

Official Report (Hansard)

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Northern Ireland Assembly

Tuesday 22 January 2013

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

Members observed two minutes' silence.

Ministerial Statements

Schools: Advancing Newbuilds

Mr O'Dowd (The Minister of Education): Go raibh maith agat, a Cheann Comhairle. A Cheann Comhairle, ba mhian liom ráiteas a dhéanamh leis an Tionól a nuashonrú faoi mo phleananna infheistíochta caipitiúla don tréimhse amach romhainn.

Mr Speaker, I wish to make a statement updating the Assembly on my capital investment plans for the coming period. In my statement to the Assembly in the autumn of 2011 under the heading "Putting Pupils First: Shaping our Future", I set out the challenges associated with the schools estate. Shoiléirigh mé go raibh m'fhócas ar eispéireas oideachais den chéad ghrád a chur ar fáil do dhaltáí – eispéireas a chabhródh lenár ndaoine óga a gcuid poitéinsil a bhaint amach. I made it clear that my focus was on providing a first-class educational experience for pupils that would help our young people to fulfil their potential.

In managing our wide and diverse schools estate, one of the major challenges is the need to balance limited capital resources against the large-scale capital investment needed across the estate. Using the strategic work on area planning, I have moved to ensure that capital investment is targeted to ensure the delivery of modern, fit-for-purpose schools that will be sustainable long into the future. In June last year, I set out for the Assembly my Department's capital investment plans, which included an investment of over £133 million in 18 newbuild projects. At the time, I made it clear that I expected those projects to be actively managed and moved forward to construction as soon as possible. I am pleased to advise the Assembly that work on the projects is progressing well. I am confident that the first of them will be on site early in the new financial year. I am also pleased to report that planning for the move of St Gerard's Educational Resource Centre to the former Balmoral High School is being progressed. It is

envisaged that the centre will be relocated before the end of the school year.

In making that statement in June, I also made clear my intention to announce a further list of projects to be taken forward in planning and to release more information on the new schools enhancement programme. A Cheann Comhairle, inniu ba mhaith liom coinneáil leis an gcoimhínt sin agus nuashonrú ar phleananna infheistíochta caipitiúla mo Roinne a sholáthar don Teach. Today, I wish to follow through on that commitment and provide the House with an update on my Department's capital investment plans for the coming period. Last June, I made it clear that the capital budget available meant that we had to do more with the existing estate. In support of this, I announced the establishment of a new schools enhancement programme that would make funding of up to £4 million available for refurbishing or extending existing schools deemed sustainable under area planning. I am pleased to announce today the first call for projects under that programme. Information on the scheme and details of the application process have today been issued to all the relevant managing authorities and schools. Details of the programme have also been placed on the Department's website. It is anticipated that the first projects selected under the programme will be announced before the end of the school year. Initially, up to £20 million will be made available for the programme in each of the two coming financial years. The schools enhancement programme will prioritise projects aimed at facilitating amalgamations, improving existing facilities and facilitating structural changes needed across the estate.

I recently highlighted that significant funds had been ring-fenced to tackle the backlog in maintenance across the estate and that £40 million had been invested in the current financial year. This focus on maintenance will continue over the coming financial year and, taken together with the investment in minor works, the new schools enhancement programme and the investment in newbuilds,

should go a long way to addressing the long-outstanding accommodation issues across the estate.

I can report that the Department has taken receipt of the outline business case for work on the Lisanelly shared education campus and is progressing with the examination of it as a priority. I am committed to delivering on that Programme for Government flagship project as soon as practicable. Lisanelly remains the only viable project for Omagh and the surrounding area in the wake of the public consultation process on post-primary area planning. Déanfaidh mé soiléiriú sa bhreis faoi Lios an Eallaigh nuair a labhraím leis an Teach faoi phleanáil ceantair sna seachtainí romhainn. I will expand on the Lisanelly project in the coming weeks when I address the House on area planning.

Unfortunately, as Members will be aware, Arvalee special school in Omagh, which is to be taken forward as part of the campus project, was burned down on 31 August last year. A temporary solution has been secured to accommodate pupils. However, a newbuild is urgently required. In light of this, I have approved the appointment of a team to develop a business case to look at a newbuild solution for Arvalee on the Lisanelly site as an initial phase of the project.

A Cheann Comhairle, anois ba mhaith liom díriú ar liosta na dtionscadal atá á gcur chun cinn i dtéarmaí pleanála. I now turn to the list of projects to be advanced in planning. The significant time needed to develop a capital investment project from its initial concept through to actual build means that a portfolio of projects must be advanced to the point at which they could effectively utilise funds that may be available in the future. In making this announcement, it is my intention that the projects will be taken through to construction. However, I wish to make it clear that the authorisation to proceed with construction will be based on the level of capital funding available at the time and all necessary approvals being obtained.

Inniu, tá mé ag fógairt 22 thionscadal le cur chun cinn i dtéarmaí pleanála. Today, I announce a further 22 projects to be advanced in planning, representing a potential investment of some £220 million. These projects have been drawn from priority projects identified by the various managing authorities, and the process used in selecting the projects for this announcement is available on the Department's website. All the projects have been considered in the context of the area planning work being

undertaken and form part of the long-term provision in their respective area.

The capital works that I am announcing today are aimed at effecting the agreed rationalisation of the schools estate or addressing serious or substandard accommodation inadequacies, overcrowding or undue reliance on temporary accommodation. Of the 22 projects, 14 are required to deal with previous or planned amalgamations or rationalisations in the estate. This is consistent with the drive towards more viable and sustainable schools and the principle of area planning.

I do not believe that, in a modern, forward-looking society, we should accept a situation in which children receive their entire primary school education in temporary accommodation, the majority of which is clearly outdated. Although we are not in a position to resolve all such situations at this time, six of the projects to be taken forward will provide permanent build solutions for integrated and Irish-medium schools currently located almost exclusively in temporary accommodation.

I know that Members are anxious to hear the list of projects selected, and I will move to that. The eight post-primary projects to be brought forward in planning are these: Holy Trinity College in Cookstown; Strabane Academy; St Patrick's Academy in Dungannon; a newbuild project to encompass the existing schools of St Mary's High School, St Paul's Junior High School and St Michael's Grammar School in Lurgan; