic of Ireland. That was the orthodox position. When we interrogated the legal options, we learned that, contrary to what we had previously understood, Northern Ireland could enter into that relationship with the Republic of Ireland even if the devolved Administrations and the London Government were not inclined to do so. I encouraged the London Government to do so, but they indicated that they were not minded to do it at this stage, although they would watch progress. So, although this was not even a goer legally 18 months ago, we now have the real potential of legislation by the end of 2014. There are risks in that challenging time frame, but we have made a lot of progress in the past 18 months and can do so over the next 18.

The Member makes a very good point, and it is a point that I made to Stephen Hammond and, before him, the junior Minister in DFT, Mike Penning: if there is to be a new regime of charging for heavy goods vehicles for foreign drivers in Britain and Northern Ireland, given that we are the only part of Britain and Northern Ireland that has a land border with another jurisdiction, the issue of enforcement will be much more complex than it would be for those who enter the ports in Britain. Given the multiple roads that criss-cross the border and given that the levy or charging regime will have to apply, is it not desirable to retain staff in DVA to assist with the management and enforcement of all that? It is a good argument, and it is one of a number of arguments that I made to DFT not only to retain the DVA jobs but to see how we can work through the problem in order to sustain the jobs and workforce in Coleraine. It is one of a number of options. The issue is this: is London listening?

Mr Spratt: In relation to the increase in road deaths, has the Minister had any discussions with the PSNI road policing unit about the changes that it has made, which seem simply not to be working?

The Minister also mentioned the Organised Crime Task Force when he was discussing illegal fuel issues. Is it not somewhat concerning that he and his party are not backing the National Crime Agency, which would also deal with similar matters?

Mr Attwood: I have not had any conversations with the PSNI about the changes that Mr Spratt referred to and that he claims are not working. There is a meeting next month, which is a regular meeting between Minister Ford, myself and the PSNI in a ministerial subgroup that looks at issues that are mutual to all of us and relate to all the Departments and the agencies. If something is not working, as Mr Spratt indicates, I would like to hear what that might be. If I then think that there is some weight in it, I will either discuss it with the PSNI directly or raise it at the ministerial meeting.

Mr Spratt makes an interesting point about the National Crime Agency. In my view, the Assets Recovery Agency should never have been closed down. The consequence is that the profile around going after the illegal gangs and individuals — for example those involved in fuel laundering — has collapsed. When do we now hear something coming out of the High Court about Mr Big being taken to court in respect of his illegal operations, having a criminal conviction and having his assets seized and all of that being publicised? It has collapsed. The

strategic problem is that the Assets Recovery Agency, which was working in Northern Ireland, was, for some reason or other, closed down and replaced by the Serious Organised Crime Agency. The Serious Organised Crime Agency has virtually no profile, and, when it comes to illegality and criminality, it enters into private arrangements with the culprits around which there is a no-publicity requirement.

Where was the problem in respect of the threat of organised crime? The problem was that an agency that was working was closed down to be replaced by an agency that has no publicity around what it is doing. A senior person in the Serious Organised Crime Agency — remember that the chief executive of SOCA in its earlier life was none other than a previous director general of MI5 — told me that what they were really interested in was international organised crime, particularly the risk of Islamic crime influencing and conducting operations in Britain. That is where the problem arose, Mr Spratt, and you should be aware of that because of your background and your membership of the Policing Board.

There are issues around the NCA, and, at the Executive, I took a view on some of the issues. However, let nobody pretend that my party and other parties are not trying to deal with the issue of organised crime. Let people also recognise that the problem arose when the ARA was closed down and when, wrongly, primacy for national security passed from domestic responsibility to London responsibility. Therein lies the problem around the NCA, and people should recognise and face up to it.

Mr Allister: The Minister has talked at length again about the scourge of illegal fuel on our haulage industry. Apart from talking again about the matter at this meeting of 17 April and lamenting about it again, what steps were actually taken to crush that cross-border assault on both economies? When the Minister tells us that, for example, there is a road where there have been 10 occasions of sludge deposit, it does not exactly create an atmosphere of confidence that, by modern surveillance means and everything else, everything that could be done is being done to crush these operations, about which we seem to have no prosecutions.

Mr Attwood: Although I do not necessarily agree with the extravagance of some of the language of Mr Allister, I do not differ with his sentiment. I have a map — I have shared it with Mr Kennedy — that shows that, in south Armagh, there is not one place where there has been dumping of sludge on 10 occasions but multiple locations where there have been

multiple dumpings, on occasions, of sludge. The map brings home in stark terms the scale of the problem and the confidence of organised crime that it can dump the sludge in the same place as it did heretofore with confidence and, as it might see it, impunity. Let us not differ on the scale of the problem and the need for a scale of response. It is the case that there are virtually no prosecutions. The Member, with his legal background, should understand that there may be good reasons why, on occasions, there are no prosecutions and the evidence does not stand up. However, it is a fair question. If there are few or no prosecutions, that raises some challenging questions. I am sure that Mr Kennedy will touch on that in his comments on the statement.

I was on the Policing Board, and I sat on the advisory committee of the Organised Crime Task Force at one stage. Unfortunately, members of the Policing Board are not allowed to sit on that task force, because it was deemed — in my view, wrongly — an operational matter rather than an accountability mechanism. I did not agree with that approach at the time; I do not agree with it now. In fact, there were many people around the Policing Board between 2000 and 2007 who thought that the Policing Board should have been on the Organised Crime Task Force and there might have been more accountability for what is or is not happening.

I do not deny that there is work ongoing, and I know the scale of what the gardaí, the police and the South's Criminal Assets Bureau are doing about all this. However, let us be honest: there is a lack of public profile and a lack of prosecutions. My Department is now picking up the bill for the collection of all the sludge under a new fly-tipping protocol entered into with the councils, in particular the council that is responsible for south Armagh. Whatever good has been done is falling short of what needs to be done. If you want to hear that, speak to the hauliers, who are pulling out their hair as they see their businesses going under. There could be a number of reasons for that, but at the centre is illegal fuel and non-compliant hauliers being able to cut their costs to compete with and drive good businesses out of business. That is not a very healthy sign, so we clearly need to do more. That is why I have reconvened the meeting with them, which will take place in the next month.

North/South Ministerial Council: Roads and Transport

Mr Kennedy (The Minister for Regional Development): I join others in extending my sympathy to the families and friends of all those who have lost their life as a result of road traffic accidents this year.

In compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the meeting of the North/South Ministerial Council in the transport sector held in Armagh on Wednesday 17 April 2013. As you have heard, the meeting was chaired by the Environment Minister, Alex Attwood, and attended by me and Minister Varadkar. We also met at an EU conference held in Dublin Castle on 28 March to facilitate the approval of an amendment to the rules of the North/South pension scheme. My statement will address the agenda items that relate to my Department, including the Department of Transport, Tourism and Sport paper on EU matters.

The Council discussed the importance of the Narrow Water bridge and noted the timeline for drawdown of European funding. We further noted that the project had obtained planning permission and a marine licence and that the Department is publishing the necessary bridge orders for consultation this week. We looked forward to the project's assessment process being completed as soon as is practicable.

We also discussed the negative impact of illegal fuel on the transport industry, revenue to the Exchequers and the environment.

In relation to major road projects, the Council noted that a court order had been sought by the Alternative A5 Alliance to quash my decision to proceed with the A5 scheme. On 12 March 2013, the High Court rejected the overwhelming majority of the applicants' grounds of challenge. However, one of the applicants' grounds relating to the habitats directive was upheld. At a further meeting on 8 April, the judge confirmed that he would quash the orders relating to the A5 scheme. I decided not to appeal. The non-appeal route offers the best opportunity to progress the scheme in a reasonable timescale. However, the decision of the court means that there will be a delay while further assessment work is completed. We noted that construction work on the A8 project is progressing well and is expected to be completed by early 2015.

12.00 noon

The Council welcomed the ongoing positive co-operation between relevant Departments on EU-related transport issues. We also noted the current position and opportunities for further co-operative engagement on key EU dossiers of mutual interest, including the Trans-European Transport Network (TEN-T) regulation, the Connecting Europe Facility (CEF) regulation and the fourth railway, better airports, roadworthiness and clean power for transport packages.

On sustainable travel and transport, the Council noted the co-operation between the Department of Transport, Tourism and Sport and the Department for Regional Development on promoting walking, cycling and a shift in behaviour to more sustainable forms of transport throughout both jurisdictions. It also heard about the planning under way for the Walk to School Week 2013, the cross-border Schools' Challenge event scheduled for the week commencing 8 May 2013 and the partnership arrangements being put in place for Bike Week 2013, including the cross-border Workplace Cycle Challenge. We also noted the ongoing co-operation between ecar in Northern Ireland and ESB e-cars on the installation of a common electric vehicle charging infrastructure.

The Council agreed to hold its next North/South Ministerial Council transport meeting on 28 November 2013.

Mr Spratt (The Chairperson of the Committee for Regional Development): I thank the Minister for his statement. With your permission, Mr Deputy Speaker, I will ask him about a couple of areas.

The Minister has explained his logic for not appealing the court decision on the A5 project. Will he confirm, however, whether the £50 million due from the Irish Government in 2015-16 is still earmarked for the project? Will he also advise the House on his discussions with Executive colleagues on the £180 million budgeted for the project in this financial year? Has the Department sufficient shovel-ready projects to bring forward to boost the construction industry? Finally, will the Minister advise the House what the latest developments in the TEN-T will mean for Northern Ireland?

Mr Kennedy: I am grateful to the Member for his supplementary questions.

As yet, there have been no discussions with the Irish Government about their contribution, which was to be made in the later years of the project anyway, so that discussion will be ongoing.

I think that the Member said "£180 million". I stand to be corrected, but my information is that £118 million was allocated this year. My officials are already in discussion with the Department of Finance and Personnel (DFP) on how money of that nature can be spent, particularly on structural maintenance. The Member will know that the winter conditions that we have endured, even latterly, had a huge adverse impact on all roads, particularly our minor roads. So I am very confident that we can spend most, if not all, of that allocation. Obviously, that will mean co-operation with DFP on the future financing of major road projects, and we will continue to engage in that.

We have had very positive engagement on the TEN-T proposals. We have been working hard. As the Member knows, the Department has a very good record of drawing down European moneys. We have been making further representations, particularly to the Irish Government, given their current presidency of the EU, on the inclusion of Londonderry in the core network. We will continue to do that.

All that work is ongoing, and we have had positive engagement through you and the Committee for Regional Development. You will recall the very successful visit last year of the chair of the EU Transport Committee, Mr Brian Simpson MEP, and we will continue to work closely and engage on those issues.

Mr Ó hOisín: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for his statement. With regard to sustainable travel and transport, the Minister will be aware of the hugely successful cycle hire scheme in Dublin. Have we learned anything from that, and when might we see it being rolled out here?

Mr Kennedy: I am grateful to the Member for his supplementary question. He will know that, in January this year, I launched an active travel strategy, and that continues. It sets out targets to increase by 2020 the average distances walked and cycled and the percentage of total trips taken by cycling to be in line with levels to be experienced in the rest of the United Kingdom. I have seen at first hand the bike scheme in Dublin, and we are pursuing how that can be introduced, particularly here in Belfast through the council. I would be optimistic that, in conjunction with others, we will be able to bring forward schemes of that nature. They are positive, and they help with sustainable travel.

Mrs McKeivitt: I welcome the statement, in particular the publication of the bridge order, which was placed in the press last week and this week. I have no doubt that the Minister will acknowledge to the House the importance of the Narrow Water bridge project, and I acknowledge his commitment to help to deliver it, including the assessment process and its timeline. Can the House take it as read that he will commit to look at the assessment process as a matter of urgency when the time frame is complete? Does he agree that the building of the bridge at Narrow Water will help complement what he talked about — Walk to School Week, cross-border schools and also the workplace cycle challenge —

Mr Deputy Speaker: The Member has asked a number of questions. I call the Minister.

Mr Kennedy: I am grateful to the Member for her question. I have to say that there is not a school within a hound's howl of Narrow Water bridge, but anyway.

I assure the Member and I assure the House that there has been no delay on the part of my Department. Every effort is being made to progress the necessary orders. I say to the Member and, perhaps, to some of her political colleagues and Members of other parties in the House that it seems to me that there is an ongoing battle — a type of turf war — between the SDLP and Sinn Féin for ownership of the project and who should celebrate and who can claim victory on it. I have no interest in that. That is not relevant to my work or the work of my Department. I am not going to get caught up in the crossfire between the two parties, and I have been careful about that. However, I should say that it is absolutely clear that there are processes that we cannot shortcut for political convenience or political expediency or for the benefit of waving manifestos in the air and saying, "We got it, and everybody else did not really want it".

I am not interested in the party politics of the scheme. I am dealing with the legal processes that I have to deal with. After the consultation period has ended, I am bound to consider whether it will be necessary to bring forward a public inquiry. I am aware that the Minister of Finance and Personnel has to consider the business case.

I have no doubt that he will consider that on its proper basis. However, I have to say that it is not helped by unnecessary political grandstanding, which the two nationalist parties in that area are engaging in as they attempt to

claim ownership of the project. I say that in the spirit in which it is intended. It will not bring the bridge's overall prospects any closer.

Mr Elliott: I thank the Minister for the statement. In the previous statement, we heard the Minister of the Environment indicate that some elements of fuel laundering were discussed. I wonder what the Minister for Regional Development can tell us about progress on cutting out fuel laundering. It is a scourge on this society, and the general public in Northern Ireland do not see any positive action with prosecutions coming forward.

Mr Kennedy: I am grateful to the Member for raising this very important subject not only because of my responsibilities as Minister for Regional Development but because of my constituency responsibilities in Newry and Armagh. The earlier statement and remarks from the Minister of the Environment confirmed the seriousness of the issue. I think that I recently described the situation as an epidemic in south Armagh, but that does not even do proper justice to the scale of things. There are multiple examples of where sludge is being dumped at the same locations in the same area. That is clearly having not only a very severe impact on the economy as a result of lost revenue, on the environment and in the costs that are entailed in cleaning up but, as far as I am aware, a very worrying and sinister impact on community relations in south Armagh.

I recently visited families who are part of the Protestant and unionist minority living in isolated border areas. They are law-abiding citizens and are entitled to the protection of this Executive, this Assembly and the neighbouring jurisdiction. However, they are living in fear. It was put to me frankly and starkly, and I shared this at the sectoral meeting with the other Ministers, that people are dumping diesel where once they dumped bodies.

That has very sinister implications for what is called a shared future and community relations. The law of the land has to extend to all areas, including to those areas of south Armagh, or wherever those actions are taken. It may be an unpalatable truth for some to come to terms with, but it is inescapable to me that moneys that are generated as a result of that black economy and that illegal activity will, ultimately, find their way back to republican paramilitaries. That cannot be overlooked and cannot be wished away.

I wish that, through the PSNI and HMRC, more examples were made public of people who are

responsible for that activity being charged, brought through the courts and provided with adequate punishment through the law. Otherwise, we are sending a very bad signal to those law-abiding citizens from both communities in south Armagh who are absolutely disgusted and seriously worried about the lack of law and order and due process in that area.

Mr Deputy Speaker: Some latitude has been shown, but I ask all Members to relate their questions to the issues that are in the statement.

Mr McCarthy: I welcome the Minister's statement, but I am somewhat disappointed by his response to Karen McKeivitt about Narrow Water bridge. I am not a member of the SDLP or Sinn Féin, but I want to see that bridge go ahead as soon as possible. It is up to him and all Departments to ensure that it is not lost to Northern Ireland.

12.15 pm

Under the heading "EU Matters", six issues of mutual interest were identified. The Minister will know of my concerns about roadworthiness around the Ards peninsula and the Strangford constituency. Is there anything from the EU roadworthiness packages that people in the Strangford constituency can expect in the near future?

Mr Kennedy: I am grateful to the Member for his supplementary questions. I was putting accurately on the record the fact that my Department has not been in any way delaying the scheme that is known as the Narrow Water bridge project. I have grown tired in recent weeks of the toing and froing and political grandstanding that some parties have been engaging in. I absolve you of any of that blame, if that is comforting to you.

The Member knows about the road infrastructure network in his area because he continually raises the issue. As roads Minister, I want to see those improvements and structural maintenance brought forward as quickly as possible. Over the past couple of years, we enjoyed record levels of structural maintenance spend on roads. However, the road network, conditions and competing priorities are such that it is not possible to upgrade every road as quickly as we would like. However, we will continue to work at that and use whatever means, and drawdown whatever resources, even extra resources, that are available to us.

Lord Morrow: The Minister rightly sounded a note of caution about Narrow Water bridge. It would behove the House to keep in mind what happened there at a worse time in the Province. There seems to be a race between the SDLP and Sinn Féin to see who can get over the bridge first. Will it be additional funding that will be poured into that project or has the Minister set aside funding from his own budget?

Mr Kennedy: I am grateful to the Member for his supplementary question. This has never been a Department for Regional Development (DRD) sponsored project nor was it asked or invited to provide money for it. It is my understanding that the bulk of the money is being sought from Europe and the remaining money has to be provided through DFP and the Executive. That is why the business case is with DFP, which will give it due consideration. In truth, it has never been a Roads Service project, though assistance was given on bridge orders and some technical assessment. The co-sponsors of the project are Louth County Council in the Free State — sorry, the Republic of Ireland — and Newry and Mourne District Council. They are the prime promoters of the project. DRD is not involved.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. I will switch it to the other side of the country. Did the western corridor come up for discussion? If not, why not? That is the corridor from Belfast through Enniskillen, where there is also a bridge, and on to Sligo.

Mr Kennedy: The western corridor as such was not raised. There was discussion about the A5, and if you want to include that part of the western corridor, I am sure that you can. I have outlined the discussion and the current position in relation to the A5.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire. I suppose that I should say at the outset that, as far as my party is concerned, there is no crossfire and there is no grandstanding when it comes to Narrow Water bridge. We are more than happy to work with any party, and all parties in south Down and outside, to guarantee that very important project. What we are seeing here is a very robust lobby from the business community, sports organisations and the community at large in south Down to see the project happen.

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

Mr Hazzard: That is what we are reflecting. Bearing in mind the words of the Environment Minister, who spoke earlier, does the Minister agree that if moneys from Europe are not utilised to deliver the project, it would be a serious setback for the business community in such towns as Kilkeel, Newcastle, Warrenpoint and Rostrevor?

Mr Kennedy: I am grateful to the Member for his supplementary question. Finance is a matter for DFP, and, obviously, they are the people who will consider the issues that he raises. I cannot not make this political point: if this project was so important to the Member and his political party, why did my predecessor, his party colleague, not bring it forward years ago?

Mr Byrne: I thank the Minister for his statement and the answers that he has given to some of the questions. Can the Minister reconfirm that a full-steam-ahead approach is being taken to the A5 and that the moneys earmarked for the project will not be distracted away to the detriment of the project in the long term? There is a feeling that there is a very strong democratic will for the project from Donegal through Derry and Tyrone and into Monaghan. It is a flagship project, and any uncertainty must be ended.

Mr Kennedy: I am grateful to the Member for his supplementary question. I have set out the current situation; the statement does that accurately. However, I say to the Member, and he will know this: the A5 scheme is delayed, and we have to work through the various processes and abide by those processes to continue to make progress on it. We estimate the delay to be in the region of between a year and 18 months, but it may well be even longer than that. I think that the deputy First Minister made clear earlier that the Executive position on the A5 is unchanged.

Mr McAleer: Go raibh maith agat, a LeasCheann Comhairle. I note from recent press that the Minister intends to come down to Omagh to meet some farmers and landowners who are affected by the scheme. I welcome that, because they deserve clarity. Has the Minister any plans to meet other stakeholders affected by the scheme, such as people from small businesses, the chamber, people concerned with road safety and even commuters, or would he be open to such a possibility?

Mr Kennedy: I am grateful to the Member for his supplementary question. He may have

misunderstood some of the arrangements for the intended meeting. He may be talking about the meeting in the Omagh area to be organised by the Ulster Farmers' Union for early May. I think that the intention is that a senior departmental official will attend that, because it will be dealing primarily with some of the concerns that landowners in the area will have in the situation in which they find themselves. Although I might have a decorative value for such a meeting, I think that the detail would, perhaps, be better explained by senior departmental officials.

My door is open on the issue. I have already met the farmers' union and representatives from the contracting firms involved. We should not forget the impact on the road construction industry at this time. I think that we all share concerns for that. It is important and incumbent on me, as roads Minister, to begin to look at other potential schemes whereby we can give relief and opportunities to the road construction industry. I have also met members of Londonderry Chamber of Commerce. As I said, my door is open. I am, of course, willing to engage with those who are interested as long as it is done on a productive basis.

Mr Dallat: The Minister has breathed new life into the renaissance of the railways since he took over. Has there been any discussion at the cross-border meetings on renewal of the Belfast-Dublin Enterprise service? Have there been exploratory talks on European funding for the reopening of the Knockmore line, which would allow Derry and Dublin to be connected?

Mr Kennedy: I am grateful to the Member for his question and, indeed, his ongoing interest, particularly his praise for me for the Coleraine-Londonderry line. The issue did not emerge at the last sectoral meeting, but I will attempt to provide an update to the Member.

Mr Allister: Was there any discussion of viable alternatives to the grandiose new A5 road scheme or, most particularly, the very viable and affordable alternative of upgrading sections of the existing road? Does the Minister agree that that is the sensible way forward in these circumstances?

Mr Kennedy: The Member will know that the judge's ruling has quashed all the statutory orders for the proposed A5 dual carriageway. Effectively, that brings the process back one step to a point at which a public inquiry has been carried out, and I am in receipt of the inspector's report. Any alternative sections or new proposals would, therefore, have to be the

subject of a new decision by me and the appropriate making of orders, which would involve significant delay. The Member will also be aware that the A5 scheme is an Executive priority scheme, so it would require acceptance by the Executive. That is the situation in which we find ourselves.

Mr Deputy Speaker: The Business Committee has arranged to meet immediately after the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm, when the next item of business will be Question Time.

The sitting was suspended at 12.27 pm.

On resuming (Mr Principal Deputy Speaker [Mr Mitchel McLaughlin] in the Chair) —

2.00 pm

Oral Answers to Questions

Regional Development

Mr Principal Deputy Speaker: Before I call Mr George Robinson, I inform Members that questions 13 and 15 have been withdrawn and require written answers.

Blue Badge Scheme

1. **Mr G Robinson** asked the Minister for Regional Development what action his Department is taking to maximise the uptake of the blue badge scheme by eligible drivers. (AQO 3909/11-15)

Mr Kennedy (The Minister for Regional Development): My Department's blue badge scheme is available for people with significant mobility difficulties who travel either as drivers or passengers. The scheme provides an extremely valuable service to blue badge holders, who can park on-street close to the facilities and services that they need, thereby improving their lifestyle, independence and freedom of choice.

Information about the scheme is displayed on the NI Direct website. Application forms for and information leaflets on the scheme are available in many public buildings, including doctors' surgeries, libraries, disability organisations, Citizens Advice and Roads Service offices, including the blue badge unit in Enniskillen.

Once issued, a blue badge is normally valid for three years. Over the past 12 years, there has been a large increase in the number issued each year. In 1999, approximately 17,000 badges were issued compared with over 36,000 during 2012. The current number issued to people with disabilities in Northern Ireland is nearly 106,000.

My Department will shortly commence a public consultation about a number of planned and potential administrative and operational changes to the blue badge scheme in Northern Ireland. Proposals are intended to contribute to the more effective prevention of misuse and fraud and improved enforcement. I encourage all Members to contribute views on these

important changes during the consultation period.

Mr G Robinson: Is the Minister confident that all people entitled to a blue badge have applied under the current scheme?

Mr Kennedy: I am grateful to the Member for his supplementary question. Given the increase since 1999 and the total number issued, which we estimate to be in and around 106,000, I think that a significant percentage of our population has applied. Of course, the opportunity is there, and we encourage those who may benefit from and genuinely need a blue badge to apply.

Mr Gardiner: How does the cost of a blue badge in Northern Ireland compare with the cost elsewhere in the United Kingdom or the Irish Republic?

Mr Kennedy: I am grateful to the Member for his supplementary. The current legislation for blue badges in Northern Ireland, which has been in place since the early 1980s, sets a fee of £2. I fully acknowledge that it is difficult to put a monetary value on a blue badge. The main purpose of the badge is to make a valuable contribution to the lives of many people with a disability who have a mobility problem.

I will give you the range of costs across the rest of the United Kingdom and — I nearly said the "Free State"— the Republic of Ireland. Authorities in Scotland can charge up to £20. Authorities in England can charge up to £10. At present, there is no fee in Wales. In the Republic of Ireland, a disabled parking permit costs €35. My Department is taking the opportunity of the consultation to seek views on the cost of a blue badge in Northern Ireland.

Roads

2. **Mr Cree** asked the Minister for Regional Development, following recent developments in relation to the A5, whether other road building schemes will now be progressed. (AQO 3910/11-15)

Mr Kennedy: My Department has received funding for the A5 dual carriageway project as the result of an Executive decision. I recognise that it is important that other schemes in a position to be progressed ahead of the A5 are given full consideration by the Executive. I intend to bring to the Executive proposals detailing other options, such as moving forward

with procurement on other possible schemes. That approach provides the best possible support for the construction industry. In the meantime, my Department continues to develop a number of schemes to a procurement-ready position, should additional funding become available.

Mr Cree: I thank the Minister for his response. Will he provide information on the readiness — he mentioned that schemes needed to be ready — of the Craigantlet project? I know that he recognises the value of that scheme.

Mr Kennedy: I am grateful to the Member for his ingenious supplementary question on his constituency interests. He will remember that we were at the site meeting looking at the difficulties being encountered there. I will update him, because I had a sense that he might raise the issue.

A planning application was submitted in January 2012, and, following discussions with local residents and elected representatives, Roads Service engaged consultants to undertake a review of the proposed scheme. It will compare the Department's preferred layout with alternative proposals that have been put forward by local residents. Work on the review has taken longer than expected due to the large number of alternative proposals that have been received.

Although the review should be completed within the coming weeks, the various statutory processes are still at an early stage. Further public consultation will be needed so that the planning process can be concluded. Design work needs to be finalised, necessary land will need to be vested and contract documents need to be prepared so that the scheme can proceed to tender. The timescale for this work will depend on a number of factors. There is a prospect that the scheme will proceed to the construction stage within two years, but it may take longer.

Mr Storey: I thank the Minister for his answers thus far. Will he end the long delay in the provision of the A26 by bringing forward a paper to the Executive? That project is continually being put on the long finger. Will he give the House an assurance that he will make it a priority and deliver the A26 once and for all, now that funds are available and he is the Minister?

Mr Kennedy: I am grateful to the Member for his supplementary question. He will know that, since I took charge of regional development, we

have carried forward a number of schemes through the various stages, including the A26. I await receipt of the public inquiry details, which will hopefully come later in the year. I am aware of the Member's interest in that scheme, as well as that of other Members. My party colleague Robin Swann continually makes representations to me on the merits of the A26 scheme.

Mr Campbell: Where is he?

Mr Kennedy: He does not have to be here for you to know that. *[Laughter.]* He has been very active in that, as, indeed, have other local representatives. I recognise the benefits that would accrue from a scheme such as the A26. I tactfully say to the Member that I would be pleased to have the support of his party colleagues at Executive level as we seek to bring forward schemes such as the A26 and others.

Mr Principal Deputy Speaker: I would like Members to stick to the original question, if possible, and it would be helpful if the Minister did likewise.

Mr McAleer: Thank you, a LeasCheann Comhairle. Earlier today, the deputy First Minister outlined the Executive's commitment to the A5 project. Will the Minister tell us whether the assessment on the EU habitats directive has commenced? Does he have any indication of when that will conclude so that the project can move ahead?

Mr Kennedy: I am grateful to the Member for his supplementary question. He is presumably aware of Lord Justice Stephens's judgement and the ramifications of that. We are seeking to work through that consultation, so we are not in a position to pre-empt or predetermine any outcome. The work on the habitats directive and the necessary consultation has already begun, and we will continue to make progress as that process evolves. I very much hope that the Member understands the need to be cautious and not to arrive at predetermined outcomes. It is enough to say that the Department is working at addressing the issues that were raised.

Mr Dallat: The Minister, as a man with his ear to the ground, will, I am sure, accept that transport infrastructure is absolutely critical to attracting inward investment. He may also know that, in the past three years, of 519 potential inward investors, fewer than 8% visited the north-west. Does the Minister agree that it is absolutely critical that the A5 is on

track again as quickly as possible? Will he give us an indication of when that will happen?

Mr Kennedy: I thank the Member for his supplementary. Of course, the Member will know that, as roads Minister, I am keen to see the upgrading and improvement of the entire strategic network. I have no difficulty with restating that today. As we have clearly outlined, the A5 project is delayed. We will work through the processes that are necessary. We estimate that that delay will be somewhere in the region of a year to 18 months, but it could be longer. That is why it is necessary and incumbent on me, as roads Minister, to look at possible alternatives and bring them from being perhaps procurement-ready to more shovel-ready.

Traffic Noise: Ardmore, Finaghy

3. **Mr McDevitt** asked the Minister for Regional Development what steps his Department can take to minimise traffic noise from the M1 affecting residents in the Ardmore area of Finaghy. (AQO 3911/11-15)

Mr Kennedy: When my Department builds a new road through a residential area or widens a section of road that brings it closer to existing properties, it must comply with the Noise Insulation Regulations (Northern Ireland) 1995. The part of the M1 adjacent to Ardmore Park between Stockmans Lane and Blacks Road was widened in 2004. As part of the preparation for those works, during the legal planning process for the road improvement and, in particular, the preparation of the environmental statement, full consideration was given to the issue of noise, along with all other environmental issues. Mitigation measures were provided in the form of a new road surface. It was considered that the provision of noise barriers was not necessary.

Recent noise modelling work completed as a review of the M1 widening scheme from Stockmans Lane to Blacks Road concluded that none of the properties modelled was assessed as qualifying for insulation under the Noise Insulation Regulations (Northern Ireland) 1995. My Department, therefore, does not intend to provide further noise mitigation measures at that location.

Roads Service, along with other competent authorities, including major airports, railways and industry, are working towards the development of a noise action plan for Northern Ireland, in line with the requirements of the Environmental Noise Regulations (Northern

Ireland) 2006. In that context, I can advise that Ardmore has not been identified as a candidate noise management area. It is anticipated that the work will be completed later this year.

Mr McDevitt: I think that residents in the Ardmore area of Finaghy will be disappointed to hear that the Minister does not seem to think that the noise inflicted by the M1 on their properties is worthy of further investigation. Following the recent upgrade of the M1, with the consequence of extra traffic going on to the M1 as a result of Belfast on the Move and the works being done in the city centre, when will be the earliest point at which he could give me some sense that a review might be possible for those residents?

Mr Kennedy: I thank the Member for his supplementary question. He is being slightly unfair: he implies that I am somehow opposed to the residents of Ardmore benefiting from noise insulation assistance. In my constituency, albeit in a different context, I had to lobby hard during the Troubles to get noise insulation packages for the residents of my home village of Bessbrook because of helicopter noise.

My point is that there are levels of noise that meet the requirement that assistance should and would be given. As a result of the measurements taken and verified, the area in question does not qualify for the scheme. Of course, if additional or new evidence is provided in assistance to that case, I will certainly look at the detail. Representatives from the general area have made similar representations, but that is the current situation with the detailed noise assessments that have been carried out in the area.

2.15 pm

Mr Campbell: The Minister alluded to the considerable traffic noise in the Ardmore area of Finaghy. He will also be aware that there is considerable traffic noise in the town of Dungiven, which would be considerably alleviated if the A6 between Dungiven and Londonderry were to proceed. I am happy to lobby the Finance Minister. Is he happy to co-operate?

Mr Kennedy: I am not going to say anything about a marriage of convenience or anything like that. The Member has skillfully moved from the M1 motorway to Dungiven, where, as yet, there is no bypass. He will know that that is still under consideration. The argument for the Dungiven bypass has been a compelling one

for many years, and the assistance that it would bring in reducing environmental damage would be considerable. So, I am very happy to consider it, and I welcome his offer to lobby the Finance Minister. I hope that he has more joy than I have sometimes had.

Mr Principal Deputy Speaker: I welcome the flexibility of the supplementary question and the Minister's reply.

A6: Castledawson to Randalstown

4. **Mr Milne** asked the Minister for Regional Development for an update on progress on the Castledawson to Randalstown section of the A6. (AQO 3912/11-15)

Mr Kennedy: The direction order and environmental notice to proceed for the Randalstown to Castledawson scheme were confirmed in March 2011. The vesting orders remain in draft and will be made after funding for the scheme has been confirmed.

The inspector's report on the November 2007 public inquiries into the Toome to Castledawson part of the scheme recommended that detailed plans for the construction of the dual carriageway, as designed, should be progressed, and that the recommended changes to the published proposal to connect the dual carriageway to Annaghmore Road and Bellshill Road at Castledawson be considered as a separate issue. My officials are examining a further junction layout following the inspector's rejection of the alternative, which was examined at a public inquiry in February 2012. Officials intend to submit a planning application within the next month. The Castledawson junction would not delay progression of the main scheme.

Mr Milne: Thanks very much for your answer, Minister. Will you give us an update on the Cookstown and Magherafelt bypasses?

Mr Principal Deputy Speaker: The Minister can regard that as a bypass if he wishes.

Mr Kennedy: Everybody has been terribly ingenious. If only you would ask questions that were in any way relevant to the ones that were tabled.

The Magherafelt bypass scheme is, potentially, procurement ready. Should finance be made available by the Executive in the current situation the scheme would be considered. Considerable representations have been made

to me about that scheme from local MLAs, such as Sandra Overend, council colleagues, such as Councillor George Shiels from Magherafelt, and representatives from other political parties.

Having been in Magherafelt and taken the opportunity to witness some of the traffic delays and difficulties, I understand the importance of a bypass to the town and the local economy. You will not find me opposed to bringing forward a scheme like the Magherafelt bypass. I look forward to you encouraging your Executive colleagues to make additional moneys available so that a scheme of that nature can be brought forward as quickly as possible.

Mr Spratt: Will the Minister ensure that every area of the A6 project is covered — habitats and whatever — so that we do not find ourselves in a court situation that is similar to that of the A5? Will he ensure that his Department looks at all of that properly this time, before any of the schemes go into operation?

Mr Kennedy: I am grateful to the Member and Chair of the Regional Development Committee for his supplementary question. He raises an important point, to which I am alert, which is absolutely vital as we move forward with all schemes. I draw to the Member's attention the number of legal difficulties that are encountered in other places, such as the Republic of Ireland and the rest of the United Kingdom, where objections are lodged on various issues, such as environmental and planning issues. We live in a democratic society, so processes are in place whereby people who have concerns have the opportunity to raise those issues.

I am happy to confirm that, even at this stage, a habitats directive assessment has been carried out for the A6 scheme. That was a key feature of the stage three assessment of the Toome to Castledawson part of the scheme because the preferred route lies adjacent to Ramsar and special environmental sites in the area. The test of likely significance concluded that, although it is highly unlikely that there would be a significant impact, an appropriate assessment should be carried out. A report to inform an appropriate assessment has been prepared, and it concludes that, after inclusion of the proposed mitigation measures, there would be no residual adverse impacts to the integrity of the site. That will be reviewed.

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as na freagraí. My thanks to the

Minister for his responses. Given that he has taken us down that route, may I mention the Magherafelt and Cookstown bypasses? Will he clarify whether his Department has made specific financial bids for those two proposals?

Mr Kennedy: I am grateful to the Member for his supplementary questions and for his interest in local schemes. I can confirm that we have brought forward those schemes and will continue to do so. As for the financial position on road schemes generally, I intend to bring a paper to a forthcoming Executive meeting for consideration by colleagues to ensure that we support the road construction industry, which is in dire need of such support. That is a recognised fact, so a scheme in any part of Northern Ireland would be a welcome asset to the construction industry. I am mindful of the Member's points about Magherafelt and Cookstown.

A6 Road Project

5. **Mr Durkan** asked the Minister for Regional Development for an update on the A6 scheme. (AQO 3913/11-15)

Mr Kennedy: I am pleased to advise the Member that I recently received the inspector's report on the proposed A6 Londonderry to Dungiven dualling scheme. I intend to publish a statement on the way forward in due course after issues arising from the report have been fully examined and resolved.

With regard to the Randalstown to Castledawson scheme, I can advise the Member that, following last year's public inquiry into an alternative junction arrangement at Castledawson, I published my response in the form of a departmental statement in January this year. My officials in Roads Service are now taking forward the inspector's recommendations for that junction. The remainder of the scheme is already through the planning process, and its progression should not be delayed by issues with the Castledawson junction.

The Member may be aware that the investment strategy for Northern Ireland 2011-2021 includes the construction of a number of high-priority schemes on the M2, A6 and A26 as part of a £390 million package funded through alternative finance in the period 2015-16 to 2020-21. However, a commitment to fund the revenue consequences of that roads package will be required. Therefore, the timing will depend on future resource budget settlements. In the event of alternative finance not being available, the scheme could be included,

together with other priority schemes, in the bidding process for conventional funds in the next Budget period.

In my response to the Member for North Down Mr Cree, I outlined my intentions to engage with Executive colleagues in considering options for advancing other possible schemes in conjunction with a delayed A5. Those include improvements to the A6, which is a scheme that, it is fair to say, would make a great deal of difference to the many people who use that stretch of road on a daily basis as well as providing much-needed support to the construction industry.

Mr Durkan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answer. After earlier questions, it feels like we have been up and down this road a few times this afternoon. I look forward to the publication of the report he mentioned and welcome the fact that the A6 remains a high priority. However, given the slippage of this project under the Minister's predecessor, is he confident that it can and will be delivered on time?

Mr Kennedy: I am grateful to the Member for his supplementary question. I remind him of what I have tried to outline in my answers, which is that we are seeking to bring the project forward. The delays involved in the A5 scheme have meant that it is incumbent on me to look at other options, including schemes such as the A6, the A55 and the Magherafelt bypass.

We are exploring those options; the public inquiry is, of course, part of that process, as is the inspector's report that arises from it. We will give consideration to that, but I will not be shy in bringing forward schemes to Executive colleagues so that the overall infrastructure, which benefits the economy and the road construction industry, can be brought forward at the earliest possible dates.

Lord Morrow: Will the Minister acknowledge that he and his Department have a credibility problem in relation to the A5? Does he agree that he should come to the House with a statement on the A5 and the A6 to try to close that credibility gap? Undoubtedly, the taxpaying public are very concerned about the shambolic state of the A5. Normally, the Executive are the whipping boys, but there is no doubt that, in this instance, the Department for Regional Development's Roads Service needs to stand up.

Mr Kennedy: I am grateful to the Member for his supplementary question. I do not accept the implications or the thrust of his remarks. I hope that he has taken time to study seriously the judgement delivered by Mr Justice Stephens. I hope that he has taken time not only to read it but to understand it. That would be a very good starting point for everyone in this debate.

My door is open. I have issued statements, made comments and made myself available for questions in the House on the situation. I have also taken the opportunity to meet the contractors involved, who are obviously concerned. I have met representatives of the Ulster Farmers' Union and Londonderry Chamber of Commerce. I would prefer that the Member came to see me to discuss the issues in some detail rather than politically grandstanding in the Chamber.

Mr Ó hOisín: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I welcome the Minister's statement earlier when he said that the argument for the Dungiven bypass was compelling. That being the case, can he outline any progress that may have been made to date in decoupling the Dungiven bypass from the rest of the A6? If so, is there a timeline for procurement and tendering?

Mr Kennedy: I thank the Member for his supplementary question. He has, of course, lobbied strongly for the Dungiven bypass and has raised the issue of decoupling.

Again, I am pleased to confirm that the design of the scheme allows for the Dungiven bypass to be taken forward and completed as the first phase of the scheme. It will provide 4.8 kilometres of dual carriageway bypassing Dungiven to the south at a total cost in the range of £60 million to £80 million. The construction of this element of the scheme would be dependent — and this is the key thing — on the availability of finance in subsequent periods.

2.30 pm

Social Development

Mr Principal Deputy Speaker: Members should note that question 3 has been withdrawn and a written answer is required.

Boiler Replacement Scheme

1. **Mr Durkan** asked the Minister for Social Development how many applications have been

received and successfully processed for the boiler replacement scheme since its commencement. (AQO 3924/11-15)

Mr McCausland (The Minister for Social Development): Since the launch of the boiler replacement scheme in September 2012, 14,184 application forms have been received. The Housing Executive has processed 14,084 of those applications. That has resulted in boiler installer forms being issued to all those applicants; 8,771 applicants have completed and returned their installer forms, and 7,884 approvals have been issued to have boiler replacement works completed. Of those, 4,271 applicants have already carried out the works. Sampling of applicants has shown that 90% of people who get formal approvals will go on to complete the works.

Mr Durkan: Go raibh maith agat, a Príomh-LeasCheann Comhairle. I thank the Minister for his answer. Given those figures, which do appear to have improved dramatically over the past month or so, does the Minister believe that the scheme could be made more effective? How does he intend to make it so?

Mr McCausland: I notice that the Member says that there has been a dramatic improvement. We should welcome that, as I am sure he does; indeed, he indicated that he does. The improvement indicates that the scheme is actually now working really well. It only started back in the autumn. We are a limited period of time into it. There is a lead-in time. It is now delivering well, and we are well ahead of target at this point.

Mr Maskey: Go raibh maith agat, a Príomh-LeasCheann Comhairle. I thank the Minister for the positive information in his response. Will he confirm whether the initiative is effectively tackling fuel poverty? If so, can it be extended further?

Mr McCausland: It is one of a number of initiatives that we need to take forward to address fuel poverty. Addressing fuel poverty can be taken through in a number of ways, but one in particular is energy efficiency. Alongside that is the energy efficiency of homes, including insulation and double glazing. There are a number of initiatives that we are working on and taking forward. With regard to this particular scheme, we have the budget for each of the years and, in addition to that, the extra £6 million that we were able to draw in for the last two years. So, we will actually have a larger amount of money in the last two years — the

extra £6 million — to deliver on the programme. I think that it will be extremely successful.

Mr Campbell: The Minister said that about 4,000 people seem to have availed themselves of and benefited from the boiler replacement scheme. Can he also outline the beneficial effect that I presume would have followed from local installers engaging in the work?

Mr McCausland: We estimate that almost 800 local installers have had installation work from the scheme to date. Those tend to be smaller firms, and they are spread across Northern Ireland. The work that is coming from this has been of great benefit, therefore, to local businesses.

Mr Cree: The Minister has certainly brought some very interesting statistics to light. I wonder whether he can detail the average time from submitting an application to the actual project being completed, if he has that?

Mr McCausland: When approval is given, it is anticipated that someone will get the work commissioned and completed within a period of about three months. Sometimes, it is much quicker than that. For some folk, it may take a little bit longer. Once the work has been completed and the bill submitted, the payment time is around three weeks, which is in advance of the normal payment time of four weeks.

Northern Ireland Housing Executive: Restructuring

2. **Mr Douglas** asked the Minister for Social Development for an update on the future restructuring of the Northern Ireland Housing Executive and the role of housing associations. (AQO 3925/11-15)

Mr McCausland: Since my statement to the Assembly on 26 February, the exploration of the proposals by my officials and me has begun in earnest. The programme team, encompassing staff from my Department, the Housing Executive and the Strategic Investment Board, has begun work on the proposals. I met the programme board on 18 April. Programme planning is under way, and governance structures are in place.

A series of meetings has taken place with key stakeholders, including the Northern Ireland Federation of Housing Associations, the Housing Executive and NIPSA. Other meetings are imminent, such as one with the tenants' representatives, the central housing community

network. On 17 January, my officials and I also briefed the Social Development Committee, which will be fully engaged in the exploration and further development of proposals.

Work is ongoing, including on these consultations, with the aim of developing and firming up the restructuring of housing functions and their delivery mechanisms. I envisage that, at a later stage, when the process has progressed and there is something more substantive to report, I will come to the Chamber with a further, fuller statement.

Mr Douglas: I thank the Minister for that full response. In a recent statement following a BBC interview with the new chairman of the Northern Ireland Housing Executive, NIPSA spoke of the unnecessary break-up of the Housing Executive at a time when other areas of the public service are being amalgamated to save money. Will the Minister respond to that statement, please?

Mr McCausland: I think that NIPSA is not entirely clear on the fact that the economics involved are more complex than they first appear. The focus should be on the longer-term economic benefits that can be realised through the introduction of landlords in a housing association model that is free to obtain to funding from a variety of sources. Benefits include local landlords working from within communities and giving back to communities via social enterprise development.

Housing Executive staff and tenants are key stakeholders in this programme. Immediately following my statement on the proposals in February, I met the Housing Executive's board and chief executive to agree how we can work together to allay staff anxieties throughout the process. My officials have met, and will continue to meet, trade unions to ensure that staff concerns are raised and to keep staff up to date.

I have a meeting scheduled with the central housing community network, which was established as an innovative structure to ensure that residents have meaningful involvement with the Housing Executive. It has agreed to act as a conduit between my Department, the Housing Executive and tenants.

There was some speculation on the number of housing associations to be created and at what cost — that is just speculation. Viable options will come to light only once economic considerations have been fully taken into account and political agreement has been reached.

Ms McCorley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answers up to now. Will the Minister please reaffirm his stated commitment that there will be no predetermined outcome of the discussions on the future of the Housing Executive?

Mr McCausland: I set out a general direction of travel in my original statement. The details of all of this have still to be worked through. There is a lot of work to be done to prepare business cases that look at various options. There will have to be detailed discussions with potential funders to see what is the best model. So nothing is predetermined. We are looking at a direction of travel but nothing other than that. It is the detail that now has to be worked out.

Ms Lo: Will the Minister guarantee a clear focus on the delivery of shared housing under whatever new structure there may be in future?

Mr McCausland: This is an issue that members of the Alliance Party bring up again and again and again. There is merit in looking at such options, but I point out, as I have done on previous occasions, that segregated housing is not unique to the social housing sector. The Member may shake her head, but the reality, if one is honest and looks across the entire Province, is that there are many, many private estates that are segregated. Segregation goes wider than social housing; it impacts on education, sporting facilities and a whole range of other areas. Therefore, the issue of segregation and a shared future needs to be looked at in a wider context.

Northern Ireland Housing Executive: Glass-fronted Fires

4. **Mr Milne** asked the Minister for Social Development when the last glass-fronted fires will be removed from Northern Ireland Housing Executive properties. (AQO 3927/11-15)

Mr McCausland: The Housing Executive has advised that only 1,777 glass-fronted fires remain in its stock. In all cases, that is due to a tenant's refusal to allow the Housing Executive to complete works. Replacement of those 1,777 glass-fronted fires will be undertaken at change of tenancy or when parts are no longer available for the fires. The glass-fronted fires are currently safe, although the Housing Executive expects that they will be replaced in the forthcoming 12 to 18 months.

Mr Milne: Go raibh maith agat. I thank the Minister for his answer. Can he guarantee that future budgetary restrictions will not impact on the Housing Executive's ability to replace that form of heating?

Mr McCausland: The Housing Executive is doing some work on its policy on heating. That work is being taken forward and will come to the Executive's board and to the Social Development Committee in the near future. I do not see finance being in any way an issue with taking this work forward. It is something that is obviously necessary, and I do not see there being a financial problem there.

Ms P Bradley: I thank the Minister for his answers thus far. He just mentioned the Housing Executive's policy. Will he give us an update on what that is?

Mr McCausland: The Housing Executive is reviewing its heating policy. The basis of that review is to maximise the opportunity for tenants to benefit from a clean, efficient, safe and affordable heating system that will provide thermal comfort in their homes.

The policy was subject to formal consultation for eight weeks and was circulated widely. In addition, presentations were made to housing community network forums and to other groups, including a number of councils. Responses have been received from a wide-ranging group of councils, councillors, statutory bodies and others. The comments that were received raise a number of issues, which the Housing Executive will consider, but they do not fundamentally challenge the policy's proposals.

Gas will remain the only option that is offered in a gas area. Tenant choice outside the gas area will increase to include wood pellet boilers. A number of those ideas are being taken forward. For example, in an oil boiler replacement scheme, tenants may opt to retain an oil system and so on. There are a number of elements to that, and there is also an emphasis on ensuring that insulation is upgraded where you have heating replacement schemes.

Strabane: Regeneration

5. **Mr Byrne** asked the Minister for Social Development what action his Department plans to take to enhance the regeneration of Strabane. (AQO 3928/11-15)

Mr McCausland: My Department is working with Strabane District Council to bring forward a public-realm scheme for Abercorn Square, Market Street, Castle Street and Railway Street. We aim to appoint a consultant later this year to design the scheme, with a view to starting construction work in late 2014. We are also working in parallel with Roads Service to deliver a smaller public-realm scheme in the town centre later this year.

Officials from my Department have also been working with Strabane District Council to develop a revitalisation scheme to improve the external appearance of shop fronts, signage and building facades. My Department is also in the process of appointing a team of professional advisers to take forward a market-testing exercise for the SCORE site in the centre of the town. Subject to that exercise demonstrating sufficient demand, we will move to prepare and issue a development brief, inviting prospective developers to submit their proposals for the site.

Outside the town centre, my Department continues to deliver a range of projects in the Strabane neighbourhood renewal area.

Mr Byrne: I thank the Minister for his answer, which was quite comprehensive and encouraging for Strabane. Given that the SCORE site has been on the cards for nine or 10 years, is he committed to making sure that the time frame is realisable and that we can have a meaningful project there? Secondly, has he had any indication of what sort of moneys are being earmarked for the scheme that he just outlined?

Mr McCausland: The Member focused particularly on the SCORE site, which the Department for Social Development (DSD) owns. It was identified in the master plan as a key redevelopment site and was regarded as suitable for either leisure use or mixed-use development, namely commercial, retail, car parking and leisure.

The master plan also recognises that a larger site may be required to make any project viable, and the Department has subsequently reached agreement with Roads Service to include the adjacent Dock Street car park in the overall site that will be offered for development.

Work is being taken forward on the next stages, but I could not go into any more detail on that at this point. I hope that the Member finds that helpful in outlining the line of travel.

2.45 pm

Landlords: Registration

6. **Ms S Ramsey** asked the Minister for Social Development for an update on the registration of landlords. (AQO 3929/11-15)

Mr McCausland: First, let me emphasise the importance of having a landlord registration system to assist with the regulation of an ever-growing private rented sector. I remain committed to driving up standards in that sector. I informed the Assembly on 15 January 2013 that it was intended that a landlord registration system would be ready by the summer. Although there may be some slippage, I am pressing my officials to work to that date. Work is well under way on the design of the system, and a final decision on who will act as the registrar should be made very soon.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. It is important that we get the registration scheme up and running. I do not need to remind the Minister that that sector is the biggest provider in the social rented scheme and costs and gets tens of millions of pounds. I am concerned when you say, Minister, that there is slippage, even though you say that the summer is still your target. Can you give us an idea of what you mean by that type of slippage?

Mr McCausland: I will indicate my intention —

Ms S Ramsey: Is it an Indian summer?

Mr McCausland: I will indicate my intention to ensure that the officials who are taking that forward do it with the maximum alacrity, and I can you assure that, when we talk about the summer, it is definitely the summer of 2013 and not any other. It will be done as quickly as possible.

Mr Anderson: Minister, in the past, you have said that councils would be best placed to administer such a scheme. Is that still your opinion, or has anything changed?

Mr McCausland: No final decision has been made on who the registrar will be, and it is possible that the matter may be tied to the direct payment of housing costs to landlords under welfare reform. My Department is considering whether we can make use of the information collected for the landlord register to facilitate the direct payment of universal credit housing components to landlords. Work is

ongoing with the Social Security Agency, policy and legislation colleagues and NI Direct to ensure that the IT solution will provide that capability. If we can use the system to help to offer better services for tenants and benefit claimants, we will do so.

Mr McDevitt: What specifically is the cause of the delay?

Mr McCausland: The issues that are being taken forward are complex. The civil servants who are working on the issues are working hard, but, as with most things in life, it is always difficult to predict exactly, down to the weeks or days, how long it will take to complete a piece of work. I am sure that the Member, in all his years in business and other areas of life, will have his own experience of that. Therefore, the work is taking a fraction longer than may have been originally intended, but, as I said clearly, it is a priority, and the Department and I intend to take it forward to completion as soon as possible. As has been indicated, the private rented sector is a very important sector for the provision of housing in Northern Ireland, and we want to make sure that we get the best outcome possible for tenants.

Empty Homes Strategy

7. **Mr Brady** asked the Minister for Social Development for an update on the empty homes strategy. (AQO 3930/11-15)

Mr McCausland: It is my intention to publish the empty homes strategy and action plan in the coming weeks and to be in a position to give details on the steps that will be taken to bring empty homes back into use. I am determined to maximise all opportunities to meet housing need, reduce blight and tackle antisocial behaviour. Therefore, I want to pursue a comprehensive approach to tackling empty homes not only to provide much needed housing but to transform streets and areas right across Northern Ireland. The strategy seeks to consider and address why homes become empty; the profile of empty homes in Northern Ireland; the benefits of bringing empty homes back into use; and how to assist and who can assist in the process. The success of the strategy will require a considerable investment of money and other resources.

The work that we are taking forward on the empty homes strategy, together with the work that we are taking forward on the previous issue of landlord registration, the development of a housing strategy and the review of housing structures, alongside welfare reform and all the

other things, indicates the scale and scope of work being taken forward in the Department and our commitment to ensuring the best possible outcome for taxpayers and for tenants and the general community.

Mr Brady: I thank the Minister for his answer. As he is aware, a number of these empty houses are derelict and are often a blight on their area. Will the Minister accept that, if this strategy is expedited, these houses could go some way towards alleviating the housing waiting list, particularly for social housing?

Mr McCausland: Tackling the issue of empty homes has a number of benefits. Clearly, it has the benefit of providing another home for an individual or for a family. Often, it removes blight, blight that can often attract antisocial behaviour, and there is a cost associated with dealing with that. It may be that a garden becomes littered, and people have to come in and clear it out. With all of the costs associated with the issue on one side and the benefits to be gained on the other side in getting an extra home into use, this is one of those things that is rightly described as a no-brainer. It makes really good sense, and that is why we have been focusing on this.

Mrs Overend: To extend that question into further detail, can the Minister detail whether he will consider using existing powers to vest long-term empty homes so that they can be brought back into public use?

Mr McCausland: A range of approaches are being looked at. Last year, we carried out a pilot exercise in Fortwilliam in north Belfast and on the Upper Newtownards Road in east Belfast. It had limited success, but it did provide a number of lessons that have been invaluable in trying to shape the strategy and the action plan. In some circumstances, it turned out that properties that were thought to be empty were not actually empty at all but were occupied. It is a more complex issue than you sometimes imagine. When you look at a street, you imagine that there are an awful lot of empty homes, but that may not necessarily be the case. There are lessons to be learned from that pilot.

The main reason for lack of success was lack of information on the owners of properties. That is the most difficult thing. We were able to contact the owners in some cases, but some of them were reluctant to engage because there were no incentives to assist them to bring the property back into use. Owners preferred to wait to see whether the housing market picked

up. The main lessons learned were the importance of having accurate data at the outset and ensuring that measures are in place to assist owners to bring properties back into use. On that basis, the Housing Executive and the Department have been looking at this, and the new action plan is being developed.

Ms Brown: How many empty homes are there throughout Northern Ireland, and where is the highest concentration of those empty homes?

Mr McCausland: One of the major challenges in all of this remains the issue of reliable data about the location and ownership of empty homes. The Department is working with Land and Property Services, and data received to date on the number of vacant properties in each council area is being analysed. Officials are in the process of preparing a business case so that Land and Property Services is able to share the names and addresses of the owners of empty homes with us. This information will hopefully be made available before the end of June, and it will be published in future.

There was a previous empty homes strategy in 2007, but, because of the lack of information on addresses and contact details of owners and the lack of a proactive approach at the time, the strategy did not result in any homes being brought back into use. My officials are now driving the issue forward, and I hope to publish the new empty homes strategy very shortly. We will then seek to take it forward.

Mr Rogers: Will the Minister give us the detail on the scheme where empty houses are given to housing associations to renovate and sell on?

Mr McCausland: In my constituency at the moment, eight empty homes that belonged to the Housing Executive are being handed over to a housing association to redevelop with new homes. There is a range of approaches in the action plan that I will be happy to share with the Member in the near future.

The necessary steps to fix empty homes are these: we need reliable data; we have to raise awareness; we have to bring forward proposals for legislative change, as there are issues that need to be tackled; we need to identify funding streams; and we need to implement initiatives used in other jurisdictions, which could include partner landlord grants, loan schemes or sweat equity. A range of options will be teased out. In due course, we will require proposals for legislative change so that we have all the

necessary tools — the most appropriate and most effective — at our disposal.

Queen's Parade, Bangor

8. **Mr Dunne** asked the Minister for Social Development for an update on the acquisition of the Queen's Parade site in Bangor. (AQO 3931/11-15)

Mr McCausland: My Department has agreed to purchase landholdings at Queen's Parade assembled by the developer, Karl Greenfarm Properties Ltd. The contract of sale was signed on 25 March 2013 and is due to complete in May. Following completion of the sale, my Department will commence the process of drawing up detailed plans, securing planning permission and assembling the remaining properties to be included within the development boundary. The Department's intervention to acquire this key regeneration site is in keeping with the town centre master plan. It is a major regeneration project, and it will take in the region of 24 months to assemble all the land needed, take forward a planning application and bring on board a developer.

The Department will work in partnership with the council and all other stakeholders to gain agreement to ensure that the development plans for Queen's Parade are right for Bangor. In time, delivery of the Queen's Parade development will require a significant commitment by the private sector.

In advance of the main scheme proceeding, work was completed earlier this month on a revitalisation project to develop new activities and facilities to encourage people back into the area.

Mr Dunne: I thank the Minister for his answer and for his keen interest to date in the project. I also record my thanks to DSD officials for the work done to date at Queen's Parade, with the recent investment in the art and craft pods. It makes Bangor a very acceptable place to visit this summer.

Can the Minister give expected timescales for the long-awaited Queen's Parade development? In writing would be good. *[Laughter.]*

Mr McCausland: I can see the writing appearing in due course in a local publication.

The Bangor town centre master plan proposed that a major development scheme in the Queen's Parade area was needed to

regenerate Bangor town centre. Schemes of that size and ambition are complex and challenging to deliver. A number of key steps need to be taken, the first of which is to assemble the site. My Department has completed the first major step by agreeing to purchase the developer's land. Following completion of the sale, my officials will speak to the remaining property owners within the proposed boundary to discuss our plans for the area and to negotiate the purchase of those properties. My Department will also commence work on the planning application, which will take in the region of two years. Following planning approval, it will take the developer a further two to three years to complete the detailed design and bring on board a contractor to construct the scheme. If all progresses smoothly, construction will commence in 2018.

I appreciate very much the recommendation of staff and officials in DSD. I will certainly pass those comments on to them.

Mr Agnew: I thank the Minister for his answers. I concur with Mr Dunne and thank the Department for the recent work on the art pods.

As well as seeking planning permission and then seeking to purchase the remaining properties, the Department will ultimately require a private developer. Is there any more security in the new plan than there was in previous proposals that fell?

3.00 pm

Mr McCausland: The Department has put its full weight behind this. There is a real commitment to see the project through to completion because this has been a blight on the front of Bangor. As the Member will know, it is now a much more attractive location with the new pods in place. I had the opportunity to go down there the other day to meet some of the artists who are in residence, and it is beneficial to the community, to us and the artists. I was impressed by the number of people who stopped to look at the artists at work. The people who were quite negative about it all at the start have been shown to be wrong. It is a good short-term initiative. There is a real commitment from the Department, and, as we see this through, there will be interest from the private sector in due course, when we get the whole site assembled.

Mr Principal Deputy Speaker: Members may take their ease while we change the top table.

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

Executive Committee Business

Marine Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of the Environment, Mr Alex Attwood, to move the Consideration Stage of the Marine Bill.

Moved. — [Mr Attwood (The Minister of the Environment).]

Mr Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are three groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 2 and 3, which deal with the duty to contribute to sustainable development, the creation of a marine management organisation and arrangements to promote the co-ordination of marine functions between public authorities. The second debate will be on amendment Nos 4 to 6, 9 to 14 and 19, which deal with marine planning and marine protection and enforcement, together with Mr Steven Agnew's opposition to clause 8. The third debate will be on amendment Nos 7, 8, 15 to 18 and 20, which deal with the commencement and technical amendments.

Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Question on stand part will be taken at the appropriate points of the Bill. If that is clear, we will proceed.

New Clause

Mr Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 and 3. Members will note amendment No 2 is mutually exclusive with amendment No 3.

Ms Lo: I beg to move amendment No 1:

Before clause 1 insert

"PART A1

SUSTAINABLE DEVELOPMENT

Sustainable Development

A1.—(1) *Nothing in this Act affects the duty of the Department under section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 to exercise its functions in accordance with that section.*

(2) *Accordingly, the Department must in exercising its functions under this Act—*

(a) *act in the way it considers best calculated to contribute to the achievement of sustainable development in Northern Ireland, except to the extent that it considers that any such action is not reasonably practicable in all the circumstances of the case; and*

(b) *have regard to any strategy or guidance relating to sustainable development issued by the Department.”.*

The following amendments stood on the Marshalled List:

No 2: Before clause 1 insert

"PART 1

THE MARINE MANAGEMENT ORGANISATION

The Marine Management Organisation

A1.—(1) *There shall be a body corporate known as the Marine Management Organisation ("MMO").*

(2) *The MMO shall consist of no fewer than 10 and no more than 12 members appointed by the Minister.*

(3) *The marine functions and associated powers exercised by the bodies listed in subsection (4) shall instead be exercisable by the MMO.*

(4) *Those bodies are—*

(a) *the Department;*

(b) *the Department of Agriculture and Rural Development;*

(c) *the Department of Culture, Arts and Leisure;*

(d) *the Department of Enterprise, Trade and Investment;*

(e) *the Department for Regional Development;*

(f) *the Agri-Food and Biosciences Institute;*

(g) *the Northern Ireland Environment Agency*

(5) *For the purposes of this section a "marine function" is any function which relates to, or whose exercise is capable of affecting, the whole or any part of the Northern Ireland inshore region.*

(6) *It is the duty of the MMO to secure that the MMO's functions are so exercised that the carrying on of activities by persons in the MMO's area is managed, regulated or controlled—*

(a) *with the objective of making a contribution to the achievement of sustainable development,*

(b) *taking account of all relevant facts and matters, and*

(c) *in a manner which is consistent and co-ordinated.*

Any reference in this Act to the MMO's "general objective" is a reference to the duty imposed on the MMO by this subsection.

(7) *In pursuit of its general objective, the MMO may take any action which it considers necessary or expedient for the purpose of furthering any social, economic or environmental purposes.*

(8) *The Department may give the MMO guidance with respect to the exercise of any of the MMO's functions.*

(9) *The MMO must have regard to any guidance given to it under this Act by the Department.*

(10) *Before giving any such guidance, the Department must consult—*

(a) *the MMO, and*

(b) *such other bodies or persons as the Department considers appropriate.*

(11) *The Department shall publish any guidance given to the MMO under this subsection.*

(12) *The Department may give the MMO general or specific directions with respect to the exercise of any of the MMO's functions.*

(13) *Before giving directions under this section, the Department must consult the MMO.*

(14) *Consultation under subsection (13) is not required if the Department considers that there is an emergency.*

(15) *The MMO must comply with any directions given to it under this section.*

(16) *The giving of any directions under this section must be publicised in such manner as the Department considers appropriate for the purpose of bringing the matters to which the directions relate to the attention of persons likely to be affected by them.*

(17) *Copies of any directions given under this section are to be made available by the MMO to members of the public on payment of such reasonable fee as the MMO may determine.*

(18) *The MMO shall use its best endeavours to meet such objectives as the Department may from time to time set with regard to the quality and effectiveness of its performance.*

(19) *For each financial year, the MMO must prepare an annual report on how it has discharged its functions during the year.*

(a) *The MMO must send the report to the Department as soon as possible after the end of the year to which it relates.*

(b) *The Department must lay a copy of the report before the Assembly.*

(c) *In this subsection "financial year" means—*

(i) *the period that begins with the day on which the MMO is established, and ends with the next 31st March;*

(ii) *each subsequent period of 12 months ending with 31st March.*

(20) *The Department may by order make such supplemental, incidental or consequential provisions as appear to the Department to be appropriate as a result of subsections (1) and (2).— [Ms Lo.]*

No 3: After clause 1 insert

"Arrangements to promote co-ordination of functions in Northern Ireland inshore region

1A.—(1) *The Department may enter into arrangements with a relevant public authority designed to promote the effective co-ordination of the exercise by the parties to the arrangements of their respective functions in the Northern Ireland inshore region.*

(2) *The Department shall keep arrangements made under this section under review.*

(3) *The Department shall—*

(a) *within one year of the date on which this Act receives Royal Assent publish details of any arrangements made under this section; and*

(b) *within three years of the date on which this Act receives Royal Assent lay before the Assembly a report on the effectiveness of any arrangements made under this section.*

(4) *For the purposes of this section "the relevant public authorities" are—*

(a) *the Department of Agriculture and Rural Development;*

(b) *the Department of Culture, Arts and Leisure;*

(c) *the Department of Enterprise, Trade and Investment;*

(d) *the Department for Regional Development;*

(e) *the Agri-food and Biosciences Institute;*

(f) *the Foyle, Carlingford and Irish Lights Commission.*— [Mr Attwood (The Minister of the Environment).]

I am very pleased to have this opportunity to speak on the amendments in group 1 as the Alliance Party's spokesperson on the environment. I welcome the Consideration Stage of the Bill and want to thank all the stakeholders who contributed to the scrutiny of the Bill during Committee Stage.

Amendment No 1 is about sustainable development. Northern Ireland's seas contain a rich biodiversity and a wide variety of habitats. It is vital that we protect our seas so that those species and habitats can continue to exist. Our seas are also essential to the economy of Northern Ireland, particularly with regard to

fisheries and tourism, yet our activities, both on a global and local level, pose direct threats to our seas. It is imperative that we have strong and effective legislation to ensure that our marine environment is well planned and managed.

The Marine Bill is the most important marine legislation that we have had so far in this region, and it serves as our mechanism to fulfil international, European and UK commitments to achieve the healthy, safe, productive and biologically diverse oceans and seas envisaged by the Oslo and Paris Convention for the Protection of the Marine Environment of the North-East Atlantic.

There are strategic aims across the UK for both climate change and sustainable development, and it is disappointing that the Marine Bill does not make reference to either for duties on public authorities. While the Marine Bill sets out to address all the high-level priorities and principles, it has not spelt out in the context of the Bill an overarching core purpose, which must be to achieve the sustainable development of our seas. That is in contrast to the Marine (Scotland) Act 2009, which states that public authorities have a duty to further the sustainable development of the marine environment and climate change mitigation and adaptation. Similarly, the Marine and Coastal Access Act 2009 requires the Marine Management Organisation to conduct its functions in keeping with the need to contribute to sustainable development.

Amendment No 1 would include a new clause to place a general duty on the Department at the beginning of the Bill to set the tone for the rest of the legislation. It requires the Department to act in the way that it considers

"best calculated to contribute to the achievement of sustainable development"

including, of course, the protection and enhancement of the marine environment. The amendment recognises that, although not always practicable in all circumstances, the Department should have regard to

"any strategy or guidance relating to sustainable development issued by the Department"

when carrying out all its functions.

The aim of achieving sustainable development should underpin all the actions of the Department. During the Committee's scrutiny stage, departmental officials responded to the

issue by stating that the provision on sustainable development under section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 was a sufficient safeguard to place a duty of sustainable development on Departments and there was no need to reiterate it in this Bill. The intention of the amendment is not to place any additional duty on the Department or to overlegislate. However, if it does not clearly name sustainable development as its core aim, the Bill lacks its soul.

It is worth mentioning that there does not appear to be any reference in the Bill to the 2006 Act to inform the reader of the already-existing duty. It is, therefore, essential that that core duty is highlighted in the Bill. The environment sector voiced serious concerns about the omission of that duty, and the Minister also wished to include it as a departmental amendment, but I understand that he did not receive approval from the Executive. However, in the Planning Bill, we see clearly that sustainable development is recognised as an objective in carrying out planning functions. How, then, will we reconcile the fundamental difference between the two pieces of legislation, one of which makes spatial planning for land and the other for the seas?

Sustainable development does not seek to stop us growing our economy. Rather, it aims to put in place a balance of economic, social and environmental measures to ensure that we continue to do things effectively in the years to come. Sustainable development has been defined in many ways, but the most frequently quoted definition is from 'Our Common Future', also known as the Brundtland report:

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts: the concept of 'needs', in particular the essential needs of the world's poor, to which overriding priority should be given; and the idea of limitations imposed by the state of technology and social organisation on the environment's ability to meet present and future needs."

Given that the marine strategy framework directive requires the UK seas to achieve good environmental status by 2020, establishing marine protection areas and managing human activities, it is a major priority for Northern Ireland. As defined in the directive, achieving good environmental status means that the use of marine and coastal environmental resources must be kept at a sustainable level that

safeguards potential uses and activities by current and future generations. To achieve that goal, the directive promotes the adoption of an integrated approach to the protection of the ecosystems.

Before I address amendment No 2, I want to jump to amendment No 3. I appreciate that the Minister has taken on board the concerns of the Committee by putting in place, through amendment No 3, a new clause on the arrangements to promote the co-ordination of functions in Northern Ireland's inshore region, but I remain unconvinced that such loose arrangements will be effective. Such a clause will have little or no power to ensure that other Departments comply with any request from DOE to enhance the environment, given their very different functions and competing loyalties to their sector. I have, therefore, tabled amendment No 2 for consideration today.

The Marine Bill does not directly address the issue of its practical implementation under the current management structure. We have a new marine division in DOE, but how will interdepartmental responsibilities be managed? The existing governance model, with marine responsibilities scattered across Departments and agencies without any clear lead or cohesion, worries me greatly. Amendment No 2 responds to the call from the environment sector that a non-departmental marine management organisation sponsored by DOE be established to provide for the greater integration of delivery functions and separate policy and delivery responsibilities. That will enable the organisation to adopt a holistic, consistent, less bureaucratic, independent and transparent model of working while retaining accountability to the Assembly.

There is an independent MMO for England, and Marine Scotland is a separate Department: why should we have less? Whether Northern Ireland justifies an MMO has nothing to do with its size; we need a unified approach to marine management and the co-ordination of marine functions in one place. With fishing, transport, tourism, aquaculture, aggregate extraction and renewable energy protection likely to continue to be significant marine activities in the coming years, a single authority would be a logical and cost-effective way of regulating the sustainable development of Northern Ireland's seas.

3.15 pm

Effective management is vital. I believe that Strangford lough acts as a warning for the perils of mismanagement. It is our most highly designated site, and, unfortunately, the past

decade has shown how interdepartmental power struggles can lead to the mismanagement of natural resources. Northern Ireland is now facing the long-term cost of the restoration of the horse mussel reefs and the loss of a fisheries area, which, in theory, should have been a sustainable practice but which can no longer continue in the protection zone to allow the restoration of the ecosystem to take place.

The 2009 McCusker report, although not recent, makes a compelling case for changing from the current fragmented marine management structures and arrangements in a specifically Northern Ireland context. The report highlights the potential advantages and costs of consolidating powers and responsibilities into a new marine management body. It states:

"the status quo is clearly unsustainable, with minimal integration of marine functions and potential long-term damage to the marine environment ... In terms of costs, the report concludes that even maintaining the status quo has an increased cost, estimated in the region of £250k per year, on top of current spending."

That is a rough projection, given that the report was produced several years ago. It states that the setting-up costs of a separate MMO would be about £650,000, with an annual saving of £250,000. Although those figures are not guaranteed, it is expected — I see that the Minister is scribbling away, and I know that he will probably talk to me about those figures. I stress that this is an old report, and I am going on the figures that are in the report.

Mr Attwood: Will the Member give way?

Ms Lo: Yes, Minister. Delighted.

Mr Attwood: I think that it was an excellent report. *[Laughter.]*

Ms Lo: Thank you. According to the report:

"an MMO could deliver improved co-ordination of information and data, and so reduce the administrative burden."

It is my belief that the Marine Bill would be greatly strengthened by a streamlined management model that had the authority to properly oversee all our marine activities from the application process and bringing together marine expertise and information to managing the impact of commercial activities in the

marine environment in a sustainable, equitable and long-lasting way.

Mr Hamilton (The Deputy Chairperson of the Committee for the Environment): Thank you, Mr Deputy Speaker. I will speak initially in my capacity as Deputy Chair of the Committee before, with your indulgence, making personal comments on the amendments in this group.

I welcome the Consideration Stage of the Marine Bill. Some of us on the Committee wondered whether this day would ever come. The Bill was referred to the Committee on 6 March last year, and the Assembly agreed to extend the Committee Stage to allow us to enough time to scrutinise it fully.

We gave the Bill careful consideration. There were 31 written submissions in response to the Committee's call for evidence, and we took oral evidence from 16 organisations, including key stakeholders such as the Northern Ireland Marine Task Force and the Anglo North Irish Fish Producers' Organisation. On behalf of the Committee, I place on the record our gratitude to all those who gave evidence. That evidence was crucial in enabling us to make our recommendations.

The Committee agreed its report on the Bill on 5 July 2012, so we have had to wait 10 months since then to get to Consideration Stage. Members of the Committee did not think that such a delay was appropriate. I am in no doubt that the Minister will tell us that the delay was unavoidable, that there were good reasons for it and that he needs to take as much time as necessary to get the Bill right. I accept that we legislate in haste and repent at leisure, but that does not mean pausing for nearly a year between stages of a Bill. I hope there shall not be any similar delay with some of the Minister's other Bills that are coming our way. Nevertheless, we are at Consideration Stage now, and the Committee supports the Bill and the amendments in the name of the Minister.

I begin, however, by addressing amendment No 1, which has been tabled by Ms Lo, the Chair of the Committee, although not tabled in that capacity. The Committee considered whether it was necessary to include within the Bill an overarching aim or general duty outlining the responsibilities of the Department around sustainable development. However, the Department told us that existing legislation places an obligation on all public authorities to consider sustainable development and to mitigate and adapt to the effects of climate change. We accepted that it would be inconsistent with current legislative practice to

reiterate any such existing duties in the Bill. In doing so, we also agreed that, during Consideration Stage, it was important for the Minister to remove any lingering doubt there may be about the impact of the Bill on existing duties. I, therefore, ask the Minister to place on record the fact that the duties placed on all public authorities around sustainable development and climate change by the Northern Ireland (Miscellaneous Provisions) Act 2006 and the UK Climate Change Act 2008 apply to the implementation of this Bill. If he does so, we can be satisfied that amendment No 1 is unnecessary.

I turn now to amendment Nos 2 and 3. Almost all those who spoke to the Committee drew attention to the need for greater co-ordination of marine functions, which are currently spread across six Departments. Many suggested that that could be achieved through the introduction of a marine management organisation, as is the case in England and Wales, but that view was by no means unanimous. There is no question about the need for better co-ordination of marine functions across Departments, but the Committee agreed that, in the absence of any change to the management of marine functions by central government, the most effective approach in the short term would be to strengthen and enhance the co-operation of Departments and other public authorities that have responsibility for marine functions.

Consequently, the Committee agreed that an amendment should be made to the Bill that would require agreement between the relevant Departments and other public authorities. That position is reflected by amendment No 3. Therefore, on behalf of the Committee, I oppose amendment No 2 and ask the House to support amendment No 3, which will ensure greater co-operation, without the additional cost and bureaucracy which would come with the creation of another quango.

Mr Deputy Speaker, I will speak now in a personal or party capacity, and I will take the amendments in order. I will look first at amendment No 1 and amendment No 2, which I will be arguing against and opposing in a personal capacity. It is a bit odd in some ways: when opposing, you are objecting to things that you agree with. I do not disagree with the need for better consideration of sustainable development. I am not arguing against sustainable development; in fact, I am very much in favour of sustainable development. Equally, when I get to amendment No 2, I am not against better marine management. I am against the format of marine management that is proposed in Ms Lo's amendment.

With regard to amendment No 1, I have no objection to the principles of sustainable development, but, as I mentioned in my comments in my capacity as Deputy Chair, there are duties and responsibilities on Departments and all public authorities via the Northern Ireland (Miscellaneous Provisions) Act 2006. It sets out the duties on all public bodies to deliver all their functions and sets out the attention that they have to have to sustainable development. There is no need to double up and legislate again to reiterate those duties and responsibilities. They are catered for in legislation that is on the statute book.

I know that, sometimes, it appears that it is sitting in a law that was passed in 2006, which is some seven years ago, and that, therefore, you have to read this legislation in conjunction with that other legislation, and that it is maybe not as user-friendly or as obvious as we would like it to be. However, that is the way legislation in this part of the world develops. It has to be viewed in conjunction with other legislation that is not mentioned in the Bill that is before us.

Mr Agnew: I thank the Member for giving way. Does he agree with me that one of the rationales for having that specific statement in the Bill, and the reason why we are still pushing for sustainable development, is that we do not actually see it in the actions of public authorities? As it has been pointed out, we have had legislation since 2006, but we still fail to see action.

Mr Hamilton: I was coming to the issue of the applicability of that and how you do not see it, as you said, Mr Agnew. I have no objection to sustainable development; none at all. It is carried in legislation already. When the issue was raised, as it was on several occasions during the Committee's deliberations, the advice that came back, time and time again, was that it is not required and is superfluous, additional and unnecessary because it already exists in legislation. There is a perception that it is not being carried forward. That is fine. However, that argument then carries forward into other pieces of legislation that are before the House.

Although I do not think that the amendment is necessary, I am not massively opposed to it. If it is the will of the House, we will not stand in the way of the amendment's going forward. I just want to make the point that I do not think that it is particularly necessary. I would not use the word "oppose" particularly strongly towards it. I just think that it is absolutely unnecessary. That has been shown in the evidence that we

have had throughout the Bill's fairly lengthy Committee Stage.

If the issue that was raised by Mr Agnew and, indeed, Ms Lo in her comments — that it does no harm to reiterate things in legislation — is the principle to which they now abide, I look forward to them supporting clauses 2 and 6 of the Planning Bill, which is currently before the Committee. I do not wish to get into that; that is a fairly lengthy debate for another day. However, the principle is, of course, the same. If you think that things are not being done in practice; that, sometimes, it is not as clear as it might be; and, indeed, that just to highlight and reiterate the point does no particular violence, adds no weight and creates no different responsibilities or duties, the principle that you are applying to this piece of legislation, the Marine Bill, surely applies to the Planning Bill, which will be before the House in due course. I look forward —

Ms Lo: I thank the Member for giving way. How do we, then, reconcile having the words "sustainable development" in the Planning Bill and not in the Bill on managing the seas? How do we manage that difference? How do we tell planners what to do?

Mr Hamilton: I do not see any inconsistency. Sustainable development applies to this Bill, as it does to every other, by virtue of the 2006 Act. I gave way because I thought that the Member would rise and say, "You are absolutely right. We will support clauses 2 and 6 of the Planning Bill." I make the point to her and Mr Agnew that if they wish to highlight — which is all that they are saying that they want to do — sustainability in the context of this piece of legislation, the principle that they are raising today applies to other legislation as well.

Mr Agnew: Will the Member give way?

Mr Hamilton: Yes, I will.

Mr Agnew: I, certainly, will not rise to support clauses 2 and 6 of the Planning Bill. I want to make the point that it is not just about reiterating but about setting out the ethos of the Bill and giving direction to the courts, if needs be, where it is applied, that that is the ethos of the Bill and how it should be interpreted. Therefore, it is giving a signal, which is exactly why we have our concerns about the Planning Bill.

Mr Hamilton: I did not expect the Member to rise to support clauses 2 and 6 of the Planning Bill. We will have that debate in due course.

Mr Deputy Speaker: Could I ask Members to come back to the Marine Bill, please?

Mr Hamilton: I am more than happy to, Mr Deputy Speaker. I raised the Planning Bill only in the context of the argument that is being made by some Members who wish to highlight sustainable development in this Bill, in order to say that the same principle applies to the Planning Bill. It is not the case that we, on this side of the House, are opposed to sustainable development. We do not object to the principles of sustainable development. We do not think that the amendment is particularly necessary. We will see what the mood of the House is before we decide whether we want to push it much further.

3.30 pm

I now move to amendment No 2, which introduces a proposed new clause to create a marine management organisation. There will be no equivocation and no waiting from this side of the House on this amendment. We will oppose the proposed new clause, and we hope to be joined by others in the Lobby in opposing the amendment and the creation of such an entity.

I oppose the amendment for various reasons. Having fought for years and years — others in the House fought for much longer than I did — to establish this institution and to get a democratically elected, accountable Assembly in Northern Ireland where we, the elected representatives of the people of Northern Ireland, could take decisions on their behalf, we would be somewhat reluctant — to put it mildly — to give away the power that was granted to us by virtue of the devolutionary settlement.

Our objection is as much philosophical as it is based on how this is actually structured. I am not in favour of freely or easily giving away power over anything. That has happened before, and, in fact, we operate a system here where a lot of power has moved outside this place. However, on something as important as this, I am reluctant to see much more power move from here — from the Government, the Executive and the Assembly — to an independent body.

I want to get on to the exact structure of the proposal in a moment or two. I am reminded of hearing a similar argument — without wanting to go on to another debate altogether — about the creation of an independent environmental protection agency. I have heard and listened —

Mr McDevitt: *[Interruption.]*

Mr Hamilton: I hear the Member talking from a sedentary position. He is a great fan of chirping from the Back Benches all the time. If he wants to make an intervention, I will freely give way.

Mr McDevitt: I thank Mr Hamilton for giving way. I was making an observation about this apparent DUP philosophical objection about shifting what the Member describes as power; it might just be governance issues a lot of the time. That extends to the most successful non-departmental public body in this jurisdiction, the Policing Board, and the way in which it holds the police to account independently without in any way undermining the authority or the place of the House. In fact, it does quite the opposite and has probably played more than its fair role in protecting the integrity of the House and ensuring that you, I and the rest of us get to come here and do our job as legislators.

Mr Hamilton: There were many things about the way in which the Policing Board was constructed that my party was not overly amused by, but there is a fundamental difference between the Policing Board and the proposal in the amendment. Proposed new clause A1(2) states:

"The MMO shall consist of no fewer than 10 and no more than 12 members appointed by the Minister."

As the Member knows very well because he is a current member of the Policing Board, the majority of its members are political representatives. He and nine other colleagues from different parties in the House are represented on it. So, they have a major influence on the direction of policing in Northern Ireland by virtue of the fact that they have majority representation on the Policing Board. However, this new clause would construct an MMO that has no such political representation and that would, in fact, be filled entirely by people independent of the House. I have a philosophical objection to moving power or governance or whatever entirely away from this place and handing any political input or responsibility to a bunch of unelected people who would have significant power.

Proposed clause A1(7) states:

"In pursuit of its general objective, the MMO may take any action which it considers necessary or expedient for the purpose of

furthering any social, economic or environmental purposes."

That is a fairly broad, wide-ranging and massively sweeping power that would be given to a group of 10 or 12 unelected individuals. That is what I have a philosophical objection to. Neither my party nor I is in favour of that.

Mr Weir: I thank the Member for giving way. He mentioned the Policing Board, of which I was previously a member as well. Does he agree that the construction that has been put in place is the worst of possible worlds? You have a situation in which appointment is, essentially, full patronage of the Minister. I hope, at this point, that I am not persuading the Minister to support the amendment. Essentially, it is full patronage without the matching accountability. As the Member indicated, the MMO would not contain Members of the Assembly, would not be answerable to the Assembly and would not really be answerable even to the Department. So, essentially, the Minister would have power without responsibility.

Mr Hamilton: Absolutely. I agree entirely —

Ms Lo: Will the Member give way?

Mr Hamilton: I agree entirely with what the Member said, and I will give way.

Ms Lo: I suggested 10 to 12 members. The amendment does not rule out them being from political parties. We are suggesting, generally, the number of people to be in it. If the clause is approved, the Department would have to take it away, think up the structure and go out to consultation. It is, in many ways, an enabling clause for the Department to have that power to do so.

Mr Hamilton: I thank the Member for the intervention. The clause before us proposes an MMO of:

"no fewer than 10 and no more than 12 members appointed by the Minister."

That is what is before us, so that will be what is enacted. When the commencement of the Bill takes place, the Minister could appoint 10 or 12 people whom he wants.

I made the point about having political representation. I am not sure that a lot of Members in this place would volunteer to go on to such a body, but the point that my colleague made is absolutely right. I have listened to the

Minister talking about how he has had difficulties with his Environment Agency on various issues, and how he has spoken to staff and said that he wants this or that done. That is exactly how it should work: he should have a very positive robust engagement with the agencies under his control.

However, if we have an independent MMO, in exactly the same way as we would with an independent environment protection agency, the Minister would not have the ability to do that. In fact, the power vested by the clause would give an independent MMO the power to further any social, economic or environmental purpose. The word "may" would very quickly become "will", and it could do whatever it wanted. Of course, we would have ultimate control and could take all that power back, but that seems to be a fairly nuclear solution to the problem and not one that I imagine would be advisable.

Mr Weir's intervention reminded me of a point that I wanted to make: exactly who would populate it? As I said, I do not think that a lot of Members would be rushing to populate an independent MMO.

Mr Weir: Jim Wells?

Mr Hamilton: All right. There may not be a massive amount of Members. *[Laughter.]* I am not sure whose nominee Mr Wells would be, but I am sure that he would do a very good job.

I imagine that the people who would populate it would have a deep interest in the environment. That would be, understandably and naturally, the people who would want to go for that sort of thing. I would be deeply concerned about the views that they would bring and the breadth of those views. The clause talks about economic responsibilities. They may have a bias towards environmental issues as opposed to economic concerns.

Without wishing to cause you, Mr Deputy Speaker, to stop me raising the Planning Bill again, if the Committee's deliberations on the Planning Bill and the evidence that has come forward are anything to go by, I would have great concern about the background and views of the people who would populate a body such as this. I will not go into some of the stuff that was said now, because that is not the purpose of today's debate. However, whenever we get around to that debate, I think that Members will be shocked by the views on the economy that have been expressed by people who are very close, not in a political sense, but a departmental one, to the Minister. Some of

those are incredibly shocking. I am deeply worried about that.

I recall a visit that the Committee made to Scotland to look at its marine set-up and how marine issues are governed there. Scotland has gone for very much an in-house departmental approach and has established an agency that straddles a couple of Departments. I asked why they did not go for an independent MMO model, as England and Wales have done. The response was that they believed they were too small to have an independent MMO. When you consider that Scotland accounts for roughly two thirds of all the UK's territorial waters, for them to believe that that area is too small for them to govern really highlights the fact that Northern Ireland, with a much smaller percentage of the UK's territorial waters, is far too small to do it.

On a positive note, I learned something from the Scottish visit. We have one option here, which is an independent MMO. We also have amendment No 3, which I support. That is the Minister's amendment that came out of points made during the Committee deliberations, and I remember Mr Elliott, in particular, pushing that point. I support that amendment as a reasonable compromise in the circumstances, but there is another way that is consistent with principles that my party has espoused for some time.

I think that the best way to solve the problems with marine management — and there are problems. I only have to look at Strangford lough, in my own constituency, to see that there are difficulties, particularly where responsibilities straddle more than one Department. I do not, for one second, say that we should not have better marine management or better-co-ordinated marine management. In fact, I am very supportive of that. However, just because I think that what is there at present is not good does not mean that I should jump to another extreme for an answer. I think that there is another way, and it is presented by the possibility of reorganising Departments. If you look at the examples in other jurisdictions, they have consolidated marine functions in one Department.

To, in one respect, laud the Minister, I think that he has shown the way by creating a distinct and separate marine division in his Department. The problem with that marine division is that it does not have responsibility for all marine functions in Northern Ireland. There are others in the Department of Enterprise, Trade and Investment (DETI) and there are others in the Department of Agriculture and Rural

Development (DARD), principally concerned with fisheries. I do not wish to make it a political issue; it is an issue of common sense. If, in the context of reorganising Departments or reducing their number, the opportunity arose to move responsibilities of a marine nature from one Department to a new Department and to consolidate them all in one marine division, that would clearly get over some of the impediments and problems that we have had in the past in getting properly co-ordinated marine management in Northern Ireland. It is —

Mr Weir: Will the Member give way?

Mr Hamilton: Sorry, yes.

Mr Weir: I thank the Member for giving way. The Member has highlighted particularly the example of how things have been done in Scotland. The Minister frequently quotes the politician whom he most admires — I suspect that he knows what is coming next. The politician that he most admires in these islands in government is John Swinney, who, as the Minister would put it, knows the difference between being in power and being in government. Indeed, the Minister also aspires to that.

It seems to me that the approach taken by the Scottish Administration, where arguably the case for an MMO is a lot stronger than in Northern Ireland because of the extent of their coastal waters — essentially the approach taken by the Scottish Executive of, shall we say, co-ordination and consolidation, which is very much the approach that the Member has outlined here — is surely the flagship for us. I am sure that the Member will agree with me — as, I hope, the Minister will as well — that, if it is good enough for John Swinney, it should be good enough for this House.

Mr Hamilton: I thank the Member for his intervention. When he started talking about the politician the Minister most admired, I wondered what Bobby Kennedy had ever said about marine management. However, he went on and clarified that.

I would not say that everything that the Scots are doing is an exact template for what we should do in Northern Ireland; it is not a direct read-across. My argument is that, just because we have been presented with the extremes of an independent marine management organisation or retaining what is currently there, which is not very effective, that does not mean that we should not seek a better third way, for want of use of that phrase. We could look at

the opportunity that is presented by the reorganisation of Departments to consolidate, in one Department, as many marine responsibilities as possible, if not all of them. I believe that that would overcome the problem of the lack of co-ordination in marine management and reconcile the issues of control, power and who is responsible.

I have considered that to be the best option for a long time.

3.45 pm

With that in mind, I oppose amendment No 2 and support amendment No 3, which, I accept and acknowledge, is far from ideal and far from perfect, but at least it places in the legislation a duty and responsibility on various Departments and other agencies to create a structure for better co-ordination than currently exists in Northern Ireland. We will observe with interest its operation to see how it works, but I maintain that there is a better way, which is reorganising Departments and drawing many, if not all, marine functions into one Department. We oppose amendment No 2, support amendment No 3 and await with interest what the House says about amendment No 1.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom cúpla focal a rá. I would like to say a few words. From the experience of working in the Committee, I am somewhat disappointed that the Bill has taken so long to come through because this whole process started for us last March. One side of that is that I would not mind such a long time frame if we were waiting to get something correct or producing good legislation; the other side is whether it was held up because people did not get their way, which is another question that must be put on the table.

I want to go back to Anna Lo's amendment on the general duty. I am thinking back to what departmental officials said to us about general duties and sustainable development. They said that there was a raft of legislation, guidance and policy in place and that we had no call to bring forward this legislation. I agree with the Member who spoke previously. I do not think that we would consider pushing this to a vote. I do not think that it would do any harm if the amendment was accepted, but I listened to the arguments that other Members put forward in support of it. It is about time that officials in all Departments took this on board when they bring their advice to Committees: we sat through a long period of scrutiny being told one

thing; now, 13 or 14 months later, we are reconsidering something that we have talked about over and over again.

I know that Members are entitled to table amendments. That is grand, but, in this case, I ask the Member who proposed the amendment whether she is seeking clarity. Another Bill is in progress — I will be careful not to break into any other legislation that we are dealing with — but it seems to me that, in the Planning Bill, we also seek clarity on sustainable development. Where is the difference? If the Member proposes to seek clarity in a Bill on sustainable development duties, that is grand. We will look at that differently once we move to the Planning Bill itself.

On sustainable development, we need to look at both marine legislation and terrestrial planning legislation because I think that sustainable development sits within terrestrial planning. Maybe we could look at that.

I want to go back to some of the points that Mr Agnew, in particular, raised. It is all right for us to bring forward legislation, but it has to be implementable. My fear about all of this, especially amendment No 1, is how it will go down to local authority level and affect roles and responsibilities there. It is all right talking about public bodies, authorities and everything else, but my question is this: how would this impact on ratepayers and their responsibilities? It is all right setting it at the top level, but it is about how it is rolled out on the ground. We should be thinking about those sorts of issues and the possible impact of the likes of this once we bring it forward.

We will listen to the debate on amendment No 1, but I do not think that this party will oppose it if there is a strong enough argument for bringing it forward.

I will now turn to amendment No 2, which deals with the MMO. The proposed new clause contains 20 subsections. Are we saying now that we want another quango to look after marine functions? That is the question that has to be asked. I know that the Chair quoted some figures on the amount of money that would be required, and I hope that the Minister will reflect on them. I did not hear the comment that he made to the Chair earlier, but I would like to know what it was. If that is what it is about, and if we are considering costs as an issue, they will always be an issue when we are bringing forward legislation. That is because some costs are involved in all this.

In her opening remarks on the MMO, the Chair mentioned Strangford. I agree with her that that was a bad example, so perhaps we should not use it as an example. However, if we have to adhere to European laws, we need to look at costs and resources in general across the board. There is no point in our trying to enforce legislation here without considering that. I do not mind taking account of conservation and protection issues, but, in passing any Bill, it is about whether we can achieve what we are setting out to. To be fair to Departments, are we saying that we should set up a separate body that includes departmental officials and ministerial appointees?

The proposed new clause allows the Minister to appoint members to the MMO. Obviously, DARD will have a major contribution to make to this legislation. However, do the ministerial appointments suggest that we are saying that we do not have the expertise in the Departments to carry out those functions? That is one question that I might ask. I might then ask whether those who operate in Departments are held to account for their roles and responsibilities.

I am sure that local authorities are doing a lot of good work with their marine responsibilities. That moves me on from amendment No 2 to amendment No 3, because I think that there is something in amendment No 3 that we could support. It is about accountability and a new role. It is also about how we communicate and tie that all together, recognising that each Department has its own roles and responsibilities anyway. We should not step outside any Department to create another quango just to deliver these functions. I think that it is about working together collectively.

Perhaps the Minister will bring forward some ideas about the costs of all this and about the impact that it will have. I have reservations about the impact that some parts of this legislation will have on ratepayers. Thankfully, unless there is major erosion, I do not think that Newry and Armagh will be affected by the marine just yet. However, the local authorities involved need to know what the impact will be on their coastal areas, given that more powers will be transferred to them. I hope that the Minister can respond to that and tell us how he thinks that that will have an impact.

We will not oppose amendment No 1. We are not in favour of amendment No 2, but we will support amendment No 3.

Mr McDevitt: It does need to be said that amendment No 1 need not be here had the

Executive been in a position to support it being included. However, it being brought by Ms Lo is second best in this situation. I and my party agree that there is no harm in stating the obvious on the face of a Bill; the obvious being that sustainable development is the bedrock on which you would wish to plan and manage marine resources, habitat and environment in the years and decades ahead.

It is the case that the Miscellaneous Provisions Act has been on the statute books for some eight or nine years. It also appears to be the case that very few people seemed to get the memo. That is not a remark that I make with particular regard to the Department of the Environment, but it appears to me that generally, in government, certain duties are created and placed on the statute book but very many parts of government seem to think that they are someone else's duty, on someone else's statute, for some other random purpose. So, I am a supporter, and the SDLP is a supporter, of stating the obvious as often as possible and as loudly as possible. If we depart from the principles of sound sustainability in the marine environment, we depart from the opportunity to properly manage the potential of the marine environment in the years ahead.

I am one of the people who maybe has some sense of appreciation of what our marine environment is like. Strangford lough is a very, very special place. It has been trashed. That is the only word for it. I have the advantage of being able to scuba-dive, and have dived most of the lough. When you dive along what were horse mussel beds, it looks like you are diving a ploughed field. Except a ploughed field is ploughed for a purpose; its purpose is to grow new stuff and to manage the land. This has just been raped. It is criminal. However, there is so much that we have not lost from the lough. There is tremendous biodiversity. The number of fish, sponges and small cold-water coral that are still in the lough would really surprise you, as well as the very beautiful underwater habitat. If the visibility was a bit better, it would be absolutely world-class diving.

So, there is no objection to including sustainability in the Bill. In fact, looking at amendment No 2, there is no objection to thinking about the architecture of ensuring absolutely beyond any doubt that marine management is organised in the best, most effective and powerful way possible.

I find it interesting that Mr Hamilton tells us that there is some philosophical issue with getting experts to do an expert job. I do not go to hospital expecting to meet the legislators. I do

not ramp up at a police station looking to meet the Minister of Justice to be given some sort of wise counsel from him as the elected authority of this land about how the police may go about their business. I certainly do not ramp up at NISRA and expect to meet a bunch of politicians who would not know a statistic if it hit them in the face.

There is nothing to be feared from entrusting people with the capacity to make independent, evidence-based, informed decisions with the power to do so. Unless, of course, you are worried that their decisions might not suit your political agenda. That is the only point at which a legislature should fear evidence-based policymaking. It is the point at which, for whatever reason, a legislature, or people within a legislature, may feel that the decisions that will be made on the basis of evidence just may not suit a political agenda.

Mr Weir: I thank the Member for giving way. I do not think that any politician or legislator should ever fear evidenced-based operations being put in place for operational matters. The distinction is that, where evidence-based actions are taken, they should ultimately be politically accountable. That is the fundamental difference. It is not that we are trying to second-guess the professionalism of those who are directly involved at the coalface, or, in this instance, the water face. It is the fact that, ultimately, decisions should be politically accountable. That is the objection to an MMO and why the Department's proposals in amendment No 3 make it preferable.

4.00 pm

Mr McDevitt: That is an interesting point about accountability. I do not think that the Deputy Speaker and most of my colleagues would appreciate it if I took myself off on too much of a tangent about the principles of accountability, but let us look at it.

There are two levels of accountability in science. The first is that science is science. It exists to challenge itself and continuously ask questions of itself. The first level of accountability needed in science and, therefore, in an evidence-based approach to policymaking is accountability in the body of experts itself. You need to have a capacity to review the work of someone who is informed in their work by their expertise and specialisms. You cannot expect lay people to peer review academic work. You cannot expect lay people to assess the strength and value of the academic contributions that our universities make to

society. In fact, we deliberately do not do that. It would be reckless to do so, because we do not have the capacity.

What would the MMO do? I have some issues with the MMO in respect of the amendment. However, if we are having a reasonable debate, what would you think an MMO would do? You would think that it would act both as a centre for informed, accountable decision-making and an opportunity to challenge those who have political motivations for a particular course of action.

There is a tribe of people — I think that they are called the Xhosa — based up around the Great Lakes in North America. They have the rule of seven. They take decisions based on how they might impact on seven generations; not one, not two, not three, but seven. When they take decisions about how they wish to change the environment around them, they do so with practically a century and a half of future-proofing. In our politics on these islands, we have an awful habit of reducing decisions to being simply about what suits this generation — or indeed the generation of those who happen to be above 40 years of age today — and not understanding the value of the very thing we are the custodians of: the natural environment. We are at our most ignorant when it comes to our seas.

If you have never stuck your face in the sea with a pair of goggles on, do so some day. You will enter a different world. Very close to where Mr McCarthy grew up, lives and represents, you can walk off the beach at Ballyhenry and, within 10 metres, be in about 15 feet of water. You are practically in a different environment. You are no longer the boss. The wrasse, a few pollack, quite a few lobsters and lots of crabs are in charge down there. Their contribution to our lives is not just in providing us with an occasional bit of fodder for fish and chips. They make a tremendous contribution to our sustainability as a civilisation. You would think that providing an MMO is the least that we could do to acknowledge the importance of that habitat to who we are.

If it is an accountability question, structure it in a way that makes accountability explicit. If it is a question of membership and if the real issue for Mr Hamilton is that there would have to be some MLAs on it, I must say that I, personally, would not be awfully against the idea of some MLAs building up their capacity. I am speaking personally now — the Minister and, indeed, everyone else in the House may take a very different view — but I think that Mr Wells would be a perfect candidate for such an organisation.

I have never understood the fact that he does not sit on the Environment Committee. Not having his expertise, commitment to sustainability, knowledge and perspective present on the Environment Committee undermines the way that we are able to do environmental governance here.

I want to deal with a couple of specific points about the MMO and Ms Lo's amendment. The SDLP will support this in good faith, but we have concerns about the structure. The law of unintended consequences may be buried in the amendment, and I want Ms Lo to address that at some point in her response. We are not particularly happy, for example, with the way the organisations are identified: the DOE and the NIEA are both identified, yet jurisdictionally they are probably the same organisation. So why separate them?

From our reading of the amendment, there appears to be a general power that all marine functions associated with the powers exercised by the bodies listed would be passed to the MMO. That is probably not what you mean, because not all powers would want to go into the MMO: some powers would want to remain in the Department that sponsors them, yet the way in which the amendment reads is that that is what would happen.

Provisions are also being given clearly and explicitly to the DOE to provide guidance and direction over the MMO, but no power is being given to the other Departments listed to provide direction and guidance. So, you have a potential issue because the DOE has power over its bit, but it is not being given power over other Departments. That is not clear in the amendment, and Ms Lo should, if she can, return to that during her closing remarks.

As colleagues said, amendment No 3 is a compromise. Even if we do not get it in this Bill, there is a serious debate to be had about expert bodies doing expert jobs. I take Mr Hamilton's point about Scotland and the country not being big enough. That would arguably be the case if membership were to be drawn from a very local pool of people, because there could be too many conflicts of interest to be able to provide independence. However, I do not see why Scotland cannot view its coastline or inland waters as significant enough to justify —

Mr Hamilton: Will the Member give way?

Mr McDevitt: Of course I will give way.

Mr Hamilton: It is not about a lack of expertise, because you can, of course, draw that from beyond your boundaries. The Member is not only telling this House what it should think but is telling Scotland what it should believe. The point that was specifically made, which was tested time and time again, was that Scotland did not feel that it had sufficient scale in terms of the size of its seas. That is the judgement that Scotland came to. If Scotland, having gone through this process, created something and concluded that a marine agency was a better way forward, was arguing on the basis of size, that is of interest to us given that we are significantly smaller.

Mr McDevitt: That is an interesting point, although I am not sure that it is a particularly strong argument.

As I said, the SDLP will support amendment Nos 1 and 2. Obviously, we will support the Minister on amendment No 3.

Mr Elliott: Having deliberated on the Bill in Committee for some time, I am pleased that it has at last come to the House for Consideration Stage. The Minister and the Department have carried out a lot of work and have come to the Committee regularly to try to improve certain aspects of the Bill. I welcome that and the co-operation between the Committee and the departmental officials. In principle, I support the Marine Bill becoming Northern Ireland legislation.

A number of issues arise from the three amendments in the first group. Obviously, sustainable development is one, and the Ulster Unionist Party and I support the principle of sustainable development and have always done so. Departmental officials and Committee members debated at length the rights and wrongs of sustainable development being included in the face of the Bill. I have come to the conclusion that it is not necessary for sustainable development to be in the Bill because it is already there. It is already a responsibility for each Department and for the Marine Bill to recognise sustainable development and to ensure that the ethos of sustainable development is carried out in the Bill.

The second amendment is about the marine management organisation. I did not get any feeling that there was an attraction in the Committee, or among the broad number of members, for a marine management organisation, and my view has always been that if there are opportunities for better governance without an over-bureaucratic nature, we should

take them. There is no clarity or surety about that potential over-bureaucracy with the proposal on the marine management organisation in this amendment. I have been on enough organisations and gone through enough business opportunities to realise that some quangos, if they are not properly managed, can make life extremely difficult no matter what vein of it you are in.

Mr Agnew: I thank the Member for giving way. He refers to an MMO possibly being over-bureaucratic, and we all want to avoid that. However, given that the amendment proposes to take responsibilities from the DOE, DARD, DCAL, DETI, DRD, the Agri-Food and Biosciences Institute and the Northern Ireland Environment Agency, I think the problem is that we are over-bureaucratic now and need to move away from that.

Mr Elliott: I thank the Member for that intervention. I do not think that he was suggesting that we do away with all those Departments, because that is the only way you would simplify it and reduce the bureaucracy. You will be creating another tier on top of that, and that is the difficulty.

Ms Lo: Will the Member give way?

Mr Elliott: I am quite happy to give way to the Chair.

Ms Lo: Thank you, Tom. The idea is to take the marine functions from the seven Departments and agencies and put them into one body. In many ways, it will be less bureaucratic because you will not be talking to seven different agencies and authorities but to one body that regulates and monitors, issues licences and works together in the one place.

Mr Elliott: I admire the principle behind Ms Lo's assertion, and I know that she has argued that case very strongly. I do not necessarily agree that that will be the outcome, because it has not been the case in other organisations, and we do not seem to have learned from the mistakes of the past.

One thing that really concerns me is that, when I enquired whether the Northern Ireland Marine Task Force contained representation from the fishing industry, which is one of the biggest influences on marine aspects in Northern Ireland, I found that it did not have a voice on the Northern Ireland Marine Task Force. That gave me additional concern about the membership of any new organisation or body that would be established.

As a compromise, the Committee came up with the issue in the third amendment, which is the interdepartmental organisation or group. Mr Hamilton has given me some credit for trying to be at the fore of bringing that forward, and it is unlike him to do that. I was trying to ensure that we had something, at least, on the ground that could help to manage the situation. The Department has taken that on board. As others said, it is not perfect, and there may be opportunities, even at Further Consideration Stage, to improve it somewhat, but we will have that debate then. For now, it is probably the best that we will get at this stage, and we can hopefully make improvements. We need to ensure that it is workable and that Departments sit down and work out a process for managing marine life.

I listened to Mr McDevitt say that when you step into the sea and put your goggles on, you are in a different world. I totally accept that.

If you go up into the Mourne, or into Lough Erne in Fermanagh, you will feel that you are in a different world as well, so I do not believe that that in itself is an argument to have a marine management organisation. We want to make sure that the interdepartmental group that, hopefully, will be established will actually work. That is why I believe that it is helpful to have the reporting mechanism back to the Department and to this House.

Mr Boylan: Will the Member give way?

Mr Elliott: I am happy to give way.

Mr Boylan: I have a point that I forgot to raise, and I thank the Member for giving me the opportunity to come in. In relation to amendment No 3, which you suggested and the Minister has tabled, would you not suggest an improvement in the first line, where it says:

"The Department may enter into arrangements"?

Would you not suggest that:

"The Department must enter into arrangements"?

Would that not be a way of improving that amendment?

Mr Elliott: I thank the Member for that. That is a potential improvement or change that he or others may want to bring forward next time. I am quite happy to look at those aspects and

see whether we can come up with a better form if this part of it goes through at this stage. Obviously, we are subject to what happens today.

In rounding off, I want to ensure that we have a workable process that is not over-bureaucratic but is representative, and that the industry and all of those who have an input into marine life and the marine aspects of Northern Ireland feel confident and comfortable in having that discussion.

Mr Weir: As I made some of my points during interventions, I will try to keep my remarks reasonably brief. As a member of the Environment Committee, I welcome the fact that we have reached the Consideration Stage. I think that there was an anxiety out there among some in the wider community that this was simply disappearing into the ether. I am glad that I do not know the backstory of why it has taken as long as this, and I will not make particular comment on that. Suffice to say that, if the time that has been taken is time to get things right, it will have been time well spent. We are talking about a piece of legislation that is not going to be here today and gone tomorrow but will shape marine conservation and marine protection for decades to come. Therefore, it is a very important piece of legislation.

I grew up in an area more or less beside the sea. Indeed, North Down very much markets itself as Northern Ireland's premier marine borough. Some of the Members who spoke previously, from their landlocked constituencies, were able to give great philosophy on marine situations. I appreciate the expertise of some of the Members opposite who have shoved their heads in the water from time to time. It is important that we get it right.

Amendment No 1 is on sustainable development. Again, I do not think that there is a fundamental problem with the centrality of having sustainable development at the heart of things. I slightly take issue on the basis that there is a certain lack of logic on amendment No 1. Mr Agnew, possibly the proposer and certainly Mr McDevitt quoted the concern that sustainable development has been put in place in legislation and then ignored. The logic is that it has been ignored, even though it is in legislation, so let us simply repeat it in legislation. Possibly, that might mean that it gets ignored for a second time. There is a certain weakness in that argument.

Where a legislative provision is put in place that is overreaching and deals with successive

pieces of legislation, not to simply repeat things is the general legislative practice. Having said that, reiteration may be needed and desired. I remain to be convinced on the necessity of this. However, in the same way that the Member drew a parallel between creating a distinction or a difference between planning on land and planning on sea, I have to say — and I appreciate that the Deputy Speaker will not be indulgent of me descending into other legislation — this has ramifications for other legislation. Those who are so intent on reiteration now may find that reiteration in other legislation may be of significance.

There seems to be something of a dichotomy between amendment No 2 and amendment No 3. I share Mr Elliott's concerns. In many ways, Ms Lo's belief — blind optimism, one might say — that simply creating an organisation will remove all that bureaucracy does her great credit. However, it has been my experience of the real world, and certainly my experience of Northern Ireland, that the creation of an additional body does not take away from bureaucracy but adds another layer to it. I think that the same would be the case with a marine management organisation.

With respect, some of the accountability analogies are not particularly apposite. A Member opposite mentioned the Policing Board. Realistically, we are not talking about some sort of aquatic policing board. This is not the DOE's duck patrol but potentially something that bears no real relation to the Policing Board. Whatever one thinks of the exact policing structures or the experience of Northern Ireland over the past half century, law and order and policing were clearly acknowledged as having a high level of political sensitivity that required particular solutions. As significant as marine issues are, we did not have rioting on our streets on the basis of poor protection of molluscs. Perhaps we would have been a better society if we had done, but the reality is that the issue does not have the same sensitivities that required the sorts of solutions for which the Policing Board was brought into place.

It is not really the same as the question of whether we have so many MLAs. Sending Mr Wells out permanently onto the waters of Northern Ireland in a little patrol boat will not be the solution, and this is about providing proper solutions.

What Members would like a marine management organisation to consist of has been mentioned. I think that we can deal in the first instance only with what is there. Let us be

honest: the Member opposite referred to the fact that some degree of challenge function to government would be quite useful. That is undoubtedly the case, but the MMO would not be a challenge function to government but a substitute for government. I see that the Member is shaking his head.

Subsection (3) in the new clause proposed under amendment No 2 states:

"The marine functions and associated powers exercised by the bodies listed in subsection (4) shall instead be exercisable by the MMO."

It would be taking over those functions, not challenging them. Similarly, subsection (7) states:

"In pursuit of its general objective, the MMO may take any action which it considers necessary or expedient for the purpose of furthering any social, economic or environmental purposes."

I think that "may" will be interpreted in practice as "will". Subsection (7) is a wide remit writ large. The Minister of the Environment —

Mr Hamilton: Will the Member give way?

Mr Weir: I am happy to give way.

Mr Hamilton: Does the Member agree that the proposed new clause from which he has just read would run the very serious risk of an independent MMO enacting things, doing things and taking actions that directly contradict what Ministers from this place decide to do in their Department? The main difference is that the Ministers responsible for issues in this place are directly accountable to and elected by the people of Northern Ireland, unlike this creation.

Mr Weir: That is fundamentally correct. The lack of ultimate accountability is what lies at the heart of the problem. You could have a situation in which —

Ms Lo: Will the Member give way?

Mr Weir: Yes, I will give way briefly.

Ms Lo: Subsection (7) states:

"furthering any social, economic or environmental purposes."

That is very much the definition of sustainable development. That is really what the subsection means — the balancing of those three factors. In many ways, having an MMO would give the Assembly more accountability. It would be established as a non-departmental public body under DOE, so it would be accountable to a Department and to the Assembly.

Mr Weir: With respect to the Member, again, I am not sure that she has read her own amendment. It essentially means that a report will be produced to the Department, which will lay a report before the Assembly. That is not proper accountability or holding a Minister or government body to account. It is not challengeable. It is a document after the fact — that is what that is.

No one has a general problem with advancing social, economic or environmental purposes. That subsection of the proposed new clause is widely drawn, and, indeed, it means that the MMO itself could simply make the interpretation. It "may take any action" to further any of those purposes. A coach and horses could be driven through that. The reality is that, if we had a situation on any issue, the entire Executive across all divisions could be united on it. Indeed, the entire Assembly, possibly with the exception of Mr Agnew, could be united on a particular issue. However, that would not matter a jot, because the MMO would be completely independent.

We have a Minister. Sometimes I agree with some of his decisions, and, at other times, I think that he has got it wrong. However, the one thing that I will say about our Minister of the Environment is that he is very proactive in intervening when he feels that it is in the wider interests of Northern Ireland, which several court cases are testament to. On a range of issues, we may disagree or agree with him. I suspect that, for a lot of us, opinions are mixed. However, at least the Minister is democratically accountable to the House. He has taken those decisions in the wider interests of Northern Ireland as a whole as he sees them. In his Bruce catchphrase, he claims to know and enact the:

"difference between being in government and being in power." — [Official Report, Vol 77, No 6, p3, col 2].

So, this proposal is simply a device to put things at arm's length. It would remove any opportunity for either this or a future Minister to exercise that power by showing the proper level

of intervention. It would create a completely independent body. It is not accountable.

Mention has been made of Scotland. It seems to me that the Member on the opposite Benches misunderstood. The point was that the scale of the Scottish waters was not great enough to have an MMO. You have to look at that decision, and when you think it through, you see that it was possibly against the political thinking of the Government in Scotland. It shows the overwhelming case for not having an MMO. The Scottish Government are pressing the value of independence, the need for Scotland to be independent and the idea that Scotland itself is big enough to stand on its own two feet and be Scotland the Brave. The Scottish National Party (SNP) had the opportunity to illustrate an example of Scotland acting independently and setting up its own body, but, despite the overwhelming political considerations, accountability, commonsense, practicality and the cost of any quango led the Scottish Executive — a nationalist Executive — to say, "No, there is a better route."

Mr Hamilton suggested that better route, and it is very compatible with the Minister's own amendment No 3. It suggests co-ordination first of all. I think that it would be accepted across the House that that should be the first step in leading to consolidation. Similar to what the Scottish Government did, Departments need to be streamlined so that functions can be put more coherently into a smaller range. So, I think that co-ordination lies at the heart of that.

Members said that problems have been created in Strangford lough, and that is certainly so. Ultimately, a lack of co-ordination and a lead from Departments lay at the heart of that. To be fair, DOE performed its job admirably. My view is that, if there was a fault, it lay with another Department. Lack of co-ordination was responsible. That very focus on arrangements to promote co-ordination lies at the heart of a proper solution.

I suspect that, had the functions that are proposed under amendment No 3 been in place 10 or 15 years ago, as an Executive and a region, we would not have got ourselves into the mess with Strangford lough that we did. We would not have risked the problems that we face with Europe where Strangford lough is concerned. So, I believe that amendment No 3 is a much more sensible way forward as it places that co-ordination at the heart of government. Amendment No 3 is the better of the two routes that we can go down today as it provides that co-ordinated response while ensuring that we have those functions held in

an entirely accountable way. I support amendment No 3.

4.30 pm

Mr McCarthy: Members will not be surprised to know that I support my esteemed colleague Anna Lo in supporting amendment Nos 1 and 2.

Northern Ireland is already far behind other regions of these islands with regard to environmental consideration. I fear that, without emphasis on sustainable development, we will fall even further behind. The Marine Bill fails to identify an overarching aim or general duty against which the provisions and actions under the Bill can be assessed. The Marine (Scotland) Act 2010 sets a clear precedent in adopting such standards, and those relate to the achievement of sustainable development and mitigating climate change.

Amendment No 1 seeks to include provisions for sustainable development and the protection and enhancement of the health of the Northern Ireland inshore region. Amendment No 2 calls for an independent marine management organisation. Our marine habitat is an extremely important part of life in Northern Ireland, yet the fragmentation of many agencies with different roles and responsibilities makes it harder to protect. A single independent agency would not only ensure that there was sustainable management but would deliver one set of rules and regulations for all our waters.

We have seen what is possible if we do not have a streamlined system for protecting our marine habitat, as my colleague Anna Lo and others mentioned the example of the Strangford lough horse mussel. Strangford lough's unique natural features and outstanding beauty have led to it being the most highly designated and protected site in Northern Ireland. Unfortunately, the mismanagement of certain aspects of wildlife and ecosystems in the lough has caused concern over the past two decades.

The decline in the horse mussel reefs is particularly worrying, and it impacts on fishermen who should be able to sustainably fish but cannot now that protection zones are in place. The uniqueness of the mussel reefs in Strangford led to them being a key feature in the lough's European designation as a special area of conservation. Maintaining European standards of environmental protection is important for so many reasons, not least economics. Failure to protect the horse mussel meant that we were faced with the possibility of huge European fines. Northern Ireland's international brand of a clean, green and

beautiful place to live in, to visit and to spend time and money in could be adversely affected.

In conclusion, I welcome the marine legislation as a step forward. However, failure to include sustainable development and the establishment of a marine management organisation would, in my opinion, be a missed opportunity.

Mr Agnew: I welcome the Consideration Stage of the Marine Bill. We discuss many issues in the Chamber that are important and, indeed, many issues that are controversial, and yesterday's debate on marriage equality was an example of that. However, of all the issues that the Assembly has dealt with since I have been elected, I have received the most correspondence on this one. I see that Mr Weir has just left the Chamber. However, the majority of that correspondence was cc'd to all MLAs in my constituency. I have been overwhelmed by the amount of interest and, as somebody who has to go into a future election, I am delighted that my constituents are so concerned with the Bill, and I hope that they will be pleased with my contribution.

Coming specifically to the amendments, I welcome amendment No 1, which is the sustainable development clause. The Green Party took the somewhat unusual step of writing in to the Committee's consultation, and that was one of the things that we asked the Committee to consider. It may not be normal practice for political parties, but, as a party with a single MLA, we recognised that we needed to get the support of other parties. We were keen that the Committee gave consideration to a number of points that we wished to make on the Bill. So, I welcome Ms Lo bringing this forward. I had hoped that it would come forward from the Committee, but I am delighted that the Committee Chair, in her capacity as an individual MLA, has brought it forward.

At the outset, it is critical to set out the purpose of the Bill and the ethos that should flow through it. It gives a base when interpreting the Bill of what we are seeking to achieve with it. In past debates and in some Committee discussion, there has been seen to be tension between environmental NGOs, environmentalists more broadly and the fishing community. The Marine Bill is about sustaining fishing stocks not just for today's fishermen but for fishermen for generations to come. I note Mr McDevitt's comments about looking forward for seven generations. I wish that I had that kind of foresight, but we must at least start to think in those terms and think of future generations.

We have to look beyond economic short-termism. A number of mentions have been made of the Planning Bill, and I will not go off on a tangent, but there is a concern that at the heart of the Executive and some quarters of the Assembly is a drive of economic short-termism without looking at long-term impacts on our economy, as well as social and environmental impacts.

I made the point in an intervention, so I will not labour it, but we have not seen sustainable development at the heart of decision-making and in the action of public bodies. I make no apologies for re-emphasising it at every opportunity. We must seek a balance between policies that are good economically, policies that are good socially and policies that are good environmentally. We say things like "we are putting the economy first", and I am not convinced that that has been the case with some of the decision-making that we have seen. However, when we have said that we have put it first, we are also saying that we are putting social and environmental needs second and/or third, and that is not a way forward.

So, on behalf of the Green Party, I support amendment No 1 and welcome it being brought forward.

I will take amendment Nos 2 and 3 together because I think that they are two different approaches to trying to do the same thing. I accept what has been made clear, which is that amendment No 3 is a compromise. It can be agreed, or, at least, you would find it hard to take exception to it, except that I take some amount of exception to it, in that it may suggest that we are doing something, but, to me, it does very little. I see that I have amused Mr Weir with that comment.

Mr Weir: Will the Member give way?

Mr Agnew: Sure.

Mr Weir: The Member said that you would have to try hard to object to amendment No 3. Obviously, the Member has tried very hard to find objections to it.

Mr Agnew: I take the Member's point. I will outline my objection. It will do no harm, and if amendment No 2 fails — I hope that it will not, as I will be supporting it — I will support amendment No 3. My objection to it is that it almost pretends to solve an issue, when, to me, it does nothing. I will read some aspects of it out:

"The Department may enter into arrangements with a relevant public authority designed to promote the effective co-ordination of the exercise by the parties to the arrangements of their respective functions in the Northern Ireland inshore region."

I do not see anything in that that the Department cannot currently do. The Department may approach other Departments and public bodies, and they may work together or they may not. That is currently the case and will continue to be the case if amendment No 3 is passed.

When the Department was in front of the Committee, it stated that it would have difficulty holding other Departments to account and that if actions required as part of a marine conservation zone fell to another Department, the DOE could only request action. I do not see anything in amendment No 3 that would change that. My objection to it is not that it will do any harm but that it proposes to do more than it will.

I have not heard from the Minister, but from what was said across the Chamber, the amendment is being presented as a step towards better co-ordination of Departments. However, I see nothing in it other than providing a report to the Assembly, which may put some pressure on Departments to work better together, but that in itself is insufficient.

At the heart of many people's frustrations with those institutions, probably most correctly laid at the doors of the Executive and Departments, is their failure to work together and the silo mentality that is perceived to exist at the heart of government. That is a fair perception. Not to introduce an MMO, or even to have the halfway house of the Scottish model, will be an opportunity missed.

My preference is for an independent marine management organisation, but amendment No 3 is certainly not the Scottish model. I think that Mr Hamilton agrees with me on that. He referred to reorganisations of Departments. If we ever see that, something along the lines of the Scottish model could be possible. However, amendment No 3 is not that, and if it is a choice between amendment No 3 and amendment No 2, an MMO is much more effective.

We need that co-ordination. We need one body taking on marine management.

Mr Hamilton: I thank the Member for allowing me to intervene. Does he agree that

reorganisation of government and consolidation of all, or certainly most, marine functions within one Department would achieve the aim that he and I probably share, which is better and more co-ordinated marine management? That could do that every bit as effectively as the proposal in amendment No 2.

Mr Agnew: I want better governance, and I do not think that the Member disagrees with that. In other words, I think that that is the point that he is making. However, I will draw a distinction. The Sustainable Development Commission was independent of government, had a high level of expertise but advised government. I would argue that it also held government to account. It was done away with but not on the grounds of cost. It was called a quango, and there is now an assumption that if you call something a quango, it must be bad, so enough said. I do not accept that.

The Sustainable Development Commission cost very little money, had a high level of expertise and was done away with at UK level, but we could have maintained our own commission in Northern Ireland. We chose not to and were told that the Office of the First Minister and deputy First Minister (OFMDFM) has the sustainable development unit. I can honestly say that the sustainable development unit, and with the best will in the world to all those who work in it, does not have the expertise, passion and drive of the Sustainable Development Commission. That unit is not achieving what the Sustainable Development Commission achieved when it was operating.

Indeed, the lack of sustainability at the heart of government suggests to me that the sustainable development unit in OFMDFM is not driving that agenda within government. That is an example of the difference between an independent body with expertise and a body that sits within a Department, which, even if it brought those aspects together, would still fall short of an independent MMO.

Cost is another aspect of quangos that is often criticised.

We have the McCusker report. I heard the arguments from across the way that an independent MMO would be more bureaucratic and that, generally, more bureaucratic organisations cost more. The McCusker report, which the Minister has given credit to — rightly so — states that an independent MMO would save us in the region of £250,000 a year, with set-up costs of £650,000. I have not heard anyone go into detail and say why that is a poor report; in fact, I have not heard anyone say that

it is a poor report. If we accept the report, it is a body that would pay for itself in efficiencies within three years. In respect of the cost element, I do not think we can merely criticise an MMO as a quango and dismiss it in that regard. In my opinion, we would have better governance and more efficiencies.

4.45 pm

The third aspect is independence. The Bill, as drafted, will fail to achieve the effective management and independence of government that we need. I heard the calls about us being here to govern and the comments about the difference between being in government and in power, but there are times and places when we should wield power, and there are times and places when we should accede power. We accede power to the police. One of the key functions of an MMO would be to police our coastal waters. Reference was made to whether we had an independent environment agency. In both these arguments, I find it hard to understand why we think it is acceptable for Departments to police themselves. We need that independence, because we need —

Mr McDevitt: Will the Member give way?

Mr Agnew: I will certainly give way.

Mr McDevitt: I appreciate the Member returning to the question of independent supervision or policing of the marine environment. It seems to me that quite a few Members do not seem to think that it is their responsibility. They think that, somehow or other, life ends at the shoreline and the seas will look after themselves. The damage that we are doing to our marine environment is damaging our existence as human beings.

I appreciate what Mr Elliott was trying to say earlier. He was saying that being out in the wilds of Fermanagh is very different from sitting in the Chamber in the middle of town in Belfast. There is a fundamental difference between the land and the water environments. We cannot afford to underestimate the precarious nature of so many of our waterborne environments, whether they are inland waterways like the ones Fermanagh is so blessed to have or our marine environment. Therefore rather than being caught up in Mr Weir's well-given gift for an occasional bit of humour, it is about policing molluscs, invertebrates and sponges. It is about appreciating the contribution that all those animals make to your existence on the coastline in north Down. It is about those of you who have the great privilege of

representing a coastal constituency valuing the treasure that you have right on your doorstep.

Mr Agnew: I thank the Member for his contribution. I completely agree: this is about policing our waters, giving protection to our inshore region and independence. We would not accept anything less when we are policing the land. We would not want political intervention. We certainly challenge police decisions and whatever else, but, as a legislature, we allow them the independence to do their job and give them the respect that they have the expertise to do their job. Maybe we do not always do that as much as we should in this part of the world, but, as a legislature, we give them those powers.

I welcome amendment No 2. I have made my points on amendment No 3. The point was made that amendment No 3 is a compromise, but it is a poor compromise. To anyone looking at it who has a concern about marine management and has a passion in this field, it will reflect poor governance. If that is the best compromise that could be found at the Executive, the Bill will be a missed opportunity. Amendment Nos 1 and 2 give us the opportunity to rectify deficiencies in the Bill in order to make it fit for purpose and, indeed, fit for Europe.

Mr Attwood (The Minister of the Environment): I thank all the Members who have contributed on the first group of amendments. I acknowledge and applaud the work of the Committee in taking forward the Committee Stage of the Bill. I will touch on some of the issues raised about the management of the Bill subsequently in my contribution. I acknowledge all the marine stakeholders, who have been mighty in their contribution to the discussion around the Bill, their interrogation of amendments and the toing and froing of arguments in order to try to make theirs prevail. The marine stakeholders are a very wide range of people. It is not just marine NGOs who have been very diligent in respect of this legislation; it is also the fishermen.

Later in the debate, we will touch on the issue of marine conservation zones and confirm that the first marine conservation zone will, obviously, be Strangford lough, for the reasons that everybody has articulated this afternoon: the damage that has been done to the modiolus modiolus. I will touch on that later. If there is going to be a second marine conservation zone, it is likely to be in the waters around Rathlin Island. Who is promoting that MCZ? It is the fishing community. Why does it promote that MCZ? Because, in the areas that might be

zoned for marine conservation, there are sponges, and sponges are incubators for crab and lobster. The fishing community recognises that, if those sponges and that zone are protected, not only is that good for that zone, but it is sustainable in terms of their fishing interests. Steven Agnew said in his very last comment that, if we do not take forward some of the opportunities in the amendments, we will have missed those opportunities: I actually look at it somewhat differently. The Bill is littered with opportunities that will be grasped if we do the post-Bill work properly and follow the leadership of those who argued for the protection of the modiolus in Strangford lough and the fishermen who now talk about the protection of a sponge off the coast of Rathlin. If that becomes our twin leadership to follow going forward, the Bill will be all about opportunities grasped and not about missed opportunities in relation to some of the amendments.

I turn to the amendments. Earlier, one Member — I think it was Mr Weir — differentiated the scale of the challenge around the policing issue over many years and how it has been managed, including by Mr Weir on the Policing Board, in more recent years. He indicated that the scale of that issue was somewhat higher and different from the scale of issues that this Bill touches on. Clearly, given the disputes and divisions on issues of law, order and justice in our society, that is a strong argument. However, given the scale of the issues that now face our wider environment, heritage and seas, my intuition is to look at the issue of policing the seas and the need for protection and reform around all of that in much the same way as we looked at policing during all those years of negotiation and implementation of the 175 Patten recommendations.

At least 75% of schools in Northern Ireland are now members of Eco-Schools. That is a global movement touching millions of school students who have a commitment to protect our environment. They know about the threat that exists, perhaps even better than we do, because of global warming and climate change and about the need to protect our heritage, terrestrial and sea-based life, ecosystems and biodiversity. I make that point because I see the Bill as a part of a family of measures through which the DOE and this Government can define and reconfigure our ambition over the lifetime of this mandate. The Marine Bill should be followed by a climate change Bill. Before the climate change Bill, there should be a second carrier bag levy Bill. After the climate change Bill, there may yet be a national parks Bill. In my view, that family of measures

indicates that the legacy of this mandate can be to take forward the challenge from those young students in Eco-Schools in protecting ecosystems and nurturing our biodiversity. That is the measure of the Bill and should be the measure of all the other legislation that I referred to.

In dealing with the amendments, I will respond as best I can to the comments from Members. I will not respond to them all — *[Interruption.]* Thank you, Mr Ramsey. I will not respond to them all because that would not go down so well with some of the people behind me, although I am sure that everybody else wants to hear everything that I have to say.

It seemed to me that Mr Weir quoted me with approval not once but twice in his contribution. I do not even get that from my colleagues, never mind those who are seen to be in a slightly different place from me on a lot of issues. He is right to rely on John Swinney and, forgive me for doing this, Robert Kennedy — *[Interruption.]* Sorry, was that you, Simon? It is no coincidence that Robert Kennedy's son, Robert Kennedy Jnr, is one of North America's leading environmental lawyers. There is a clip in the middle of the movie 'Bobby', which came out six or seven years ago, in which Robert Kennedy talks to young children about the environment. He was, therefore, ahead of his time in his commitment to the environment and heritage, as he was in so many other ways.

If you take today and tomorrow together, you see that this is, in my view, arguably the most significant week for a generation when it comes to our seas and the marine. That is because, with the will of the Assembly, Consideration Stage will be agreed to today, and tomorrow, a couple of hundred yards from here, down at the Pavilion, the Minister of Agriculture and Rural Development and I — there is something significant in both of us doing this — will launch a consultation on marine issues. That is a dramatisation of the fact that, whatever the history surrounding issues such as Strangford lough, both of us will talk about marine issues in front of 80 or 90 people from a vast range of organisations and backgrounds. That is a representative moment of what is the most significant week in a generation for water, sea and marine issues.

Although Anna Lo spoke in a party capacity, I acknowledge that she led the Committee through all these matters in the Bill. The Member said — this was a thoughtful remark — that, without the sustainable development duty, the Bill lacked soul. Although I am attracted to the concept of the wider dimensions of the soul

of politics and legislation, I do not think that it is a matter of soul; it is a matter of will and political leadership.

5.00 pm

I think that Mr Weir asked why we should legislate twice to have something ignored twice. There is a point in that, but the real point is whether we, as an Executive, understand that all that legislation that I referred to is the outworking of the principle and practice of sustainable development and that, at the heart of that, is capturing the understanding that low carbon, which is good for the environment, is good for our economic prospects. If we do not understand that that is at the heart of economic growth and the protection of all our environments, including the marine, we will be deluding ourselves about the ambition of the law and the outworking of all our laws for the Northern Ireland economy and environment.

I was in the Chamber last Monday, so I missed last week's informal environment council meeting in Dublin. However, there was a debate involving the Commissioner and the full range of Environment Ministers about how Europe was losing its green advantage to China, of all places, and to other areas of Asia because the opportunity to understand low carbon and high growth had been missed. The conversation was about how Europe had lost its place in the global market, as others realised that that was the sustainable and economically prosperous way to proceed. So, I appreciate Anna Lo's comment about soul, but this is much more fundamental than soul: it is about the will to mainstream the sustainable development principle or, as I prefer it, the sustainable growth principle into the life of our economy and government and into its outworking in practice and policy.

As I think people know, I support putting in this legislation a reiteration of the sustainable development duty that exists in prior legislation. I support that, but, as is occasionally the case, my argument did not prevail at the Executive meeting in March at which this matter was discussed. I thought that I had the votes, but, when the hands went up, the votes were not there. I acknowledge that the Alliance Party endorsed that approach. I do not know whether that is a breach of confidentiality; I apologise to Peter Robinson in advance if he thinks that that is the case. Other members also put their hand up, but there was not a majority. If there had been, this may have been different. I got the sense from Simon Hamilton, speaking on behalf of his party, that he was not going to die in a ditch over this. He is nodding in agreement, so

he is not going to die in a ditch. However, there is an Executive position on this, and I am bound by that. So, I will recommend to the Assembly that the sustainable development duty is not voted for.

Nevertheless, to create certainty and avoid doubt and to give reassurance to all those who support that amendment to the Bill, section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 places a sustainable development duty on all public authorities. My view is that the Scottish approach is the right one. There are times when it is timely, useful and even necessary to restate a principle or statutory duty. That is why I was in favour of that proposal when it went to the Executive. Nonetheless, there is still a sustainable duty on all public authorities. So that there is no doubt, that will mean that Departments with marine responsibilities will have to exercise their functions under the Marine Bill in a way that contributes to the achievement of sustainable development. This is essential at a time when we need to strike a balance between social, economic and environmental factors in the marine environment. At the same time, we need to challenge a particular view that the economy and the environment are incompatible and that, in order to achieve economic benefits, the environment has to suffer. It will be one of the great ironies when Strangford lough is designated as a marine conservation zone — the first in the North — that, as I keep saying, you will also have SeaGen, the world's birthplace of modern tidal power, in the middle of the lough. That proves that you can reconcile the economic, the environmental and the energy going forward. That is a lesson that others do not seem to have acknowledged in respect of other sites in Northern Ireland. This need not and cannot be the case if we are to ensure that the sea's resources are managed in a sustainable way.

I was asked by the Deputy Chair of the Committee to put on record the provisions of the Northern Ireland (Miscellaneous Provisions) Act 2006 in respect of sustainable development and to put it on record that the duty placed on public authorities by the Climate Change Act 2008 will apply to the implementation of this Bill. However, I want to go further and give some reassurance that, although it is not the will of the Executive and it may not be the will of the Assembly for the amendment to be made, there are other checks, balances and safety nets in the Bill that will address the issue of sustainable development. For example, the aims of the sustainable development duty are explained in the Executive's sustainable development

strategy entitled 'Everyone's Involved', which was published in April 2010.

I note the comments made by another Member of the House — I think it was Mr Agnew — about the sustainable development function of OFMDFM. However, nonetheless, it is in black and white and mainstreamed into the Executive's sustainable development strategy. In addition, the Marine Bill will require the Department to undertake a sustainability appraisal of proposals for inclusion in a marine plan. The Department can proceed with those proposals only if the appraisal indicates that it is appropriate. So, as we go into the next phase of work on the far side of Royal Assent to develop a marine plan — it is a big piece of the overall ambition of the legislation — we will have to undertake a sustainability appraisal. It may not be explicit in this Bill — it is explicit in other Acts — there will be mechanisms built into the work of the Department to ensure that the issue of sustainability and the appraisal of that requirement is undertaken. Moreover, sustainable development aims for the marine environment were set out in the high-level marine objectives that were published jointly by all the Administrations in Britain and Northern Ireland in April 2009. In that way, I hope that Members are reassured that the difference between having this duty in the Bill and not having it has been closed somewhat. It does not close it completely; I would rather have seen that, but that is not the view of the Executive. Obviously, in due course, it will be the view of the Department.

I want to deal with some of the other issues raised by Members about the sustainable development duty. I have to say that there were some comments, which, given that they are in Hansard, may well come back to haunt people and pretty soon. It seemed that the argument that came from a number of Members on the Benches opposite was "If you want to put a sustainable development duty in the Bill, you will have to support, for example, putting economic considerations in the Planning Bill". That was the argument. The only political and legislative logic of that argument is that we will have to put all material considerations of planning applications into the Planning Bill. That is the logic.

Mr Weir: Will the Minister give way?

Mr Attwood: One second. If you are saying to those who want new clause A1 to go into this Bill that they will have to live with putting relevant clauses into the Planning Bill for the economic imperative, it seems to me that Steven Agnew or others may table

amendments so that all material considerations are put into the Planning Bill. Indeed, that may be what Steven Agnew was probing. In that way, they will be saying that, if you are going to put something into law, you should put it all into law. I give way to the Member.

Mr Weir: The point I was making was that, I think, the proposer of the amendment said that, essentially, the purpose of it was to reiterate and magnify what is there — I paraphrase — and, effectively, to underline the commitment on sustainable development. When your departmental officials were in front of the Committee on that issue and were asked about the purpose of clauses 2 and 6 of the Planning Bill, the reply was that it was not making a new provision but was a reiteration. It was effectively underlining what was already there. The point I am making — I think that Mr Hamilton made this point as well — is that those who are making a die-in-the-ditch opposition to those references, which are, by the Department's own admission, a reiteration, cannot then use an opposite logic as regards what is proposed today.

Mr Attwood: The Member makes a brave defence of what he outlined earlier, but I do not think that it addressed the fundamental point. If it is the view of Members opposite that they are not going to die in the ditch over putting sustainable development in this Bill, is the logic of that position not to put all material considerations into the Planning Bill, rather than one or other material consideration? I would not bring forward the legislation in respect of this Bill or the Planning Bill —

Mr Weir: Will the Minister give way?

Mr Attwood: I will give way. I would not bring that legislation forward if I was not comfortable that what is in the Bill is adequate, satisfactory and does not create any risks. The Deputy Speaker will call us out of order in a second.

Mr Deputy Speaker: I ask Members to focus on the legislation in front of us today.

Mr Weir: Obviously the issue is having sustainable development on the face of the Bill. I am not quite sure if the Minister's memory of the Planning Bill is accurate. The direct reference in the Planning Bill to sustainable development is already there on the face of the Bill. The issue is whether economic development should also be on the face of the Bill. From that point of view, sustainable development is already there and would not

need to be added, so the parallel is not the same.

Mr Attwood: I will take the hint from the Deputy Speaker and move on to my next point.

I will touch on the MMO in a moment. On the principle of borrowing from the Scottish experience, what I think we should do is borrow from best practice and best experience in other jurisdictions, wherever they might be. That might mean that we end up not adopting the Scottish approach. We might adopt the English approach, or, more likely, we will create our own approach. If the Scottish Government are relied on with such enthusiasm, remember that they have challenging targets on emissions in their Climate Change Act — something that the Assembly and Executive will have to think carefully about, given that there is now a pre-consultation in respect of a climate Bill — and so on and so forth, including their own legislation on national parks.

Comments were made about the delay in getting from Committee Stage to Consideration Stage. The record confirms that there has been delay. I think that the Committee will confirm — I think that Mr Elliott touched on this — that, after the Bill came out of Committee, there was not just toing and froing between me and the Committee and between me and stakeholders but between the Committee and stakeholders, in respect of both the MMO and the issue around the sea fishing defence, which we will touch on later in the Bill. There were ongoing conversations that, I thought, were useful, even though I accept that they went on somewhat longer than might otherwise have been envisaged. I go back to the point made by Mr Agnew: this is very powerful legislation — the Marine Bill, marine conservation zone, marine planning and all the issues therein. This is us catching up with the jurisdictions in Britain. Let us get it right in catching up, because the ambition of this law and its outworking in practice will be of such significance.

5.15 pm

I released my Executive paper in November, and it was tabled at the Executive following a request that I made under the three-meeting rule, although it did not take up that much time at the Executive. Nevertheless, I am not going to walk away. Given the challenge that has been put to Executive Ministers about putting legislation before the Assembly — with the will of the Executive, five Bills will come before the House at various stages of the legislative process before the end of June — points have

been well made about how I and, perhaps, others could have better managed this process to get the Bill before the House at an earlier stage.

I will now turn to amendment No 2, which deals with the marine management organisation. Although Ms Lo did not mention it in her opening contribution, that was another proposal that I brought to the Executive in my original Executive paper last year and in the paper that I brought to the Executive, which led to today's Consideration Stage. In that paper, I asked that the principle of an MMO be endorsed. Again, unfortunately, my argument did not prevail.

I will continue to work through the business case for an MMO in the conviction that, eventually perhaps, the weight of argument will prevail in some other places, but it has not. I accept the Executive's will and abide by it, which is why I will recommend to the Chamber today that we should not endorse amendment No 2. I can understand and accept the sentiment and principle behind the amendment. I do not discount that, but the Executive, of which I am a member, think otherwise.

It is curious that some Members have relied on the Scottish model, which, essentially, comprises a marine directorate that is a Department of the Government that fulfils all marine functions. That is relied on as being a better model than an independent MMO. England, however, has an independent MMO. The London Government have, for England, an MMO that is responsible for conservation, marine planning, licensing and fishing. Policy, however, is retained by the Department.

There are multiple models that might or might not apply in the North. My view is that to shape public policy fundamentally, especially when there may historically have been a culture of resistance to change, the more that responsibility for areas of public policy is embedded in independent organisations, a better tension is created on those issues between government, as the policy and legislative arm, and the other NDPBs or independent third-party organisations that have responsibilities outwith policy and law. That has served us well, and, as Mr McDevitt said, the policing structures, the Police Ombudsman, the Prisoner Ombudsman, the Human Rights Commission, the Equality Commission and other agencies such as Tourism Ireland that operate on an all-Ireland basis have served us well. My intuition and judgement leads me to go in that direction, which is why I argued for the principle of an MMO.

There are, however, issues around the drafting of amendment No 2 — Mr McDevitt touched on this — that I have to bring to the attention of the House. Although the sentiment and the ambition of the amendment are good, and I can understand in principle why Members would back it, including members of my party, the drafting of amendment No 2 is a matter of concern, and I will explain why.

First, the legal advice that I have from the Office of the Legislative Counsel (OLC) is very much that you need legislation for an MMO. That is why, when I made my recommendation to the Executive about the principle of an MMO, I was not proposing that it go into this Bill. The scale of that work, and knowing the mind of the Executive, meant that winning that argument was, in my view, beyond what I could achieve.

In acknowledging the amendment, I have to point out that there are deficiencies in it. I say that benignly and in an attempt to be helpful, rather than to rubbish the amendment: there is no intention on my part to do that. For example, legislatively, there is no provision in the amendment for matters such as the MMO's status, the board's membership — as opposed to the number of members — the terms of appointment, remuneration, allowances, pensions, committees, and accounts and records. You cannot have an NDPB unless you shape the issues around appointment, remuneration, allowances, pensions, committees, and accounts and records. That is best practice. That would be good law. This particular amendment does not capture those issues.

Secondly, and arguably more fundamentally, as was touched upon by Mr Weir, the amendment proposes that all marine functions and associated powers exercised by the long list of bodies in the amendment should be "exercisable by the MMO." That is taking away from government the responsibility for policy and law. Whatever about how we best manage the marine environment, nobody is arguing that we take away from government and the legislature responsibility for law and policy. Yet, the drafting of the amendment does, unfortunately, propose that everything go across to the MMO, which is, in my view, clearly outwith competence and not best practice.

Thirdly, as was touched upon — and I am using these only indicatively — the amendment proposes that only the DOE could give guidance and direction. That would be a wonderful world, if the DOE could give guidance and direction in relation to fisheries

matters, which are currently the responsibility of the Agriculture Department.

Under the law, the DOE can give directions and guidance only in respect of its own responsibility and not in respect of the responsibilities of other Departments. However, there is nothing in the draft new clause that provides for other relevant Departments to give guidance and direction in respect of their marine functions. It is not just about DARD being responsible for fisheries; DETI is responsible for offshore renewables.

Therefore, whilst I very much have sympathy with the ambition of the amendment, even though I am opposed to it because of Executive obligations, I have to point out to the House that the amendment is deficient in a lot of ways. Consequently, if it were to be passed, in my view it would run the risk of being bad law or poor law and certainly not the best law.

As touched on and acknowledged in one of the contributions, it used to be the case that the marine function was fragmented across the DOE. In no time at all, a marine division was created — I think that it took about four months. It was an example of some senior civil servants moving very quickly and decisively to gather together all the marine functions. It means that 62 staff who deal with marine licensing, marine conservation, the marine plan and marine monitoring and assessment are now in the one place. I think that that was overdue and useful.

However, if, as Mr Hamilton suggests, we need to go further than that and build all the marine functions into one Department, then that is a debate that we have to have. I would not have requested that we gather in a marine division the four functions of marine that were previously fragmented across the Department unless I believed that integration is the right model. However, let nobody misunderstand. If that were to happen on the far side of some negotiation — I am putting down now a very strong political marker, Mr Deputy Speaker — this is not a situation where one Department is taking over the marine function. It will have to be a new approach to marine, gathered in one place where all interests are acknowledged but nobody has a veto or a monopoly of wisdom. Heretofore, there might have been a sense that, on some issues, the view of one Department prevailed. You have only to look at Mr McDevitt's testimony about the lough bed down in Strangford lough to see the outworkings of one Department's being reticent to assert the right authority when it comes to the marine.

I will touch on some other matters before I come to amendment No 3. This is in respect of issues raised by Mr Boylan. I did not quite understand the point about "did not get their way", which was his opening remark. I will take an intervention from him, but I am not quite sure what that refers to. If it refers to the two amendments that I lost at the Executive, I regret that. I did get my way on all the other amendments that I put to the Executive. That might have been the point, but that is not the reason why there was a delay around the Executive table. Others will need to explain why there was a delay around the Executive table, but I am grateful that the Executive accepted the amendments that I brought through. A lot of that was informed by, and at the encouragement of, the Committee. So the Committee got its way; maybe that is the best way to put it.

He also raised the issue of cost. There is going to be cost. However, let us be clear about it: the cost of infraction would be multiples of the cost of taking forward the Marine Bill and the marine plan. It is not an exaggeration to say that, because of the horse mussel issue in Strangford lough, we were on the verge of an £8 million fine, with multiple fines on a rolling daily basis thereafter. Without the good authority of Departments and the Ulster Wildlife Trust's reference to Europe, which concentrated our minds like nothing ordinary, there could have been a multimillion-pound cost.

(Mr Speaker in the Chair)

To answer that question, the costs of the preparation, adoption and publication of the marine plan will be approximately £1.9 million over three or four years. There will be a rolling cost of £200,000 for MCZ work — probably rolling for four or five years — and, after that, a further annual cost of about £160,000. Those are significant costs, but is it not well worth it to avoid infraction and better protect our marine in the way that has been outlined?

I will think further about the point that Mr Boylan made, in an intervention to Mr Elliott about amendment No 3, which I have not yet touched on, about "must enter into arrangements". It might be that that is just a bit too prescriptive and that some Departments will want more flexibility. I will consider it further at Further Consideration Stage. My intuition is not to favour it, but it is a point worth looking at.

Peter Weir's contribution was — now, let me just check where —

Mr Weir: You touched on it earlier.

Mr Attwood: I probably did touch on some of it earlier, and you are probably getting weary of me going back to it. In the round, I thought that all the contributions were wise and mature.

I will deal, lastly, with amendment No 3, arrangements to promote co-ordination of functions in Northern Ireland inshore region. Whilst there may be differences about the MMO, there are no differences in respect of amendment No 3. That amendment supports the Committee's position that co-ordination between Departments should be underpinned in the absence of any change to the existing governing structure. The amendment provides an effective means by which DOE can enter into arrangements with the other bodies listed so as to promote effective co-ordination of the respective marine functions. It ensures that DOE publishes details of any such arrangements made, and, by requiring DOE to lay a report before the Assembly on the effectiveness of those arrangements, it offers an important review mechanism.

5.30 pm

In effect, it ensures that a joined-up approach will be taken during the implementation of the Bill's provisions, which will be particularly important in the continuing absence of an MMO as an NDPB. I asked Members to accept the amendment, and I did not pick up any dissent in that regard.

Save those comments and any other matters that I come back to Members on, I am prepared to accept the latter amendment.

Ms Lo: I thank everyone who took part in this afternoon's debate. It has really been constructive, and the tone has been delightful. Thank you very much: I enjoyed it.

I am going to be brief and summarise the main points made by Members. Simon spoke on behalf of the Committee. I was delighted to hear him stress a couple of times that he has no objections to the principle of sustainable development. He is concerned because the officials told us that there is no need to double-up legislation in this Bill and thinks that, at the Committee Stage, we did not support that. I am delighted to hear that his decision is not set and that he is keeping an open mind. I urge Members to support the amendment.

On the issue of the MMO, Simon said that he did not want to diminish power and hand it to NDPBs. He also questioned the membership of

the MMO. It was interesting to hear Simon say that he is in favour of a third option, which is to go along with the Scottish model. That is something we need to talk about, think about and investigate whether it is an option for us in the future.

Cathal said that there is no need to reiterate sustainable development in the Bill. He was worried that, with the MMO, we will be creating another quango. He said that he supported amendment No 3 but that he was a bit concerned about the cost to ratepayers, which the Minister mentioned.

Conall's contribution was very, very interesting. He talked about his own experience of diving in Strangford lough. We all need to bear in mind that we have such a rich environment, and we really have to protect it. I stay here because I love the countryside. I chose to live here because of the lovely countryside, and we have got to keep it for generations to come.

I came from two cities: Hong Kong, which was built-up, and London, where I never really saw a tree or a field. I only wanted to stay here for six months. I promised my previous husband, who is dead, that I only wanted to stay here for six months. I have stayed here since the 1970s because I love the environment. That is something that you do not understand if you have not lived in built-up environments. The environment is something that we have to preserve and pass on for generations to come.

Some Members: Hear, hear.

Ms Lo: Thank you. I did not mean to say that. I just blurted it out. *[Laughter.]*

Mr A Maginness: Give us more. *[Laughter.]*

Ms Lo: You just want praise. Conall made a lot of important points and asked why politicians would fear decision-making based on evidence and the expertise of professionals. He said that we should not be shy, fearful or suspicious of independent organisations. Those are very good points. He asked a few questions about the details of my amendment on the MMO. To be honest, I know that I will not get the amendment passed. If the Minister did not get it passed, why would I?

Minister, I support you on this, and I wanted the Assembly to debate the need for it. Minister, you worked very hard on this, and I want to support you by raising the point. I will probably not move the amendment, but it is important that we keep thinking about it. We need to

think about how it would give us independence and accountability for managing our seas.

Tom Elliott supported the Bill. He also supported the principle of sustainable development but said that responsibility for that was already somewhere else and so there was no need for it in the Bill. He said that he supported opportunities for better management but was concerned about over-bureaucracy. I hope that the MMO, when we get it, will not add another layer of bureaucracy. He supported amendment No 3 because he said that at least there was something on the ground. He added that it was not perfect but that we could maybe table further amendments to improve it at Further Consideration Stage. My concern is that that will be a talking shop, that we will do nothing but tick boxes and that we will not really be effective and efficient. We will wait and see whether we can improve it.

Peter Weir made very interesting comments on the premier marine borough of North Down and said that he was very proud of it. He said that the legal methodology is not to repeat things that are already in legislation because that would have implications for other legislation. I am afraid that I have to mention the Planning Bill again. This is in the Planning Bill, so a precedent has been set. We cannot say that we will do it for one Bill and not the other. We need to address that anomaly.

I will speed on. Peter made a lot of comments about the MMO's accountability and layers of bureaucracy. I do not know whether Peter heard my earlier comment that I was just trying to flag up the importance of an MMO. I admit that I did not put a lot of detail in the amendment, and the Minister, quite rightly, pointed out a lot of deficiencies. As the Minister said, if we adopt the clause, the Department will, I hope, add a lot more detail or maybe produce a separate Bill for an MMO.

Kieran said that the Marine Bill failed to identify sustainable development as a key issue. He talked about the difficulties in Strangford lough, which is in his constituency, and said that, if we did not include an MMO and sustainable development in the Bill, it would be a missed opportunity

Steven Agnew was very knowledgeable and said that he was overwhelmed by the response from stakeholders, who sent e-mails and so on.

That shows the public interest in this matter, and we should welcome that. He had hoped that the Committee would table an amendment to include sustainable

development, but that did not happen. He said that sustainable development is very important because it sets the ethos that flows through the Bill.

He said that the Bill is about sustaining fishing for generations to come and that it is not just about the environment and economic short-termism with the result that, if we did not look at long-term social and environmental impacts, that would be at our own peril. He said that he has not seen sustainable development in policies and practice over the years, even though it is in the Miscellaneous Provisions Act. He said that the Sustainable Development Commission had been done away with. We have the sustainable development unit, but it does not have the same expertise, and we have not seen a lot come out of it. He highlighted the importance of independence in government for the management of the seas. He supported the clause on the MMO and said that there are times when we should hold on to powers and times when we should pass them on to experts.

I will not say very much about the Minister's contribution. He has been very positive and constructive, and I commend him for his always very strong support for the environment and for his effort over the past two years. He has certainly done an awful lot for the environment. So, congratulations to the Minister.

He said that the Bill is not a lost opportunity but more of an opportunity for us to grasp. He gave the caveat that, if we do things right, post-adoption of the Bill, it is part of a family of measures. I am really pleased to hear that. We now have a family of measures, comprising the Marine Bill, the coming Climate Change Bill and, hopefully, the legislation on national parks that will come along. I put on record, Minister, that you have my support.

He said that he is still working through the business case on the MMO and that he is disappointed that the Executive did not accept his idea. He responded to Simon Hamilton about the idea of using the Marine Scotland model. We need to work on it, and I am glad that the DUP is thinking about it.

I think that that is all that I will say, so thank you very much, Mr Speaker.

Question, That amendment No 1 be made, put and agreed to.

New clause ordered to stand part of the Bill.

Mr Speaker: Amendment No 2 is mutually exclusive with amendment No 3.

Amendment No 2 not moved.

Clause 1 ordered to stand part of the Bill.

New Clause

Amendment No 3 made:

After clause 1 insert

"Arrangements to promote co-ordination of functions in Northern Ireland inshore region

1A.—(1) *The Department may enter into arrangements with a relevant public authority designed to promote the effective co-ordination of the exercise by the parties to the arrangements of their respective functions in the Northern Ireland inshore region.*

(2) The Department shall keep arrangements made under this section under review.

(3) The Department shall—

(a) within one year of the date on which this Act receives Royal Assent publish details of any arrangements made under this section; and

(b) within three years of the date on which this Act receives Royal Assent lay before the Assembly a report on the effectiveness of any arrangements made under this section.

(4) For the purposes of this section "the relevant public authorities" are—

(a) the Department of Agriculture and Rural Development;

(b) the Department of Culture, Arts and Leisure;

(c) the Department of Enterprise, Trade and Investment;

(d) the Department for Regional Development;

(e) the Agri-food and Biosciences Institute;

(f) the Foyle, Carlingford and Irish Lights Commission."— [Mr Attwood (The Minister of the Environment).]

New clause ordered to stand part of the Bill.

Clauses 2 and 3 ordered to stand part of the Bill.

5.45 pm

Clause 4 (Withdrawal of marine plan)

Mr Speaker: We now come to the second group of amendments for debate. With amendment No 4, it will be convenient to debate amendment Nos 5, 6, 9 to 14, and 19, as well as Mr Steven Agnew's opposition to clause 8.

The amendments deal with judicial review, social, economic and cultural issues, accountability and enforcement. Members should note that amendment Nos 10 and 11 are consequential to amendment No 9.

Mr Attwood: I beg to move amendment No 4:

In page 3, line 37, at end insert

"—

(a) publish notice of the withdrawal of the marine plan on the Department's website; and

(b)".

The following amendments stood on the Marshalled List:

No 5: In clause 8, page 6, line 40, leave out "6" and insert "12".— *[Mr Attwood (The Minister of the Environment).]*

No 6: In clause 12, page 9, line 16, leave out from "may" to end of the line and insert

"must have regard to any economic, cultural or social consequences of designating that area and, so far as possible, to—

(a) the extent to which any of the following activities are likely to be prohibited or significantly restricted within that area if it is designated—

(i) any licensable marine activity (within the meaning of Part 4 of the 2009 Act);

(ii) fishing for or taking animals or plants from the sea;

(b) the likely impact on the environment within that area if that area is not designated;

(c) the likely impact on the environment elsewhere in the Northern Ireland inshore

region as a result of any activity mentioned in paragraph (a) being displaced from that area if it is designated."— [Mr Attwood (The Minister of the Environment).]

No 9: In clause 20, page 14, line 32, at end insert

"(8A) Where the authority has given notice under subsection (5), it should only proceed with the act if it is satisfied that—

(a) there is no other means of proceeding with the act which would create a substantially lower risk of hindering the achievement of conservation objectives stated for the MCZ,

(b) the benefit to the public of proceeding with the act clearly outweighs the risk of damage to the environment that will be created by proceeding with it, and

(c) where possible, the authority will undertake, or make arrangements for the undertaking of, measures of equivalent environmental benefit to the damage which the act will or is likely to have in or on the MCZ.

(8B) The reference in subsection (8A)(a) to other means of proceeding with an act includes a reference to proceeding with it—

(a) in another manner, or

(b) at another location."— [Mr Agnew.]

No 10: In clause 22, page 16, line 22, leave out "section" and insert "sections 20(8A)(c) and".— *[Mr Agnew.]*

No 11: In clause 23, page 16, line 32, after "section 20(2)" insert

", or the duty imposed by section 20(8A)."— [Mr Agnew.]

No 12: In clause 23, page 16, line 37, leave out paragraphs (a) and (b) and insert

"(a) the Department must request from the public authority an explanation for the failure; and

(b) the public authority must provide the Department with such an explanation in writing within the period of 28 days from the date of the request under paragraph (a) or such longer period as the Department may allow."— [Mr Attwood (The Minister of the Environment).]

No 13: In clause 32, page 22, line 35, after "fishing" insert

"at a distance of not less than 6 and not more than 12 nautical miles from the seashore".— [Mr Agnew.]

No 14: In clause 36, page 24, line 35, at end insert

"() Articles 4, 6, 7, 10, 12, 13, 14, 15 and 15A of the Wildlife (Northern Ireland) Order 1985;

() regulations 34, 36 and 38 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995;

() any byelaws made by virtue of regulations 23 or 31 of those Regulations;

() Article 46 of the Environment (Northern Ireland) Order 2002;" — [Mr Attwood (The Minister of the Environment).]

No 19: In schedule 1, page 36, line 35, at end insert

"() report on the proposal within the period of 6 months from the date of that person's appointment, or such longer period as the Department may approve," — [Mr Attwood (The Minister of the Environment).]

Mr Attwood: Amendment No 4 is a straightforward amendment concerning the withdrawal of a marine plan. The amendment supports a Committee recommendation. Indeed, a lot of the body of the amendments was informed, if not crafted, by the thinking and work of the Committee. What it means is that notice of DOE's decision to withdraw a marine plan would be published on the Department's website, as well as in 'The Belfast Gazette'. In that regard, it is an issue of process, technical and communication, and I ask Members to accept that amendment to clause 4.

Amendment No 5 concerns the validity of marine plans. Again, it supports a Committee recommendation. Around the amendment there may be some discussion. In the Bill, a person who is aggrieved by either a marine plan or an amendment to a marine plan can apply to the High Court. The amendment would extend the application period from not later than six weeks to not later than 12 weeks after the publication of either a marine plan or an amendment to a marine plan. That is standard practice, and Members will be aware of

applications that are made to the High Court to do with other areas of public policy. I think that it is a good practice, and that is why, in keeping with that standard, I support the amendment.

I wish to remind Members that the marine plan process itself will be inclusive and provide ample opportunities for engagement. That is important to note. Just as when discussing the first group of amendments I referred to the mighty work of so many people — marine NGOs, marine stakeholders and the fishing community — and said that they have been very busy and active with input into the Bill, they are also going to be very busy and active with input into the marine plan. As we will discuss later, work is already ongoing in the Department to get legislative cover in the Bill to prepare for a marine plan and to build relationships with the stakeholders to ensure that they are fully included and involved in the process. Although clause 8 provides a process by which an agreed person can apply to the High Court, I hope that it will be considered only as a last recourse. So, I ask Members to accept the amendment to clause 8.

Amendment No 6 concerns grounds for designation of a marine conservation zone. The amendment also supports a Committee recommendation on the grounds for designation of an MCZ. First, I am satisfied that a duty should be placed on the Department rather than it be given a power to have regard to the economic or social consequences of designating an area a marine conservation zone as part of that decision-making process.

It is very important to understand that an MCZ is not going to be like some other designations that arise out of European directives on wild birds or other habitat issues, where there would be a blanket designation in a part of our waters. The MCZ will be a more subtle tool that will look very precisely at areas that might require zoning and, having assessed all the issues around that zoning, will then designate. However, in doing so — this is what the amendment does — the Department will have a duty to have regard to the economic or social consequences of designating an area an MCZ as part of that decision-making process. That is because an MCZ could impact on social and economic issues, not least and including those of the fishing community.

Also, it is appropriate to extend the matters to which DOE must have regard so that they explicitly include cultural matters. On one understanding, "social and economic" includes "cultural". In order to create some further certainty that it does include cultural, which

could, for example, include issues around wild

—

A Member: Wild fowling.

Mr Attwood: Wild fowling, my apologies — the Committee was inclined, and I agreed, that, without doing violence to or broadening the ambition or the intention of grounds for designation, the inclusion of "cultural" would be appropriate.

Furthermore, I am also pleased to propose that DOE should have regard to the extent to which any licensable marine activity or fishing for or taking animals or plants from the sea is likely to be prohibited or significantly restricted within a proposed MCZ, and that consideration should be given to the likely impact on the environment within that area, were it not to be designated, or elsewhere in Northern Ireland, were an activity to be displaced.

The flexibility introduced by the word "likely", in my view, strikes the right balance, as it would be difficult for DOE to determine absolutely the overall environmental impacts of all potential activities, given the limited scientific data and knowledge of many activities in the marine environment. As Members have indicated, the marine environment is very precious, but the science around it is somewhat limited. Therefore, the word "likely" strikes the right balance and to go beyond that creates a threshold that, I think, is too high and not sustainable.

I go back to words that the Committee wanted to hear. In addition, I would like to take this opportunity to reaffirm the importance of an open and transparent MCZ designation process. Identification of potential MCZs will be based on the use of best available evidence. Stakeholder participation will be an important element of the designation process, which will provide for social, economic and environmental considerations. It is the Department's policy to consult fully on all potential MCZs.

I would also like to emphasise that clause 19 requires the Department to lay before the Assembly a report setting out the extent to which the network aims, as described in clause 18, have been achieved and any further steps necessary to meet that objective. The report will contain information on the number, size and location of MCZs and information about amendments to designation orders. It will also include information about activities that have been restricted or prohibited as a result of the designation.

People need to recall that the Department will not necessarily — or at all — use the heavy hand when it comes to activities that might be restricted or prohibited. It will all be dealt with on a case-by-case basis, and, consequently, there will be areas where very few activities might be restricted. Indeed, activities might be restricted only on a seasonal basis, depending upon the zone in question.

However, there may also be MCZs of such habitat importance that restrictions and prohibitions might be much more significant. You can see that in respect of Strangford lough where, with DARD and DOE agreement, there is now a no-fish zone, in which the taking of any fish is prohibited, in the middle portion of the lough. Consequently, while that might be a more severe restriction, imposed in the event that Strangford lough is made an MCZ, there will also be areas where there will be a much lighter touch. The first report is due by December 2018, with a report in each subsequent period of six years thereafter.

I will listen carefully to what Members have to say in respect of this amendment in particular. I ask Members to accept the amendment to clause 12.

I am content to support amendment Nos 9, 10 and 11. The proposed amendment to clause 20 seeks to impose a duty on actions carried out by public authorities that may pose a significant risk to the achievement of the conservation objectives for a marine conservation zone. That replicates the conditions that are included in clause 21(7), which must be met by a person seeking an authorisation from a public authority to carry out an activity that might risk the achievement of MCZ objectives. The amendment, therefore, provides parity of approach between public authorities and those individuals or organisations authorised to undertake activities in the marine environment.

Mr Agnew: I thank the Minister for giving way. I inform him and the House that I do not intend to move amendment Nos 9, 10 and 11 today. I thank him for his kind comments on the amendment at this point, but I feel that further discussion is needed to get it passed in the House. I welcome contributions from other Members on the amendments. However, I am willing to bring them back to the House at Further Consideration Stage in the hope of getting full Assembly support.

Mr Attwood: I welcome that contribution from Mr Agnew. Clearly, there are ongoing conversations. On the far side of those

conversations, there may be an agreed position. However, given that the conversations are only ongoing and that the amendment was tabled last Thursday, I welcome the Member's intention not to move amendment Nos 9, 10 and 11.

Clause 23 deals with failure to comply with duties, and I am pleased to propose amendment No 12 in that regard. As clause 23 stands, the DOE may request a public authority to provide it with an explanation in writing should the public authority fail to comply with its duties on marine conservation zones or fail to act in accordance with any advice or guidance given to it by the DOE. I am satisfied that the discretionary element here should be removed, so that instead the DOE must request that a public authority provides it with an explanation in writing. That builds up the robust character of the law. Given the concerns expressed in the first group of amendments that, if you do not repeat something, it is not done, by creating vigour around the change from "may" to "must", you have a higher likelihood of things being done, and that part of the amendment supports a Committee recommendation.

In addition, I do not consider that the time period for that written response should remain open-ended. I appreciate that public authorities will have targets for replying to correspondence within a certain time, but I believe that it makes sense to introduce a response time into the legislation. The tabled amendment will replace a duty on a public authority to reply within 28 days of the date of a request from the DOE, which I consider reasonable. Equally, I acknowledge that there may be occasions on which a public authority might be unable, in exceptional circumstances, to meet that timescale. Therefore, the amendment also provides some flexibility whereby, on request, the DOE could allow an extension to those 28 days. I ask Members to accept the amendment to clause 23.

Amendment No 13 relates to clause 32, which deals with exceptions, and I anticipate some discussion on that. I cannot support amendment No 13, which seeks to remove the sea fishing defence provided by clause 32(4) of between nought and six nautical miles. Under the legislation as it stands, there is a sea fishing defence of between nought and 12 nautical miles. The amendment proposes to vary that defence and to remove the defence for nought to six nautical miles. In my view, such a limitation of that defence could appear to be discriminatory to the legitimate Northern Ireland-licensed fishermen and fishermen

operating under legitimate licence elsewhere in the UK.

The position in Britain on the sea fishing defence is that there is a defence from nought to 12 nautical miles. Given the limited seas around these islands and the shared seas between these islands, it could create some confusion and potential disadvantage to the fishing community if the sea fishing defence were to be varied. To stress the point: I know that there have been representations, even in recent hours, on this clause from representative organisations of the fishing community in the North, and I am not inclined towards their view of varying the clause any more than I am inclined towards varying the clause with regard to the nought to six nautical miles. The provisions included in the Bill mirror those in the rest of the UK, which ensure that fishing activity is treated equally.

6.00 pm

Amendment No 14 is a proposed amendment to clause 36, which relates to enforcement officers. The Bill would give the DOE the power to appoint enforcement officers for the purposes of enforcing by-laws made under it and enforcing the offence of damaging protected features of an MCZ. An opportunity exists to apply the common enforcement powers provided by the Bill more widely.

The Wildlife (Northern Ireland) Order 1985 gives protection to certain marine flora and fauna. It also provides for regulation of the introduction of invasive, non-native animal and plant species. A point that I always make is that invasive species are the second biggest threat, after climate change, to our biodiversity. So, although people may sometimes talk lightheartedly about invasive species, their threat to our biodiversity and ecosystems is huge and is the second biggest threat to our biodiversity and ecosystems.

The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 gives protection to certain marine species of European importance and provides the powers to make by-laws for the protection of European sites. The Environment (NI) Order 2002 gives protection to areas of special scientific interest (ASSIs), which can extend to the low-water mark. That includes powers to make by-laws and provides for the offences of intentionally or recklessly damaging or destroying the designated feature of an ASSI. The amendment would extend the remit of enforcement officers appointed under the Bill to include the relevant provisions of those pieces

of legislation. That would create a more robust enforcement regime for marine nature conservation generally.

As I have always said, although we need to have proper enforcement and not disproportionate enforcement, we need to go after the worst offenders. By having a more comprehensive, robust enforcement regime, that ambition might be better achieved.

I would also like to make a point on a related matter at the Committee's request. Clause 24 gives the Department the power to make by-laws to prohibit or restrict unregulated activities that may be detrimental to an MCZ. I want to make it clear that by-laws will be site-specific and made on a case-by-case basis, with the level of restriction depending on the features being protected. By-laws will be drafted so as to control only the aspects of the activity that are likely to be damaging. I ask Members to accept the amendment to clause 36.

Amendment 19 relates to the preparation and adoption of marine plans. The amendment relates to the circumstance in which the DOE has appointed an independent person to investigate the proposals contained in its consultation draft of a marine plan and where that person has to report to the DOE on those proposals. I believe that the time period for that investigation should not remain open ended. It should be completed in a timely way so as to avoid any unnecessary delay.

The amendment will ensure that the independent person must report within six months of appointment. That is reasonable. However, I appreciate that there may be exceptional occasions, such as with the public authority, where six months could be unachievable. It would be sensible to provide some flexibility. Therefore, the amendment would provide for an extension with the DOE's approval. I ask Members to accept the amendment to schedule 1.

Having gone through all those amendments, I acknowledge, if I did not do so fully in the first group of amendments, the contribution and work of the DOE and the marine people in the DOE. A lot of work has been taken forward around this Bill, and a lot of work has been undertaken in respect of marine planning generally. That is why we will have a saving provision in the Bill to protect that from challenge at a later date. That is the unheralded work of government.

If the Bill is going to be a defining piece of legislation in terms of marine protection, it is a

defining piece of legislation because it is the will of the Assembly, the work of the Department and the officials in the Department, who have undertaken all that work. I know that their knowledge and depth of commitment, as well as their ability to work in a political environment, is very significant.

Ms Lo (The Chairperson of the Committee for the Environment): On behalf of the Environment Committee, I support amendment No 4 to clause 4. In the event of the Department intending to withdraw a marine plan, the Committee was concerned about how the public would become aware of that intention. 'The Belfast Gazette' is the official newsletter of record and has an illustrious history, but it is fair to say that it is not necessarily the first place that most people go to in order to get official information. The Committee therefore felt that in addition to publication in 'The Belfast Gazette', the Department should publish on its own website notice of the withdrawal of a marine plan. We are pleased that the Minister has responded to that by tabling amendment No 4.

In relation to amendment No 5 to clause 8, the Committee recommended that an application to the High Court on the validity of a marine plan should be allowed up to 12 weeks after the publication of the plan, in keeping with standard practice, rather than the six weeks initially proposed by the Department. We were concerned that a six-week period would be too short. The Department accepted our recommendation and has addressed it in amendment No 5, which the Committee accordingly supports.

The Committee also agreed to recommend that the Minister should stress during Consideration Stage that there was a recognised process for engagement throughout the preparation of a marine plan, and that the High Court option should not be considered as an alternative. We would welcome that assurance from the Minister.

Mr Agnew indicated that he will oppose the question that clause 8 stand part of the Bill. Self-evidently, as the Committee supports amending clause 8 as per amendment No 5, we do not support Mr Agnew in that regard.

On amendment No 6 to clause 12, the Committee recommended in its report that it should be a requirement for the Department to take into consideration any social, economic and cultural consequences when considering whether it was desirable to designate an area as a marine conservation zone, or an MCZ as

we refer to it in the report. The Department agreed to that recommendation. Following that, however, the Committee considered further concerns raised by the fishing industry about the potential for activities restricted or prohibited in an MCZ to be displaced and have detrimental ecological consequences on the marine area outside the zone.

We had a bit of toing and froing with the Department on that issue. Ultimately, however, it accepted the intention behind our desire to consider the environmental and economic implications of any activity that may be displaced as a consequence of designating an MCZ. In turn, we were happy to accept the Department's suggested amendment to address the issue, which is amendment No 6.

The Committee recommended that, during Consideration Stage, the Minister should stress the importance of the MCZ designation process. I therefore welcome his comments on that. The Committee also recommended that the Minister should clarify what will be included in reports to the Assembly. We recommended that they should include retrospective consideration of what impacts were expected prior to the designation of an MCZ, compared with the impacts experienced in practice post-designation.

On amendment No 12 to clause 23, the Committee recommended that public authorities be required to provide a written explanation for failing to comply with duties required by an MCZ. We were glad that the Department agreed to make such an amendment, and we therefore support amendment No 12.

Following on from that, the Committee recommended that, during Consideration Stage, the Minister should make it clear that the provision of by-laws would be at a level appropriate to meet the objectives of the MCZ but not exceed what was required.

I would be grateful if the Minister could address that point.

Mr Agnew had not asked us to consider the policy underpinning amendment No 13, so I offer no comment on it on behalf of the Committee, other than to say that, during Committee Stage, we were content with clause 32 as drafted.

Amendment No 14 to clause 36 proposes the extension of the remit of enforcement officers to include other relevant nature legislation. That amendment had not been put to the Committee at Committee Stage, but we subsequently

considered it at our meeting on 11 April this year, when we agreed that we were content to support it. We recognise that it will create a more robust enforcement regime for nature conservation in the marine environment.

Amendment No 19 to schedule 1 is welcomed by the Committee, as members recommended that, at Consideration Stage, the Minister commit to a time frame for the delivery of a marine plan. The Department subsequently brought amendment No 19 to the Committee, and we were content to agree it.

That is the Environment Committee's position on the second group of amendments. I do not think that I have an awful lot to say as an individual MLA.

Mr Hamilton: Maybe I do, unfortunately for the House.

This group has taken on a slightly different complexion. Unfortunately, I was out of the Chamber briefly, but I understand that Mr Agnew has said that he will not move amendment No 9 and, therefore, amendment Nos 10 and 11. That will somewhat constrict or restrict the debate, but we will touch on it, because it is worth doing so.

Amendment No 4 to clause 4 may seem like an inconsequential technical amendment. In many respects, it is, but it is probably my favourite amendment in the whole Bill. First, it is easily understood, and, secondly, as some Members will know, I have a bit of a thing for trying to modernise how we interact with the public. Institutions such as ours, the Departments and the Assembly must get with the fact that people are communicating and getting their information in a myriad of modern ways. They are ways that I do not always understand or know how to work, but I am told that they are much better and much more efficient. Everybody understands that websites are places from which people get lots of information, particularly from government, and there are lots of successful examples of that in government.

I remember this coming up in the Committee's discussion. The old chestnut of 'The Belfast Gazette' appeared. I am sure that it is not a publication that many of us take every week. We asked, "Why is this down here? Who reads 'The Belfast Gazette'? Why is it always there?". The answer was along the lines of, "That's just the way that we have always done it". I do not accept, nor should anyone here, that just because we have done something in a particular way for a million years, we should continue to do it for another million years. We

should not accept it in health, education or policing and justice, and we should not accept it in the environment. We should not accept it on little, superficially simple, things like this. It is important that, increasingly, we put in legislation to underpin the importance of using modern forms of technology to communicate; it is important that we put little things like this in. It may not seem like a lot, but it is a forward and progressive step by the Department and the Minister to move an amendment of this kind.

I am pleased to see amendment No 6 being proposed by the Minister. There are a couple of reasons for that. Changing "may" to "must" is critical, because many stakeholders had grave concerns about the first draft of the Bill. They felt that the use of "may" rather than "must" meant that their real concerns that the economic and social consequences that actions taken in designating an MCZ would have for their interests would not necessarily be taken into account. Of course, "may" would have permitted their concerns to be considered, but it would not have required their concerns to be considered. The change of "may" to "must" ensures that those concerns are considered in the designation process for an MCZ. That is incredibly important, and it gives a lot of comfort to a lot of people who were sceptical, doubtful, worried and concerned about the Marine Bill. The change of the word "may" to "must" will give them at least some comfort. They will, probably, have some remaining concerns, but I hope that they will be able to see in the outworking of the clause as amended that they, too, will be able to work with the Bill.

6.15 pm

So, too, do I welcome the addition of the word "cultural". I agree with the Minister that I could easily make an argument that activities such as wildfowling and shooting could be described as "social" and "economic". However, the inclusion of the word "cultural" has given some comfort to and satisfied that sector that its interests and concerns will also be taken into account in the designation process. I would have been relaxed about the clause as it was drafted, with the words "economic" and "social". However, if this gives that community and sector additional comfort, I very much welcome that.

The remainder of amendment No 6 has been described as the "displacement clause". This was talked about at Committee Stage. I welcome the delay in getting the Bill to Consideration Stage. In this respect, if no other: it gave the Committee space and time to look in more detail at other issues that it perhaps had

not had sufficient time to examine at Committee Stage. One issue, which had been raised by fishermen, was a concern about displacement. In essence, if I can describe it, displacement is when a particular area is designated as a MCZ for legitimate and good reasons but moving fishing into another area could have an impact there as well and, therefore, on the fishing industry. The Committee showed some interest in the issue and concluded that it was concerned. The Committee discussed it again with the Department and came forward with an amendment that is probably not what everybody would want but is, again, a work of compromise. I think that it has been broadly accepted by the fishing industry and, indeed, the environmental sector as well as by members of the Committee.

Perhaps, if possible, the Minister would put on record a little more detail on how the process will take place. I accept and agree that the words "so far as possible" are included. If you always had foresight and knowledge of what would happen when you did something, you would not be working in the Department of the Environment but sitting on your lottery winnings. I understand and accept that it is impossible to predict everything. However, it would be helpful to the fishing industry in particular to have on the record a little more about how the Minister envisages the process will work and how and when assessments will take place. The inshore region is mentioned at the end of the amendment. A query was raised about why it mentions only the inshore region. Perhaps the Minister could explain a little more about why that is the case. That would be helpful.

I am glad that amendment No 9 is not being moved. Had it been moved, my party and I would have opposed it. I do not want to say too much about it because it is not being moved and I am sure that the Member will talk a little bit about it. I have some concerns. I believe that clause 20 is clear and that the amendment would make certain aspects of it somewhat unclear. I have concerns that the general duty prescribed in subsection (2) of clause 20 is sufficient to deal with the issues. It is not that I do not understand the wording of the amendment; I think that I understand the issues that Mr Agnew puts forward and the concerns that he has. I believe, as I look at the Bill as it is drafted, that subsection (2) is sufficient to cover those.

I have additional concerns about circumstances that are almost unenvisaged. If things were done that had the potential to damage a marine conservation zone, I can see how, in certain circumstances — it may be an energy-related

issue — you would have a lot of time to consider other aspects and you would look at the options that were least damaging to the environment and an MCZ. That would be a natural thing for any Department or public authority to do. I do not think that we need to tell them to do that, and, in fact, subsection (2) already covers that. My concerns, which are worth further explanation, are about disastrous situations or something happening out of the blue, such as an oil spillage. In those moments, swiftness of action is essential. Putting additional hurdles in the way of taking prompt and urgent action to resolve something may mean that our response is not everything that it should be and that, instead of just damaging an MCZ, you damage the broader environment. I worry, too, that part of the amendment may be too concentrated on ensuring that damage is not done to an MCZ instead of ensuring that the broader environment is not damaged. So, there is something to work on and to look at in that.

I think that the clause is clear as drafted, so I am unsure whether what the Member proposes in amendment No 9 enhances it; it may actually cause even greater confusion. I welcome the fact that the amendment is not being moved. That will give us some opportunity to examine this even further and to get it right, if we, indeed, need to change things at all.

My party opposes amendment No 13 for two reasons. It would mean that fishermen in this part of the British Isles and the United Kingdom are treated differently to other fishermen and would put them at a competitive disadvantage as a consequence. I would vote against it entirely on those grounds. However, from researching this beforehand, I recall the Examiner of Statutory Rules' report and, indeed, some evidence from the Department that we cannot remove the sea fishing defence because of EU obligations and treaty obligations, particularly under the common fisheries policy. So, my reading of the evidence that was given to us from two separate, independent sources is that we cannot actually —

Mr Agnew: I thank the Member for giving way. My advice on this is that the common fisheries policy certainly affects 6 to 12 nautical miles but not the 0 to 6 nautical miles that we can legislate for. That is why the amendment is worded as it is. I suppose that I will defend the amendments themselves in my own contribution.

Mr Hamilton: I thank the Member for his intervention. I think that there is, at best, some

confusion from the Member over whether we can legislate for this. It would be silly to legislate in contravention of EU obligations, much as I might like to do so. My goodness, I am using the EU as a defence for something here, but it would be reckless if I were to do otherwise. I think that there is, at best, some confusion, although it may be a little stronger than that, from the Member on this.

Irrespective of that, if we were to legislate alone in these islands on this, we would create a competitive disadvantage for our fishing fleet, which is under severe pressure as it stands. That is why I welcome the amendments on displacement. People in the industry, like many in the farming industry, are suffering as a result of the bad winter weather and have seen their takes go down radically over the past year. So, we always have to be mindful of that sector. I oppose amendment No 13 for those reasons.

In conclusion, I will briefly talk about clause 24. I welcome the Minister's assurances about that clause. When we first looked at the Marine Bill, some from the fishing and wildfowling sectors, for example, were concerned about the list of by-laws that could be made under clause 24(3), which they viewed almost as an all-you-can-eat buffet — I think that that is the way that I described it before. However, the Minister has helpfully clarified that by saying — this is my reading and understanding of it — that some by-laws would be implemented in the case of some of MCZs. In some MCZs where there is a particular marine interest, all of them might be implemented, and, in others, it could be a few by-laws or only one. The Minister also mentioned that some of them might be seasonal. So, in that respect, it is more an à la carte menu of what you can choose than an all-you-can-eat buffet. That is an important assurance to give to the House and to those listening from the fishing industry, in particular, as well as from other sectors: not all six by-laws that can be made will always be made in the case of every MCZ. So, I welcome the clarification that there has been so far in that respect. It will give some comfort, as will other amendments in the group. I welcome the fact that amendment Nos 9, 10 and 11 are not going to be moved, and I restate our opposition to amendment No 13.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to speak on the amendments in this group. There has been a lot of good work. I acknowledge the work of the Committee, the Committee staff and the departmental officials, especially on some of these amendments. I certainly support amendment No 4 to clause 4 and amendment No 5 to clause 8. I will oppose Mr Agnew on

the Question that clause 8 stand part of the Bill. It is an important issue. He highlighted the issue of getting it right and being open and transparent. It is not easy to put that in any Bill.

My main contribution on the group will be about a vital part of the Bill: Part 3, which is about marine protection and the designation of MCZs. That is one of the key elements. People have talked about other elements of the Bill and have genuine concerns about them, but Part 3 is important for the industry and for protection and preservation. Most of my contribution will be about that, but I want to touch on some of the amendments in the group.

I oppose Mr Agnew's position on clause 8. I support amendment No 6 to clause 12, which I will touch on in a minute. I am glad that amendment No 9 is not being moved. That issue is open for more discussion. As the Member who spoke previously highlighted, there seems to be a wee bit of a loophole. It is open for more debate on whether there is something that we can bring forward. The Member who spoke previously brought forward an example of how that could go wrong. I do not propose to talk too much about that. Obviously, amendment Nos 10 and 11 are consequential to amendment No 9.

I want to touch a wee bit on amendment No 12, which I support. That is another piece of work that was brought through the Committee. I certainly add my support to that. I also support amendment No 14, which the Minister has tabled. It is about enforcement, but it is also about the Wildlife Order. I would like the Minister to respond, because there have been concerns about that. I welcome the amendment; it is one of the important ones. It is important to legislate to ensure the protection of our natural habitats and wildlife. I have been part of the Committee for a number of years. That is a key element. I would like the Minister to talk a wee bit more about that. I welcome amendment No 19 as well.

I want to go back to amendment No 6, which is a key element. It says "must". That word is key. I want to talk a wee bit about the grounds for designation and the whole process. That is a key element of the Bill. There have been some major concerns. Hearing what I heard in Committee, I can say that the fishing industry wants to come forward and work with the Department and all the organisations in the designation process. I have concerns. I talked in Committee about the whole displacement process. There was a lot of talk about Strangford. We support the initiatives that are being brought forward now to protect it, but it is

a bad example. Unfortunately, we got it wrong. We have to stand up to that. Now, we have to address that.

But, that is not to say that it should be used as a benchmark that we refer back to with everything that we try to do in the future. Unfortunately, that happened.

6.30 pm

I want to talk about how we go forward in the designation of conservation zones. The key element to all of this is that it will be evidence-based, and I want the Minister to elaborate a wee bit on that. No matter what the organisation is or whether it is a discussion about an MMO where there is departmental responsibility, we will need the evidence base for the designation process. I want to expand on that. We have some expertise in the Department, but we will also have to pay for some expertise. That is only natural. If we are talking about designating a zone, we will need the evidence base to do that. We will also need to incorporate the industries, including the fishing industry. Earlier, we got into the debate about the MMO, but it would not matter who it is. I want to reiterate that. We will still have to pay for the evidence base; it comes with a cost.

The Minister spoke about infractions, and he is correct; we do not want to go down the route of infractions. I want to get to the point where we put something in the Bill that we can implement, enforce and ensure that we can enact it. I think that, in the past, that has not been the case.

In talking about the marine conservation zones, perhaps the Minister will touch on what he sees as being the key elements in the subsequent legislation that will follow through. I think that the devil will be in the detail in some of it — maybe in how local authorities will play their part in the process and their roles and responsibilities. I think that that is key and needs to be part of the MCZ designation process. I welcome the amendment that states that "the Department must"; I mentioned the word "must" in relation to another amendment. With that, I will bring my remarks to a close.

Mr Rogers: Earlier, Mr Weir talked about premier areas, and I do not know whether it was before or after he met Geoff Hurst and Pat Jennings. South Down is certainly a premier area for the fishing industry, and this Bill is very important for that industry. In 2012, catches worth about £56 million were landed. If you add the value of the fish processing industry of £80 million, you see that fishing is an extremely

important industry to the economy of south Down.

Our fishermen are dealing with the reform of fishing policy proactively and have already reduced discard. The proposed development of offshore renewables will create challenges, not alone for the fishing industry but for the preservation of the marine environment.

I want to speak particularly about clause 12 and displacement. The fishing organisations understand the Department's concern over limited data and the knowledge that is necessary to apply the displacement clause. Those organisations are closely engaged, at a technical level, with the development of methodologies for facilitating marine planning to successfully account for fisheries displacement. The level of protection needs to be considered not only on a site-by-site basis but by considering the whole planning area in order to achieve the best synergies and minimise unintended displacement. As Mr Hamilton said earlier, it is important that displacement is not limited to the inshore, with other sea areas being disregarded. There needs to be a coherent network across Ireland, the UK and even Europe.

Earlier, I was heartened to hear the Minister talk about highly protected marine areas. This legislation provides for a designation regime that is flexible to the needs of species and habitats that require protection. Also, the level of protection will be determined using sound scientific information on a site-by-site basis. That will allow for a range of measures to be applied as necessary, from the very minimum to areas with high-protection measures where no activities would be permitted.

I would like to commend the Committee and the Minister for visiting the fishing organisations; not alone visiting them but listening to them, making compromises and helping us to get to where we are today.

This is extremely important legislation. I also want to say that we will support the Minister in opposing amendment No 13.

Mr Elliott: I apologise to Mr Rogers; I had to nip out and did not hear most of his contribution. I had quite a bit to say and had queries on this group of amendments, especially amendment No 9. Now that that amendment is not being moved, I hope to continue my conversation with Mr Agnew because I am interested in several aspects. I will not give him a commitment that we will support it, but I will certainly look at it in a

positive light. However, I want some more information, in particular on its competence and whether there are some clashing issues. We will continue that conversation.

I specifically mention amendment No 13, which I will not support. The Ulster Unionist Party will support the other amendments from the Minister, but amendment No 13 is going too far. It is moving away from what is being proposed for the marine in the rest of the United Kingdom.

I put those few issues on record. I am sure that we will return to Mr Agnew's proposals at a later stage. I pay tribute to the Minister, the departmental officials and the Committee officials for steering us this far.

Mr Agnew: I do not propose to speak for too long, but some of my amendments have been raised, and I wish to speak to them as well as to the Minister's amendments.

My party and I are happy to support the Minister's amendment Nos 4, 14 and 19, which we view as positive. The Minister and others have spoken to them so, other than to say that I will support them, I will go no further.

I will speak briefly on amendment No 9 and consequential amendment Nos 10 and 11, which, as I said, I will not move because, as other Members said, there may be questions around them. I want to discuss those amendments further and seek to achieve consensus, even majority support, at Further Consideration Stage.

The intention of the amendments is to ensure that we are not light on Departments. I appreciate the concerns raised by Mr Hamilton and Mr Elliott that Departments may need to act quickly. I believe that the amendments would not prevent that because it would still allow Departments to cause harm to an MCZ if it was clear that it was in the wider public interest.

I appreciate the Minister stating that he would have supported those amendments, but further conversations are needed. To a large extent, the amendments were new to many Members, and I would rather have those conversations, get the amendments right and, if possible, get agreement on them than push for a vote today and have them defeated without further consideration. Mr Elliott made a point about their competency. I believe that they are competent, but if the Minister has a point of view, I am interested in hearing it. My advice is that those amendments are competent.

I stated my intention to oppose clause 8, which I have concerns about. I question the need to include it. Judicial review should be the last resort, as was stated, perhaps by the Minister. It is a course of action that is available to be taken against any departmental action or consideration and it is allowed for in common law.

Indeed, under common law, there are four grounds for judicial review; illegality and impropriety, which are included in clause 8, but also irrationality and incompatibility with the European Convention on Human Rights. I am concerned that those elements are not contained in clause 8. As I say, I fail to see the rationale. The Bill includes the reduction in the timeline to six weeks, and I welcome the Minister's amendment to increase that to 12 weeks, which is more in line with common law. I feel that there is a need for this explicit provision.

My concern is that the explicit reference to judicial review in clause 8 restricts the grounds. Indeed, article 9 of the Aarhus Convention requires mechanisms to reduce or remove financial and other barriers to environmental justice. My interpretation is that clause 8 would add barriers. That concerns me, which is why I intend to oppose clause 8. In that sense, I welcome and support amendment No 5 but I will oppose the clause if it is so amended.

I have one further concern about clause 8. I will take guidance from the Minister, but my reading is that it would exclude NGOs from taking judicial reviews. It refers to "a person aggrieved", and I will listen to the Minister's feedback on that, but I think it is right that organisations concerned with environmental management should be able, as a course of last resort, to take judicial reviews. My concern is that, although case law would allow for environmental NGOs to take judicial reviews, the specific reference to "a person aggrieved" in clause 8 may exclude them.

Amendment No 6 provides for economic, cultural or social factors to be considered in designating MCZs. I have concerns about that, because an MCZ should be designated on ecological grounds, as mentioned before, on the best scientific evidence. The nature of the MCZ, I believe, should and can take economic, social and wider environmental consequences into account. However, as far as bringing that process forward to the designation of the MCZ is concerned, I think that where there is an ecological requirement for a designation, we should designate and look at the nature of that MCZ.

As the Minister said, a marine conservation zone is not a blanket designation. It is subtle, and each MCZ will be different in its nature and in how it is managed. In Strangford, there is an area that is a no-take zone, full stop. That will not be the case for MCZs, and I see MCZs almost in a spectrum from those with soft designations to those with stronger restrictions. That is when we should take economic, social and environmental factors on board.

I am also concerned about the inclusion of the word "cultural". I am not sure of the case law in that regard or of the definition of the word. It worries me that the argument could be used that because we have always done something, we should always do it. Looking at some of the aspects of the Bill, if that means fishing stock out of existence, cultural protection in that regard would not be justifiable. I appreciate that it is being taken as one consideration among others, and I would not die in a ditch over it, but I certainly have concerns.

6.45 pm

The other aspect of amendment No 6 that I have concerns about is the consideration given to the impact on fishing activities. We have that in the Bill. We can take those things into consideration when we designate an MCZ; it is about when we take those things into consideration. We should designate an MCZ on ecological need, if it is there, and then take those factors into consideration when we look at how we manage the MCZ. I have not heard others express concern about amendment No 6, and I fully anticipate that it will go through. However, I wish to put those points on record and am interested in hearing the Minister's response.

I welcome amendment No 12. It is a tightening enforcement that clarifies clause 23. Bringing in an exact timeline is helpful. However, I still think — and it is a point that I have made — we are still a bit light on Departments. I will speak to other parties about amendment No 9. As well, I think we need to see clause 23 not just requiring written justification from a Department if it damages an MCZ but, where it is unable to justify that damage, outlining what fines should be enforced. We have seen, with land environmental management — and I often make the point about Northern Ireland Water — that public authorities do not always take actions in line with legislation. We have seen that in the number of fines received by Northern Ireland Water. We have to ensure that there are disincentives beyond simply justifying an action. We already have various grounds of

greater public interest on which damage to an MCZ can be justified, but where damage is unjustifiable, we need the final thing of penalties. I ask the Minister to consider that in advance of Further Consideration Stage. My party and I will certainly look at it.

I am not surprised that amendment No 13 has been controversial. The reason why I bring it forward is that I think that, if we give sea fishing a blanket exemption for damage to an MCZ, we undermine a very important element of the Bill. When we talked about modiolus modiolus in Strangford lough, it was stated time and time again that fishermen were not responsible for the damage to Strangford lough. It is very clear that, if your fishing activity does not damage an MCZ, this legislation in respect of an MCZ is of no threat. Where your activity does do damage, I think that it is right that you should have to justify it. It is right that you should have to put the case that the economic activity of fishing is over and above the need for environmental protection. If you can argue and win that case, so be it. In that regard, I support the other provisions of the Bill. However, as the Bill is drafted, you have that defence.

I do not accept the need for a blanket exemption for sea fishing. That goes too far in protecting the fishing industry. There is enough in the Bill to do that. As I said, not every MCZ will be a no-catch zone. Personally, I think that amendment No 13 is necessary. I take Mr Hamilton's point about his understanding of the common fisheries policy as a member of the Committee. My understanding is that we can legislate and can deviate from other jurisdictions on nought to six nautical miles, and I put forward the amendment on that basis. I am glad to have my points on record on that front. It is clear from the contributions of others that there is no support for it, but, in understanding why we will have MCZs, it was important to put the amendment forward and to make the case. The blanket exemption for sea fishing is regrettable.

Overall, the amendments from the Minister are positive. I was negative about the Bill during the previous group; however, I very much welcome it and the work that we are doing. I am glad to see it come forward, and I agree with those who are frustrated about the time that it has taken. However, it is a very important Bill in how we manage our marine environment. There are elements that, if I were in Mr Attwood's position, I would do differently, but overall it is a Bill to be welcomed. I am happy to have contributed to the debate.

Mr Allister: I want to contribute on one issue and support Mr Agnew in his contention that clause 8 should not stand part of the Bill. Clause 8 seems to me an utterly unnecessary reduction in the right of the citizen to challenge the implementation of a marine plan, and I have yet to hear an explanation, either at Second Stage or so far today, on why we need clause 8.

I invite the House to consider the impact of clause 8 by considering the legal position if we do not have it. If we do not have clause 8, you have the untrammelled rights that you would have in any other sphere of public law for a challenge on the basis of a motion of certiorari to quash a plan or judicial review. However, under clause 8, those rights are considerably impaired because the grounds on which you can bring a challenge under clause 8 are substantially circumscribed. Clause 8(3) states that:

"A relevant document must not be questioned in any legal proceedings, except in so far as is provided by the following provisions of this section."

Clause 8(4) states:

"A person aggrieved by a relevant document may make an application to the High Court on any of the following grounds—

(a) that the document is not within the appropriate powers;"

— in other words, that it is ultra vires —

"(b) that a procedural requirement has not been complied with."

Of course, in certiorari or judicial review, you could bring a challenge on both those grounds, but you could also, very importantly, bring a judicial review challenge on the basis of Wednesbury unreasonableness, namely that the content, purpose and thrust of the document being challenged is so unreasonable that no reasonable body could have arrived at the conclusions in it. Why do we think it necessary in clause 8 to remove that plank of judicial review? What purpose does it serve? That question has yet to be answered.

The situation gets slightly worse because clause 8(4)(b) states:

"that a procedural requirement has not been complied with"

You have to read it in concert with clause 9.

If you are to succeed in any suppression of a plan under clause 8(4), you must meet the test of clause 9(3):

"Subsection (4) applies if the court is satisfied as to any of the following—

(a) that a relevant document is to any extent outside the appropriate powers;"

That is the ultra vires point. It continues:

"(b) that the interests of the applicant have been substantially prejudiced by failure to comply with a procedural requirement."

Of course, in judicial review at the moment, it being a discretionary remedy, a judge is entitled to balance and weigh whether to grant the relief on the basis of how far someone's interests have been prejudiced. That already exists in judicial review, but this writes it large into the Bill and creates a further hurdle that effectively says that not only can you not challenge on Wednesbury unreasonableness but, if challenging on procedural irregularity, you must cross a very high threshold in demonstrating that you the applicant have been substantially prejudiced by failure to comply.

I am not sure that Mr Agnew is right in his concern that only an individual can bring this limited judicial review challenge. I think that a person can, in fact, be defined as a legal entity. He is right to the extent that, whoever the applicant is, it is the singularity of the prejudice to them that has to be weighed, not the collective prejudice. It is the singularity, the unique prejudice to them as an individual, be they an NGO, if an NGO can bring a challenge, or an individual. So I think that there is a depletion of the rights that currently exist under judicial review, and, frankly, I just do not understand the need for it. The Minister should consider whether he really needs clause 8 at all.

Mr Agnew: I thank the Member for giving way and for his support in opposing clause 8. I would like his view on a person aggrieved, and I appreciate his clarification that a legal definition of a person can be a body. Equally, an environmental NGO may not be aggrieved but would be directly impacted. I am interested in his views on that.

Mr Allister: If I understood the Member right, he is exploring the issue of how far you have to be aggrieved before you can activate the

process. I concede that I would have thought it that it would be easier for an individual to be aggrieved and show that they have a grievance of substantial proportion or otherwise than it would be for an NGO, by virtue of the different standing that they have. I would have thought that, in the right case, it would probably be easier for an individual to successfully challenge under clause 8 than it would be for a collective such as an NGO, but I could be quite wrong about that. Fundamentally, I ask the Minister this question: where is the need? Why are we requiring to restrict the rights of challenge to marine plans through the necessity for clause 8? I do not see it, but maybe some revelation will shed some light on that.

Mr Speaker, you will be glad to hear that I will not speak on the other amendments, save to say that I am resolutely opposed to one of Mr Agnew's other amendments, amendment No 13. As a supporter of the fishing industry, I am not going down the road he wants to lead us down in that direction.

7.00 pm

Mr Attwood: I again thank all Members for their contributions. I trust that, in full or in part, I will deal with all the matters to the best of my ability.

I will step back for a moment from the particular details that have been queried and challenged in the legislation to make the following point: sometimes you can miss the wood for the trees — I do not know what a comparable analogy might be for the sea. Although all the questions are proper and legitimate, this should be seen as a watershed moment — excuse the pun — for our marine environment. I will tread carefully here, but my view is that a watershed moment has arisen for planning and spatial planning in Northern Ireland. That watershed moment is to do with reconfiguring retail/spatial planning policy to favour in-town and edge-of-town developments. We will see how that works out for a number of particular matters and for the retail element of the single strategic planning policy statement that is under preparation and should go out for consultation by the end of this year and be in place in 2014 in the run-up to the transfer of functions and the merger of councils.

This legislation is a watershed when it comes to marine spatial planning. We need to acknowledge the opportunity that it presents. We also need to acknowledge that, whatever about the argument around MCZs — I will deal with the points that Members raised on that — there is already a wide range of European

designations that are unaffected and will not be affected by our marine legislation. Yes, we will have marine planning and marine conservation zones, but they will be in the wider environment of the protections that already exist. We need to be aware of that. Although marine conservation zones will recognise our habitat requirements for the marine environment, there are already further and, arguably, higher requirements through birds and habitats directives from Europe. Therefore, the legislation adds to the family of protections, but, when it comes to MCZs, it does so in a way that is more discerning. It recognises what needs to be protected and how to protect it, whether that be at a lower or higher level. In so bringing about protections, you have a mighty conversation that involves a wide range of interests to decide what is the right thing to do. 'State of the Seas Report', which the Department published, stated — this is what informs the Bill — that there is a competition around marine space. In addressing that, we need joined-up management between government and other agencies, and we need marine planning and marine conservation zones; otherwise, the competition around marine space will not be resolved properly or satisfactorily. Therefore, the Bill is a watershed that should end up being a shield to protect all interests. It should not be used as a sword to assert the interests of one over the other. That is the challenge and opportunity that the Bill presents.

I will now deal with the issue of the sea fishing defence. This may come as a surprise to Mr Agnew, but I believe that he is right. There are requirements laid down by Europe for the sea fishing defence, but they do not require us to have the defence for nought to 6 nautical miles. Although there are requirements laid down by Europe, it is Mr Agnew's understanding of what is or is not required further to European requirements that is the right one. However, given that we live in a very small place and given the practice on the bigger island to our east where all those jurisdictions — England, Scotland and Wales — have decided to have sea fishing defence for nought to 12 nautical miles and in order not to create confusion and to have a level playing field for our fishing industry, the balance of argument, in my view, is to have the sea fishing defence apply for the nought to six mile zone.

It is not, as was argued by Mr Agnew, a blanket defence. Ultimately, it could be for the courts to determine whether an interest that relies on that defence is justified. Therefore, if somebody is relying on that defence, it may not prevail in all circumstances. Ultimately, whether it is

appropriate could be a matter to be determined by the courts. Indeed, the sea fishing defence will be subject to the test of due diligence. So, a fishing vessel or business that relies on that defence will have to demonstrate that it has shown due diligence in doing so. Therefore, it is not a blanket defence, as has been claimed.

I will turn to the issue of clause 8. Mr Allister now has sympathy with the view of Mr Agnew. Although I am very respectful of the legal authority that Mr Allister and others bring to the matter, let me explain, as best I can, the narrative that leads me not to be inclined to agree with their conclusion on this occasion. The first reason is that what is being proposed is already in law when it comes to High Court challenge and judicial review. That which is captured by the clause as it is drafted is already provided for in other legislation, such as roads orders, local government orders and others. Therefore, on issues about whether you are ultra vires with regard to your function or you are flawed in process, those clauses have been replicated in previous legislation in a way that has not done violence to those who may feel aggrieved and seek the protection of the courts by way of judicial review.

Let me confirm also the point made by Mr Allister with respect to Mr Agnew: "person aggrieved" is not defined narrowly, and there are precedents set in that regard to ensure that, whether it is an individual, a fishing interest, an organisation set up corporately or not in law or an NGO, they will all, as I understand it, be captured by the clause as drafted as a "person aggrieved" in order to seek the protection of the court. I will go further: the legal advice that was given to me says that the challenge of unreasonableness — the Wednesbury test — is also captured by the legislation as drafted. Therefore, "person aggrieved" is inclusive. The model that we are adopting has been applied and successfully deployed in respect of other legislation.

Mr Allister: Will the Minister give way?

Mr Attwood: I will in a second. It does not exclude a challenge of unreasonableness. In my view, it captures the challenge on the basis of ultra vires or improper process. Yes, it lays down a substantial prejudice test only to mitigate the risk of vexatious challenge. I give way to the Member.

Mr Allister: I think that the Minister is wrong about it encompassing unreasonableness. However, if the Minister is right and this is a mirror image of judicial review as we know it,

why do we need clause 8 at all if it is not changing anything?

Mr Attwood: I will answer that question in this way: you could adopt the process adopted by Mr Allister, which is that we should rely on the common law, essentially, and not legislate in respect of the matter. However, if I am right — I believe that I am — that an aggrieved person is an inclusive concept and captures all those who might want to go to court, if I am right — I believe that I am — that the Wednesbury test and a challenge on the basis of what is reasonable or not is captured by the legislation, if I am right — I believe that I am — that that is the model that has been properly deployed in other legislation that emanated from London and if I am right — I believe that I am — that no civil or European convention rights are compromised by the provisions of the legislation, then I would say to Mr Allister, through you, Mr Speaker, that my approach is equally valid and does no violence to the points raised by Mr Allister, just as I can acknowledge that his approach, based on common law, is valid. In my view, my approach is valid as well. It has been legislated before, has worked satisfactorily and has not done any damage to the interests of any individual who may want to apply for JR. I say all that because of the experience of our courts when it comes to judicial review. They have shown a flexibility that has served this society and public policy well over many, many years in challenging what I consider to have been improper behaviour by many organisations of the state. In my view, the courts have granted leave and even granted judicial review further to the model of law that I have outlined and that will be the expectation going forward. Save for vexatious issues, which, I think, should not go before the courts or should not be given an opportunity to go before the courts, the proposal captures all the interests —

Mr Agnew: Will the Member give way?

Mr Attwood: I will. I think that it captures all the concerns and anxieties and mitigates those concerns and anxieties in the way that I have outlined.

Mr Agnew: I thank the Minister for giving way. I stand by my objection and agree with Mr Allister that the clause is not needed if it is as the Minister outlines. However, speaking hypothetically, should the clause be agreed and an amendment to include irrationality and incompatibility with the European Convention on Human Rights is tabled at Further

Consideration Stage, would he have any objection to that, given what he has said?

Mr Attwood: I listened closely to the debate with regard to the amendments that were not moved today, and I thought that Mr Hamilton's commentary on the amendments was very interesting. I thought that they were well-made, well-crafted observations about the potential consequences. On the other hand, Mr Elliott seemed to open the door a little. I am sure that he will — oh, he is there; sorry — I am sure that he will appreciate that. *[Laughter.]* I was going to say that he would appreciate all that in his absence, but I presume that, in his presence, he will appreciate it even more. That was interesting, and we may be able to narrow the difference, if there is some difference, with regard to the amendments that have been moved. I will look at what you say, but the legal advice that I have received clearly asserts that, however you may want to interpret those clauses, they in no shape or form do offence to civil rights or convention rights and are compatible with those civil and convention rights. I will look at what the Member says. If we go down that road, we may overlegislate, but I will not close the door.

7.15 pm

The other major substantial matter that was raised concerned the process of designation of MCZs and the assessment of displacement. Those issues go to the heart of those clauses and, therefore, to the heart of the Bill. We are the last part of Britain and Northern Ireland to have a Marine Act, a marine plan and MCZs, so I am anxious that we are at the get-go — to borrow a phrase from one of my officials — as early as we can to ensure that we measure up in the protection and management of our marine heritage, given its scale and wonder. That is why, even at present, there is a massive round of ongoing engagements to scope out the intelligence around a marine plan and marine conservation zones. Those engagements are extensive and include staff from my Department and others travelling on ferries to Scotland to interview people to scope out the issues that they think should be addressed by a marine plan. Similarly, there have been public meetings with all the stakeholder sectors, including schools, fishing interests, renewable interests and ports and harbour personnel. The entire intention behind the legislation is, potentially, to set a new threshold for inclusion and public participation, which is why we sent out a statement on public participation in the process leading to the marine plan and marine

conservation zones for people to comment on. That is ongoing.

As we take all that forward, we must capture the views of the vast range of stakeholders — the economic, fishing, renewables and coastal community interests, the concerns of those who run ships and shipping lanes and so on — so that, when it comes to planning the MCZs, everything that should be known is incorporated as fully as possible into the conclusions. The identification of MCZs in the North's territorial waters will be based on the best available science, which goes back to issues raised by Mr Boylan and Mr Rogers. Some existing data can be used to identify the potential locations of MCZs, but new surveys will be required to fill in the gaps. That is why I was not shy about saying to Mr Boylan, when we debated the earlier group of amendments, that costs will be involved in the preparation of the marine plan and making assessments on the management of MCZs.

New surveys will be required because, as was stated on an earlier date, our understanding of the marine environment is not as advanced as that of the terrestrial environment. The surveys will deliver a fuller picture of the number, size and complexity of possible MCZs in our waters. On the far side of all that, together with specific conservation objectives and management features, there will be agreement on a site-by-site basis. As invited by Mr Hamilton, I want to affirm that point: it will be on a site-by-site basis. This will not be a one-size-fits-all scenario. It will be more severe in some places and much lighter-touch in others to recognise that science by its nature does not deliver one picture about potential zones. There will be a range of science for potential areas that will inform what is or is not done about the scale of an MCZ. As yet, however, we do not know what the UK's ecological network will look like, so individual sites will be considered on their own merits. That is the nature of the character that we are dealing with.

Our understanding of a marine conservation zone in terms of science and intelligence is still emerging. Consequently, there will not be a comprehensive picture because the information is still incomplete.

To conclude, because I hear that people may be getting a bit restless — even Members from my own party are getting restless if nobody else is getting a bit restless. *[Interruption.]* Well, you did ask these questions, so I think that I have an obligation to try to answer them. *[Laughter.]* I want to put this on the record because it is very important. Having said all this, there is some

intelligence and a narrative to the science to support the MCZ process. Since 2006, the Department has been engaged in systematic surveys in many parts of Northern Ireland's inshore region for the identification and assessment of European-designated sites and to monitor marine priority species.

Over the next number of weeks, scientists in the Environment Agency will do what they always do at this time of year: they will dive to assess what is happening to the ecosystem below the waves. We have scientists trained to dive in order to monitor, take videos and build up the intelligence picture. They do that work very well. Again, it is unheralded but essential work in order to have the survey of the inshore region to make assessments of designated sites. So, that work is ongoing.

In addition, we have the 2011 'State of the Seas' report, which is part of the UK marine science strategy. There are also data going back to the 1980s, when the Ulster Museum undertook the first wide-scale diving surveys of the sea bed within the UK and Ireland. It is the collation and gathering of all those results, and the analysis of data, that will enable us to make the assessments on conservation and marine conservation zones.

I will conclude with a comment that touches on what Mr Boylan, Mr Agnew and Mr Hamilton said. It is envisaged that MCZs will complement existing site designation and protection measures for European marine sites. They will not be used as a fisheries management tool and will not impinge on the objectives of the common fisheries policy. It is important to acknowledge that this is not a sword to be used against our fishing industry but a shield to protect its interest. At times, however, in order to have conservation, there will be seasonal, limited, or potentially no-take, in designated zones. Consequently, effective engagement appeals to key stakeholders are essential. Potential MCZs will be subject to full consultation and take account of the common fisheries policy.

I hope that that gives reassurance to the people who Mr Hamilton and Mr Boylan referred to, and who Mr Rogers very much referred to, in terms of the fishing interest.

The agrifood industry in the Republic of Ireland is worth €8.8 billion per year. They expect growth of 8% this year, particularly in the African and North American markets. They are predicting that on good authority. Even in recent weeks, the Irish Government appointed an agriculture attaché to its embassy in Beijing

because the market opportunities are there, and the quality of their agrifoods, are such that they dedicate a resource and an individual to develop the Chinese market.

At the heart of that is high added-value fish. Therefore, if we are to learn from the Southern experience in agrifood opportunities, we have to learn the added value of certain forms of fish; the prawns of this world. If we do not have a marine strategy that recognises the economic potential of all that, and the need to protect those fishing zones but in a way consistent with the marine plan and ambition, we will let down not only the marine environment but those fishing interests.

Amendment No 4 agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clauses 5 to 7 ordered to stand part of the Bill.

Clause 8 (Validity of marine plans)

Amendment No 5 made:

In page 6, line 40, leave out "6" and insert "12".— [Mr Attwood (The Minister of the Environment).]

Mr Speaker: Mr Agnew's opposition to clause 8 has already been debated.

Clause 8, as amended, ordered to stand part of the Bill.

Clauses 9 to 11 ordered to stand part of the Bill.

Clause 12 (Grounds for designation of MCZ)

Amendment No 6 made:

In page 9, line 16, leave out from "may" to end of the line and insert

"must have regard to any economic, cultural or social consequences of designating that area and, so far as possible, to—

(a) the extent to which any of the following activities are likely to be prohibited or significantly restricted within that area if it is designated—

(i) any licensable marine activity (within the meaning of Part 4 of the 2009 Act);

(ii) fishing for or taking animals or plants from the sea;

(b) the likely impact on the environment within that area if that area is not designated;

(c) the likely impact on the environment elsewhere in the Northern Ireland inshore region as a result of any activity mentioned in paragraph (a) being displaced from that area if it is designated."— [Mr Attwood (The Minister of the Environment).]

Clause 12, as amended, ordered to stand part of the Bill.

Clauses 13 to 17 ordered to stand part of the Bill.

Clause 18 (Creation of network of conservation sites)

Mr Speaker: We now come to the third group of amendments for debate. With amendment No 7, it will be convenient to debate amendment Nos 8, 15 to 18, and 20. This group deals with commencing the Bill the day after Royal Assent, and some technical amendments.

Mr Attwood: I beg to move amendment No 7:

In page 12, line 24, at end insert

"(5A) In subsection (3)(a) the reference to "the conservation or improvement of the marine environment" includes the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in Northern Ireland in implementation of Article 3 of the Wild Birds Directive (including by means of the upkeep, management and creation of such habitat, as appropriate), having regard to the requirements of Article 2 of that Directive."

The following amendments stood on the Marshalled List:

No 8: In page 12, line 42, at end insert

"the Wild Birds Directive" means Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds."— [Mr Attwood (The Minister of the Environment).]

No 15: In clause 38, page 26, line 21, at end insert

"(5) In regulation 31 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (byelaws for protection of European marine site) for paragraphs (1) and (2) substitute—

"(1) The Department may make byelaws for the protection of a European marine site under section 24 of the Marine Act (Northern Ireland) 2013 (byelaws for protection of marine conservation zones).

(2) The provisions of Part 3 of that Act relating to byelaws under section 24 apply, with the following modifications, in relation to byelaws made by virtue of paragraph (1) of this regulation—

(a) any reference to an MCZ is to be read as a reference to a European marine site;

(b) in section 24(1) the reference to furthering the conservation objectives of an MCZ is to be read as a reference to protecting a European marine site;

(c) the reference in section 24(3)(c) to hindering the conservation objectives stated for an MCZ is to be read as a reference to damaging a European marine site."

(6) Regulation 66 of those Regulations shall cease to have effect in relation to byelaws under Article 21 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985."— [Mr Attwood (The Minister of the Environment).]

No 16: In clause 41, page 29, line 13, leave out paragraph (b).— [Mr Attwood (The Minister of the Environment).]

No 17: In clause 47, page 31, line 2, leave out from beginning to "come" in line 4 and insert "This Act comes".— [Mr Attwood (The Minister of the Environment).]

No 18: In clause 47, page 31, line 6, leave out subsection (3).— [Mr Attwood (The Minister of the Environment).]

No 20: In schedule 1, page 37, line 23, at end insert

"Action taken by the Department before commencement

16.—(1) This paragraph applies to any action taken by the Department before commencement which, after commencement, could have been taken in accordance with a provision of paragraphs 1 to 10.

(2) For the purposes of this Act, it is immaterial that the action was taken before rather than after commencement; and any reference in this Schedule to an action taken under or for the purposes of any provision of paragraphs 1 to 10 is to be read accordingly.

(3) In this paragraph "commencement" means the coming into operation of this Act."— [Mr Attwood (The Minister of the Environment).]

Mr Attwood: Hopefully, this will not detain the Assembly too long. Certainly, that is my intention. Amendment Nos 7 and 8 deal with the creation of a network of conservation sites. I am happy to move amendment No 7 and to propose amendment No 8 at the same time. They are straightforward amendments. They will provide legal clarity in transposing an obligation arising from the EC's wild birds directive, which requires the preservation, maintenance and re-establishment of habitats for wild birds. I ask Members to accept the amendments to clause 18.

Amendment No 15 relates to clause 38, which deals with repeals and transitional provisions. This is an important one, and I will explain why it is necessary. Clause 38(1) revokes articles 20 and 21 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. Those articles relate to marine nature reserves, which will be replaced, through the Bill, by marine conservation zones.

However, that revocation will have consequential implications for regulation 31 of the Conservation (Natural Habitats) Regulations (Northern Ireland) 1995. That is because regulation 31 relies on the revocation of article 31 of the 1985 Order in order to extend its powers to make by-laws to designated European marine sites. The amendment would therefore provide a necessary new link between the by-law-making powers in the Bill and their application to the European sites designated under the 1995 Regulations. I ask Members to accept the amendment to clause 38.

Amendment No 16 is a consequential amendment to clause 41, which deals with regulations and orders. It is the intention to remove those references to commencement orders in clause 47. As such, there will no longer be any requirement to refer to an order

under section 47. I ask Members to accept the amendment to clause 41.

7.30 pm

Amendment Nos 17 and 18 are commencement provisions that amend clause 47. That also supports a Committee recommendation. The amendments would ensure that part 3 of the Bill, which relates to marine protection, comes into operation at the same time as the rest of the Bill: the day after Royal Assent is received. I ask Members to accept those amendments.

Amendment No 20 to schedule 1 relates to action to be taken by the Department before commencement, and I touched upon that matter in some of my earlier comments. It is the final amendment in the group and is an important amendment to schedule 1, as it introduces a saving provision to allow the preparatory work that DOE has undertaken on the marine plan prior to commencement of the Act to be treated as steps taken under the Act.

As I indicated, there is a parallel process to the legislation, namely preparatory work that is being undertaken now on the marine plan in advance of the Bill's being passed and receiving Royal Assent. That would include the work that has already been undertaken on the statement of public participation, which was published in June 2012, and the associated stakeholder engagement and evidence gathering. I want to make it very clear that it would be limited with regard to the period prior to enactment to which it might reasonably apply and by the paragraphs of schedule 1 to which it would extend. A key principle behind the amendment is that DOE should be able to demonstrate that it has discharged its functions under schedule 1 when it is commenced in a bone fide manner.

Therefore, the saving provision would not extend — this is critical — to the publication of a consultation draft; the handling of representations about the consultation draft; independent investigation of the consultation draft; and the adoption and publication of the marine plan. The saving provision is very carefully crafted and drafted to ensure that it does not reach beyond what is proper and, certainly, does not reach into the publication of the consultation draft and the other matters to which I have referred. Importantly, I can assure Members that a draft marine plan would not be published for consultation in advance of the Bill's enactment. That would not be covered by the amendment.

I have set an ambitious timeline for the delivery of the first marine plan. I am confident that with the full and constructive support of everyone, which has been very much the case heretofore, it can be achieved in early 2015. I ask Members to accept that amendment to schedule 1.

Ms Lo: I will begin by addressing amendment Nos 7, 8 and 15 to clauses 18 and 38. Those amendments had not been put to the Committee during Committee Stage, but we considered them subsequently at our meeting on 11 April 2013, when we agreed that we were content to support them.

We are aware that the European Commission is pursuing infraction proceedings against the UK for alleged failings in transposing the requirements of the wild birds directive. The proposed amendments to clause 18 should address the Commission's concerns. We note that other UK Administrations have modified their respective marine Acts in that manner.

With regard to amendment No 15, we noted that it would provide a necessary new link between the by-law-making powers in the Bill and the application to the European sites designated under the Conservation (Natural Habitats, etc) Regulations (NI) 1995. We were content with that.

The Committee welcomes amendment Nos 16, 17 and 18 to clauses 41 and 47, as members recommended during Committee Stage that all parts of the Bill should come into force at the same time on the passing of Royal Assent, including the introduction of MCZs.

Finally, on amendment No 20 to schedule 1, the Committee was content with the schedule, subject to a departmental amendment introducing a saving provision to preserve work that is done on the marine plan in advance of the Marine Bill coming into force. Amendment No 20 addresses the Committee's wishes. We therefore support the amendment.

I now turn to my personal comments. Amendment Nos 7, 8 and 15 came to the Committee in April this year, well after Committee Stage, which ended in July last year. That appears to be an oversight on the part of the Department. The problem relating to the wild birds directive had been known for some time, and it was anticipated that the Marine Bill would address the directive's requirements. So I really cannot understand why these aspects were not included in the Bill in the first place. It took the Department months to realise that there had been an

omission, but, luckily, it did so in time to include these amendments in the Bill. I hope that this will not happen again.

Mr Hamilton: I will also seek to be brief in offering my support for the amendments in this group.

I accept and agree with many of the Chair's points about that oversight, if one could describe it in such a way, in respect of the wild birds directive and why these amendments were not produced at an earlier stage. The Committee did not disagree with the amendments. In fact, it understood the need to include them, and it, therefore, accepted and agreed them. However, perhaps one of the beneficial consequences of the delay in getting from Committee Stage to Consideration Stage is that it afforded us a lot of time to look at things in a little more detail than we had done before, and so the oversight was, thankfully, spotted. So I accept the point that it is a little strange, but I have no objection to it being there.

I want to talk about clause 38, which amendment No 15 deals with. I accept what the Minister said about the importance of the clause. During the debate on an earlier group of amendments, Strangford lough was mentioned on several occasions as an example of how not to look after the marine environment in a careful and co-ordinated way. The consequence of the Bill and particularly clause 38 is that — I have corresponded with the Minister on this issue before — Strangford lough will lose its marine nature reserve (MNR) status and, in all likelihood, be first to gain marine conservation zone status. However, I pointed out to the Minister in correspondence that marine nature reserve status — although I accept the argument that it was no longer fit for purpose in offering good, solid, strong protection for the marine environment in Strangford lough — offers us something more in being a selling point for the area.

One of the reasons why Strangford lough attracts tourists, visitors and people interested in the marine environment is because it is so special. The very fact that we were able to sell it as the only marine nature reserve in the UK and, in fact, the British Isles added something a little extra, even though, substantively, it meant nothing in terms of environmental protection. It gave us something that we could sell because it did not exist anywhere else.

My argument, therefore, is that although Strangford lough may be the first marine conservation zone, which is a prestigious title, it

will not be the only one. There may be five, six, 10 or 20 MCZs all around the coastline of Northern Ireland, with nothing to differentiate whether one is better — perhaps "better" is the wrong word — or more significant in marine terms than another.

I accept that the Minister and the Department's only concern is offering and affording environmental protection, and the Bill and clause 38 certainly allow that to happen. However, I think that something is lost by losing the marine nature reserve status. I, therefore, ask the Minister to commit to work with others, principally the Tourist Board, to look at ways in which we can afford something a little more to Strangford lough, recognising that it is a site of significant marine importance, not just in a Northern Ireland or British Isles context but in a European and global context. I accept that this is not in the Minister's bailiwick, but I think that, if he were to engage with others, principally the Tourist Board, something could be done to afford additional status to Strangford lough, which I think everybody here, the Minister included, would acknowledge is a legitimate cause and claim.

I support the amendments in group 3.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. What a great way to spend your birthday. It is 7.40 pm in the Assembly — part of the job.

I support the amendments. We were concerned in Committee about the wild birds directive. However, the amendments will certainly go some way to addressing some of the European Commission's concerns on that. Some of the amendments talk about time frames and everything being co-ordinated so that the provisions can come forward together. With that, I will wind up. I support the amendments.

Mr Speaker: That was a fine example. *[Laughter.]*

Mrs D Kelly: Mr Speaker, I have sat patiently all afternoon; I have not spoken yet. I take this opportunity to wish Mr Boylan a very happy birthday.

As a member of the Committee, it is very pleasing that the Marine Bill has finally reached this stage. However, through you, Mr Speaker, I will say to the Chair of the Committee that, given that, as the Minister indicated, some five pieces of legislation are coming to the Committee in very quick succession, the

Committee may have to meet more regularly and adopt a model similar to that which the Committee for Social Development adopted to get through its legislation. At least, in the environment portfolio, work is ongoing once we get past the Executive logjam.

I am delighted that there is a plan for marine conservation and the Marine Bill in general. I lament that Lough Neagh does not have a similar management plan. This group of amendments incorporates the streamlining of applications, particularly for renewable energy. I think that, here in the North and across the island of Ireland, we have a tremendous opportunity to use our coastal and inland waters to be a hydro nation. There are huge economic opportunities for us, and I hope that members around the Executive table will grasp them.

I am also delighted about the wild birds directive and that a clause on that has been added to the Bill, even at this late stage. It is very important that that remains the case. I put on record our party's support for this group of amendments.

Mr Agnew: I also support this group of amendments. I am not keen to keep the House unnecessarily. The points on the wild birds directive have been made. I will not reiterate them, other than to welcome the amendments. Equally, I welcome the amendment to broaden MCZs to bring them in line with the protections of EU marine sites.

So, on behalf of the Green Party, I support these amendments and welcome that the Minister tabled them.

Mr Attwood: I am sure that Colum Eastwood will be pleased to know that he shares a birthday with Mr Boylan and that Mr Boylan will be pleased to know that he shares a birthday with Colum Eastwood.

Mr Boylan: We are the same age.

Mr Attwood: I very much doubt that. *[Laughter.]* I want to deal with two points. Mr Hamilton made a good point. He asked whether Strangford lough, in the outworking of all this legislation, will lose its special status as our only marine nature reserve. I am tempted to ask: would it not send out a much more dramatic and appealing message if we had national parks legislation, on the far side of which Strangford lough were designated a marine national park?

If we are serious about saying that we have this wonderful natural, built, archaeological and Christian heritage, and that, around that, there are heritage obligations and development opportunities, is there not a bigger label than marine nature reserve or marine conservation reserve, namely marine national park?

Although I regret how some of the national park debate has gone — I have some culpability in all that — if we really want to scale up our ambition for places such as Strangford lough, the label of national park for it would have a much greater international appeal and tourist draw than any of the designations that there have been heretofore or that will exist hereafter.

However, parking that particular issue for the moment, I think that the essence of the point that Mr Hamilton made is the right. Whether it is an MCZ or an MNR and whether there is one or more than one, we must ask what opportunities that creates beyond the designation and what impact that might have in economic, social and environmental terms. That will allow us to say to people, internationally, that this is the scale of our marine heritage, and that they should come and see it, enjoy it and spend some money.

7.45 pm

On the far side of this legislation, I will write to DETI and the Tourist Board to draw attention to the remarks that you made. My visit to Strangford lough, as with my visits to a lot of the other heritage sites, suggest that there is more to be done: more opportunities to be created; more jobs to be secured; and more protection of the heritage in the way that has just been outlined.

On the criticisms of some amendments coming in late, I think that, every so often, the Committee receives a copy of our infraction schedule. Although the infraction schedule may be losing one risk with the infraction proceedings around Strangford lough, the United Kingdom has an infraction risk in respect of the wild birds directive. Consequently, we are taking the opportunity through this legislation to tighten up the issues around the wild birds directive and the risk that arises. Given that the legal opportunity arose through the Bill to do the right thing and to mitigate risk, we took the opportunity late on. It was intended that there would be a vehicle, through conservation regulations, to deal with this issue, but we are availing ourselves of the opportunity presented by the Bill. It has come late, but it is the right thing to do because of our European obligations.

Amendment No 7 agreed to.

Mr Speaker: Amendment No 8 has already been debated and is consequential to amendment No 7. *Amendment No 8 made:*

In page 12, line 42, at end insert

"the Wild Birds Directive" means Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds.— [Mr Attwood (The Minister of the Environment).]

Clause 18, as amended, ordered to stand part of the Bill.

Clause 19 ordered to stand part of the Bill.

Clause 20 (General duties of public authorities in relation to MCZs)

Amendment No 9 not moved.

Clause 20 ordered to stand part of the Bill.

Clause 21 ordered to stand part of the Bill.

Clause 22 (Advice and guidance by the Department)

Mr Speaker: I will not call amendment No 10, as it is consequential to amendment No 9, which has not been moved.

Clause 22 ordered to stand part of the Bill.

Clause 23 (Failure to comply with duties, etc.)

Mr Speaker: I will not call amendment No 11, as it is consequential to amendment No 9, which has not been moved. *Amendment No 12 made:*

In page 16, line 37, leave out paragraphs (a) and (b) and insert

"(a) the Department must request from the public authority an explanation for the failure; and

(b) the public authority must provide the Department with such an explanation in writing within the period of 28 days from the date of the request under paragraph (a) or such longer

period as the Department may allow."— [Mr Attwood (The Minister of the Environment).]

Clause 23, as amended, ordered to stand part of the Bill.

Clauses 24 to 31 ordered to stand part of the Bill.

Clause 32 (Exceptions)

Amendment No 13 proposed:

In page 22, line 35, after "fishing" insert

"at a distance of not less than 6 and not more than 12 nautical miles from the seashore".— [Mr Agnew.]

Question, That amendment No 13 be made, put and negatived.

Clause 32 ordered to stand part of the Bill.

Clauses 33 to 35 ordered to stand part of the Bill.

Clause 36 (Enforcement officers)

Amendment No 14 made:

In page 24, line 35, at end insert

"() Articles 4, 6, 7, 10, 12, 13, 14, 15 and 15A of the Wildlife (Northern Ireland) Order 1985;

() regulations 34, 36 and 38 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995;

() any byelaws made by virtue of regulations 23 or 31 of those Regulations;

() Article 46 of the Environment (Northern Ireland) Order 2002,"— [Mr Attwood (The Minister of the Environment).]

Clause 36, as amended, ordered to stand part of the Bill.

Clause 37 ordered to stand part of the Bill.

Clause 38 (Repeals and transitional provisions)

Amendment No 15 made:

In page 26, line 21, at end insert

"(5) In regulation 31 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (byelaws for protection of European marine site) for paragraphs (1) and (2) substitute—

"(1) The Department may make byelaws for the protection of a European marine site under section 24 of the Marine Act (Northern Ireland) 2013 (byelaws for protection of marine conservation zones).

(2) The provisions of Part 3 of that Act relating to byelaws under section 24 apply, with the following modifications, in relation to byelaws made by virtue of paragraph (1) of this regulation—

(a) any reference to an MCZ is to be read as a reference to a European marine site;

(b) in section 24(1) the reference to furthering the conservation objectives of an MCZ is to be read as a reference to protecting a European marine site;

(c) the reference in section 24(3)(c) to hindering the conservation objectives stated for an MCZ is to be read as a reference to damaging a European marine site."

(6) Regulation 66 of those Regulations shall cease to have effect in relation to byelaws under Article 21 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985."— [Mr Attwood (The Minister of the Environment).]

Clause 38, as amended, ordered to stand part of the Bill.

Clauses 39 to 40 ordered to stand part of the Bill.

Clause 41 (Regulations and orders)

Amendment No 16 made:

In page 29, line 13, leave out paragraph (b).— [Mr Attwood (The Minister of the Environment).]

Clause 41, as amended, ordered to stand part of the Bill.

Clauses 42 to 46 ordered to stand part of the Bill.

Clause 47 (Commencement)

Amendment No 17 made:

In page 31, line 2, leave out from beginning to "come" in line 4 and insert "This Act comes".— [Mr Attwood (The Minister of the Environment).]

Mr Speaker: Amendment No 18 has already been debated and is consequential to amendment No 17. Amendment No 18 made:

In page 31, line 6, leave out subsection (3).— [Mr Attwood (The Minister of the Environment).]

Clause 47, as amended, ordered to stand part of the Bill.

Clause 48 ordered to stand part of the Bill.

Schedule 1 (Marine Plans: Preparation and Adoption)

Amendment No 19 made:

In page 36, line 35, at end insert

"() report on the proposal within the period of 6 months from the date of that person's appointment, or such longer period as the Department may approve,".— [Mr Attwood (The Minister of the Environment).]

Amendment No 20 made:

In page 37, line 23, at end insert

"Action taken by the Department before commencement

16.—(1) This paragraph applies to any action taken by the Department before commencement which, after commencement, could have been taken in accordance with a provision of paragraphs 1 to 10.

(2) For the purposes of this Act, it is immaterial that the action was taken before rather than after commencement; and any reference in this Schedule to an action taken under or for the purposes of any provision of paragraphs 1 to 10 is to be read accordingly.

(3) In this paragraph "commencement" means the coming into operation of this Act.".— [Mr Attwood (The Minister of the Environment).]

Schedule 1, as amended, agreed to.

Schedule 2 agreed to.

Long title agreed to.

Mr Speaker: That concludes the Consideration Stage of the Marine Bill. The Bill stands referred to the Speaker. I ask the House to take its ease as we move to the next item of business.

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

Motion made:

That the Assembly do now adjourn. — [Mr Speaker.]

Adjournment

Special Needs Provision: Larne

Mr Deputy Speaker: The proposer of the Adjournment topic will have 15 minutes. The Minister will have 10 minutes to respond, and all other Members who wish to speak will have approximately seven minutes.

Mr McMullan: Go raibh maith agat, a LeasCheann Comhairle. At this late hour, I do not intend to speak for 15 minutes on this subject, and I know that that will please everyone. I thank the Minister for being here tonight and for waiting for so long. It means a lot to have him here.

Since my election as an MLA for East Antrim, I have come across an alarming rise in cases of families with children and adults with special needs who have concerns, fears and problems that are worryingly similar. Many of them ask what will happen when their children leave school. They ask where their children will go and what they will do. As parents or guardians, they ask what they can do or what it is that they are supposed to do. Those questions are asked year after year, and still we seem to be no further forward.

I should declare an interest. Recently, a special needs group in the glens, the Friends group, of which I am the chair, has linked up with a disability group in Larne called Kaleidoscope.

That was done through a funding opportunity with North Antrim Community Network. It enabled both groups to meet for the first time and discuss their relevant concerns. What emerged was very worrying.

8.00 pm

The parents in both groups sat down to discuss their children's everyday lives etc. Minister, what really came out in that initial meeting was that the parents from Larne, such a large town, could not believe how much they have not been told and what they are entitled to; they had never known that. Considering the large area

that Larne covers, it has minimal services for the disabled and those with special needs. The Larne group was amazed to hear how the Friends group managed to access funding for projects, knew how to identify projects and knew who to speak to to get help. Those are the basics for any group, but, sadly, the statutory bodies in Larne have neglected the town and the area right up to the village of Carnlough.

Minister, I take this opportunity to appeal to you to visit the area and meet those involved with disability and special needs provision and hear their concerns. Families are struggling to put their children through school with the appropriate support. It is getting harder, with pending cuts and benefits reform.

Outside school, basic help for disabled and special needs people in society generally stops, or, at best, its availability is a struggle. Government provides no services. Increasing numbers of families are suffering hardship and existing on the bread line. In quite a few cases, those living with a disability are forced into poverty. I acknowledge the two excellent special needs school units in Larne, both of which agree that much more needs to be done to facilitate social inclusion through after-school activities, weekend activities, etc, which do not happen, and to help fight the disability discrimination that exists in Larne and the coastal district.

At the beginning, I mentioned a group in Larne called Kaleidoscope. It is run entirely by volunteers, all of whom are parents, other family members or friends of the children with a disability. The group runs a very structured youth club from various church halls, as it has no permanent premises from which to operate. Despite having made a presentation to Larne Borough Council, that group, which has children with various degrees of disability, is being shunted from hall to hall. I have to give credit to the organisations that own the halls and allow the group to use them.

It is left to members of the public to do work that, really, is the responsibility of statutory bodies. It rankles most people who work with disability or special needs that it is left to the voluntary sector to do the work day in, day out. The statutory bodies are there, and there is help. However, they do not come forward to tell people what help is available: that is the frustrating thing. Moreover, there is a lack of day-centre provision for pupils when they leave school. There are no real and meaningful programmes to assist those pupils in advancing and developing. I am a parent of a special

needs child. She is 16, and we still do not know where she will go when she leaves school or what she would do without the help of her voluntary group. We got the Cedar Foundation to put her on a befriending programme, through which children are taken out once a week. That is the only help that such people get. We would not have got that help if we had not gone looking for it.

Despite the wonderful help of volunteers in groups such as Friends and Kaleidoscope, there is little that can be done in the day centres beyond playing games or watching TV. For pupils who are able to go on to further education, there is a limited choice of courses at the Northern Regional College during and after their school career. I believe that there are no full-time courses post-19. Pupils in Larne are required to travel independently to Newtownabbey or Ballymena, and, for many pupils, that is impractical or impossible. For example, courses for pupils during their time at Roddensvale Special School are limited to woodwork and ICT delivered by tutors in Larne High School. That situation gets worse when you leave Larne and travel to the coast, to Carnlough and into the glens. There is nothing there at all. We have been promised everything, and there is nothing there. Our group was started in 2000. We were promised different things but never got anything at all.

We have to consider that those children and adults have many differing health issues and that long-distance travelling can cause stress, tiredness and irritability. Thus, by the time they have reached their colleges, they have little to no motivation to do anything other than rest. The attention disorder in a lot of those children or adults is a priority, and once they lose that motivation, they have lost everything during the day. That is part of the problem. We cannot expect them to travel miles; it is not practical. We can relate to the effects of long-distance travel on us. So, imagine what it is like for the disabled and those with special needs. This issue affects those in rurally isolated areas such as the glens where, at present, those with special needs and the disabled have to travel up to three hours a day to get to their centres or to college. Why do we insist on bringing our young adults out of their environment to travel miles away from what they are aware of to avail themselves of further education facilities when that could be done locally? Minister, that is totally unacceptable, and the parents cannot understand that either.

The Northern Ireland European social fund programme 2007-13, which the Department for Employment and Learning — your Department

— is responsible for, states its first priority as being helping people into sustainable employment. It supports projects that offer training to disadvantaged people to enter the labour market, and for those seeking further skills. Some of the projects focus exclusively on participants with a disability. At present, there are 17 projects in receipt of assistance in relation to participants with a mental health difficulty, learning disability or physical disability. Therefore, Minister, I can perhaps look forward to you telling me how much of that has been put into the east Antrim coast, and where.

DEL and its delivery partners provide lifelong learning opportunities for young people with severe learning difficulties across a wide range of services. Further education colleges collaborate with special schools and adult day centres to provide discrete courses for young people with severe learning difficulties. That provision can be provided on college premises, at a day centre or at other suitable premises. Thus, why has that not been happening in day centres in Larne and the glens? It is quite apparent that a lot of work has yet to be done in that field, but that work is our responsibility, because those with a disability who can avail themselves of further education at whatever level or degree are not able to speak for themselves. That is why, Minister, I ask you to instruct your Department to carry out an investigation into the appalling lack of special needs provision in Larne and the glens. That is the thrust of the Adjournment debate this evening: that that investigation will be carried out and, secondly, that you will come into the area and speak to the groups. You will learn from them, see the good work that they are doing and also see the lack of facilities there. We are being made to travel further and further to get to central education facilities. Community transport is now gone, and public transport does not suit because of the times. Minister, the only way now is to put programmes back into the day centres or facilities like that in the areas where it matters. The likes of Larne could have a great facility for further education. It could take people in from the surrounding areas, such as Glenarm and Carnlough. The glens need something. We are in the process of possibly starting up a day centre in the mid-glens because the centre in Ballycastle is closing, but the day centre that is currently there has nothing on the premises for those young adults. Minister, thank you for listening, but I ask you again to carry out that investigation and to come down and see what is there.

Mr Ross: I thank the Member for bringing this Adjournment debate to the Floor of the House. I know that it is an issue of personal significance to him, and it is an important issue for all of us. It is more important than perhaps the number of Members in the Chamber tonight reflects, but, of, course that is partly to do with the fact that we had a similar debate in the House last week on this issue, and the Minister responded on that as well.

Many of the issues that were identified in the debate last week are relevant in Larne and, indeed elsewhere in our constituency of East Antrim. Many of the challenges that Members outlined in that debate — to young people and, as Mr McMullan said, to parents and their communities — are very pertinent. A number of themes that came out in the debate last week are of particular relevance to the Minister who is responding this evening. Those were around the types of support that are available for young people, the opportunities that they have to progress, and the transition into employment. We want to ensure that young people with special needs have opportunities to make a valuable contribution through employment.

That is a major issue about supported employment, and I know from my time on the Committee for Employment and Learning in this and the previous mandate that we have undertaken visits. The supported employment opportunity for young people that sticks out for me is Ulster Supported Employment Limited (USEL) in Belfast. Some people in the disability sector do not like that approach, but I found it to be quite a good example of where young people are given supported employment. They can earn a wage, and they make things that are sold as a commercial enterprise. I thought that it was a good model. There are other examples across the Province, and it would be good if that model could be rolled out in other places across the Province. If people in Larne and across east Antrim could participate in similar employment opportunities, it would be very important.

Recently, the Committee has been engaging on the issue of special educational needs. It will come as no surprise to the Minister that experiences across the Province are patchy, and, as Mr McMullan said, there is, perhaps, a deficit in Larne and not a good provision of services in what some people have called a postcode lottery. The Minister has acknowledged that the experience is not great across Northern Ireland and that it needs to be looked at. In responding to the Adjournment debate, it might be useful if he were to set out what support is available specifically in east

Antrim for young people, and it would be important to set out what careers help is available in the FE colleges in Larne for young people with special educational needs. I would also like to know what work he and his Department have done with employers in Larne to ensure that they are willing to take on young people who have particular challenges to ensure that they can be employed locally, even if that is on a part-time basis. I would like to know what help has been offered to young people who, as Mr McMullan said, often have to travel quite large distances to go either to care facilities or to find employment.

I was asked by my colleague Mr Hilditch to raise a particular issue about a constituent whom he has been dealing with in the office that we share in Carrickfergus. It is a family who have a young boy of four or five who has to travel from Larne to Mitchell House in Belfast to receive the kind of care that he is looking for. It is a 50-mile round trip every day, and the fact that the young boy is having to travel this distance is causing huge concern to the family. It is an example that he asked me to raise this evening.

We also have to recognise that the Minister is not responsible for all the issues around this; he is having to respond on behalf of other Ministers as well. He does not act in isolation but has to work very closely with the Minister of Education and, indeed, the Minister of Health, Social Security and Public Safety. That collaboration is hugely important. We should recognise that there is already collaboration going on at that high level to address some of the issues that we have raised, such as the transitions to day care that Mr McMullan talked about, daytime opportunities for young people and the supported employment that I spoke about earlier. The trust in our constituency works closely with the education and library boards to try to meet some of those challenges. There are many challenges in Larne, as there are elsewhere. It is about improving those transitions for young people of all ages and improving the interfaces between the family, the Health and Social Care Board, and the education and leisure elements. Mr McMullan touched on that issue, too.

8.15 pm

The debate has focused mainly on Larne, and I pay tribute to those involved in providing a range of services to preschool and school-age children in the area, including allied health services, speech and language services, nursing, and medical and social care. We

acknowledge the work of Roddensvale School, which deals with around 100 pupils between the ages of three and 19. There are many challenges there. There is also the Larne Adult Centre, as well as learning support centres for those with more moderate disabilities in both Larne High School and Moyle Primary School.

Larne has some specific challenges. We are aware that a regional review of the multidisciplinary services to schools is being undertaken by the Public Health Agency. That may have implications for the services currently available in Larne, so we need to keep a watchful eye on it. There is a vacancy in the area's speech and language therapy service, and we want that position to be filled as soon as possible.

Larne plays an important role, not just for the people living in the town but for the wider area. It was interesting to hear Mr McMullan talk about some of the networks that have developed. As he indicated, networks are developing between east Antrim and north Antrim, but they are also developing between south Antrim and north Belfast. Those networks are growing voluntarily, and they are examples of collaboration at a lower level. I talked about collaboration at a higher level earlier. Those are some of the positive developments that we have had. If we look at the bottom of the constituency and at schools in Newtownabbey and Jordanstown, Thornfield School is involved in the provision of speech and language services, as well as services for deaf and blind children.

I encourage the Minister to outline some of the services that are currently available. I encourage him to continue to work closely with his ministerial colleagues in education and health to ensure that there are opportunities for young people and, more importantly, to ensure that parents are not worried about what support will be available for their children once they can no longer provide it. That is a real issue that has come up in my constituency surgeries, and in other Members' as well. It is a real fear for people. If the House can do anything, it is to provide some sort of comfort for parents who are worried about what happens afterwards. I hope that the Minister will touch on that in his response.

Mr Beggs: I commend the Member for securing the Adjournment debate on special needs services and provision in Larne. There is a need for special needs support right from early years to the latter years in life. Early intervention is required. The earlier that help is available, the better the outcomes.

I acknowledge the work of Action for Children's Larne parental support project, which covers Larne town and, slightly outside, Glynn and Millbrook. I will come back to that shortly. I also commend the work of Horizon Sure Start — I declare an interest as a member — which works in the wards of Antiville, Ballyloran and Craigy Hill. Both projects are funded for limited geographical areas, although they can provide some assistance outside of those areas where special support is needed. Surely, however, much wider support should be available, and I ask that additional funding be made available to other areas, such as Ballycarry, Islandmagee, Ballygally, Glenarm and Carnlough, to provide wider support for the entire community. Indeed, funding should be made available right up into the glens of Antrim.

Speech and language is particularly important for children with special needs. If they cannot communicate, huge frustration sets in. On occasions, parents need guidance to help them to understand the child and communicate better, so that is an important aspect of the work. It happens at the projects based in a wing of St Anthony's Primary School. On the subject, there is a need for better disability access to that school and on the approach pathways.

I commend the teachers and classroom assistants in all our schools in Larne, primary and secondary, for the work that they do in assisting children with special needs. I commend in particular those who work in Roddensvale special school, and the people of Larne universally appreciate their work. Anyone who visits the school cannot but be impressed by it and its welcoming nature. I notice that a recent inspection report states:

"In the areas inspected the quality of education is very good in this school, and the pastoral care is outstanding."

So, everyone in the school — principal, teachers and support staff — must all be commended for the work that they are carrying out there.

One of the biggest outstanding issues in that school has been its attempts to get a hydrotherapy pool to benefit these most disadvantaged children. Planning permission was successfully obtained in October 2009. Funding was originally awarded, but it was ultimately lost as a result of a legal challenge. That detailed bit of work has been left in limbo ever since. So, I ask the Minister to find out whether funding can be made available to put

that very worthwhile project in place for the benefit of these most disadvantaged children.

I notice that the A5 project has recently been cancelled, so Ministers are looking for shovel-ready projects. Minister, that is a shovel-ready project. It has planning permission, and it just needs the money. So, I ask you to take it back to the Executive so that you can ensure that some of our most disadvantaged children are helped.

Respite care is one element that is needed by parents looking after children with special needs. I hear that the one weekend or a couple of days a month at Whitehaven Respite Unit is greatly appreciated but that more assistance is necessary to allow those families to recharge their batteries. Often they have to look after their loved ones 24/7. Even occasions such as going to the dentist or out to buy shopping can be a difficulty for households that have those sorts of demands. There is no Home-Start at present in Larne, so that, too, should be looked at.

Multi-agency support for schools was mentioned. Again, the additional support in our primary and nursery schools to help the staff there, as well as the specialist help that can be made available for speech and language communication, social, emotional and behavioural training and help with sensory, motor and perception issues, are all needed. That support should surely be available in every school. Why are only 148 of the schools in the Northern Trust area supported at present? Some 103 schools are not supported. Surely that support should be in every school to help to identify those issues at an early stage and provide support.

Where support in post-primary schools is concerned, mention has been made of the close working relationship with Larne High School and Roddensvale School. That is to be welcomed. However, it is unfortunate that there are no appropriate courses in the Larne campus of the Northern Regional College for those older children. That means that they have to be able to travel to Newtownabbey to avail themselves of such courses.

Another important facility that is available and that must be commended is Acceptable Enterprises Larne, where a range of facilities and support are provided. Young people get involved in mop-making. They do valuable work on a subcontractual basis for companies such as Bombardier making Whale pumps. I know that they are developing a small cafe there, and they are hoping to develop a base-

style drop-in centre for children with learning difficulties who are in those latter years. That is somewhere where they can take part in other useful activities and socialise. Other Members mentioned how important that is.

One of the biggest concerns for parents of young people with special needs is knowing who will look after them in later life. We have Kilcreggan urban farms in Carrickfergus where there is activity, sheltered housing and a warden on-site to support such people. However, I have been contacted by a constituent living in Lisgarel Residential Home who is a vulnerable young adult and who has been told that that supported living, along with the residential home, is under threat. It is essential that we ensure that there is valuable supported living for such vulnerable people in our community and that they are not put out of their homes and kept in the dark. We must ensure that they are looked after and cared for from the cradle to latter life. I ask the Minister to ensure that that happens.

Dr Farry (The Minister for Employment and Learning): I thank the Member who tabled the Adjournment debate and the other Members who contributed.

We recognise, fundamentally, that a lot of young people and adults and their families are dealing with very difficult circumstances regarding special needs provision. Obviously, this is a major challenge for us all in government, but it is an even bigger challenge for those who have caring responsibilities and offer support to vulnerable people. I recognise, sympathise and empathise with the situation that Mr McMullan set out about his family's situation; it brings the discussion very much closer to home. We recognise, fundamentally, that every citizen in this society, regardless of their individual circumstances, should have the opportunity to engage in appropriate learning, development and employment, and should have the opportunity to progress and achieve in life.

We have had a very wide-ranging discussion on the general challenges facing people and their families right across Northern Ireland and those specifically in the East Antrim and Larne area. As Members will appreciate, this cross-cutting issue impacts on the responsibilities of a number of Departments. The Department of Health, Social Services and Public Safety has been mentioned, as well as the Department of Education, the Department for Regional Development with regard to transport and my own Department with regard to further and higher education and employment. Those

Departments all have major responsibilities. I will endeavour to respond to many of the comments that have been made by Members as they relate to my own responsibilities. However, my officials will have taken notes of many of the other comments made by Members and, where appropriate, we will pass those comments on to my colleagues on the Executive so that they can come back to the individual Members on the particular issues or concerns that they put forward. I will include the case that Mr Ross raised on behalf of his colleague Mr Hilditch.

We recognise that a very particular challenge occurs at the age of 19, when young people leave the settled environment of special education. For many parents, it can seem like they are dropping off a cliff and there is a real sense of uncertainty about what the future holds for the young person in question. Although various Departments will endeavour to put in place the proper support, I have no doubt that there are gaps in provision across Northern Ireland, and that is a challenge that we have to rise to and address. Obviously, the Department of Health, Social Services and Public Safety has a major role to play in day centres, and our Department has a responsibility for further education and employment. However, the fear of many is that there are gaps between those two different legs that people may fall through and, indeed, that even the provision, whether it is by the Department of Health, Social Services and Public Safety or my Department, is uneven across Northern Ireland.

I assure Members that we have been listening very closely to what they said, either during this evening's debate or during last week's fuller debate in plenary session. We fully appreciate that this is a major priority for MLAs. We have a duty to review what we have and to respond in kind. I have asked my officials to review what we have with regard to disability employment services, and we will conduct that review over the coming months. I do not believe in long reviews. I believe that we need to be short, sharp and focused in what we are trying to do.

8.30 pm

In respect of the further education sector, I have asked that we look across Northern Ireland to see if we have uniformity in the standards that are being provided. No matter how well we can ensure that there is uniformity in what is on offer, we are limited by resources in where we can provide further education facilities. Arising from that, there is the prospect of tutors in those colleges engaging with people in day centres or

other settings. So, there is a range of different responses that we can undertake.

I will make some more focused comments around the specific area. Members will be aware that there is a disability strategy, which outlines the Executive's overarching priorities. Departments work closely, and we will intensify that co-operation and collaboration. Members will be conscious that there are different areas where the Department can intervene. First of all, with respect to careers, in the Larne area, the Careers Service has partnership agreements in place with post-primary schools, including Roddensvale, Rosstulla, Jordanstown and Thornfield special schools, to support the transition phase. That interaction tends to begin at year 10, with subsequent annual reviews. That should allow young people and their parents to make informed decisions about the options available to them on leaving school. I will qualify that by saying that the options may not be as comprehensive as people would wish them to be.

In respect of employment support, the Department manages and delivers a range of planned disability employment services and programmes, which are aimed at helping people to progress, move to and sustain meaningful paid work. Young adults leaving special schools should find that service beneficial. A team of occupational psychologists assist employment advisers in carrying out individual assessments for clients.

Mr McMullan: I thank the Minister for giving way. You said that the children and parents are talked to on the pathway when they leave school. That is part of the problem, but the bigger problem is for those children who leave school and go into day centres. There are no programmes at all in the day centres, unless you want to watch TV or play pool or chopsticks. That is all there really is to do in the day centres, and that is a big problem. It would be helpful if there were some kind of meaningful programme.

Dr Farry: I appreciate what Mr McMullan says. Day centres are an issue for my colleague the Minister of Health, Social Services and Public Safety. I understand the concern that people have, but what is important is that we have a range of provision that is available and is appropriate to the individual circumstances of the young people concerned. Whatever we do has to be of quality and has to be meaningful. Perhaps the most urgent challenge for us at the moment is to address any gaps that arise within that.

Members are aware of the various programmes that we have around helping people into employment, for example, Access to Work, the Workable programme and Work Connect, which is the most recent addition to that. Reference has been made to the issue of supported employment, and I recognise that there are contrary views about whether it is appropriate or not. I was with Acceptable Enterprises Limited in Larne only last week, and I saw at first hand the efforts that it is doing in its base in the Northern Regional College.

Turning to further education, Members will appreciate that there is a wider discussion about the future of further education in Larne. It is certainly something that I hope to see continuing in the future. The further education and higher education sectors respond to the needs of their students who have particular learning disabilities or other forms of disability. Indeed, they have a statutory obligation to respond to those. We also provide funding to all colleges and universities to assist in that regard.

The Northern Regional College offers a range of provision. For example, the part-time Wider Choices course, which is run in collaboration with the local health trust, aims to improve communication and independence skills and is present in east Antrim. Also, a new life skills course is set to be offered in Larne from September 2013, and it aims to develop life skills for those who do not have the ability to complete the Wider Choices programme. That is a small addition to the provision in the East Antrim constituency.

I am also conscious that there are ongoing concerns across the board about the ability to access employment and the need for employers to come forward and offer opportunities. I will certainly provide Members with some of the statistics from the area. I stress, however, that the support is there. In Training for Success, for example, additional support is available for young people through to the age of 22 as opposed to the normal 16- to 17-year-old age bracket for the mainstream population.

Adjourned at 8.35 pm.



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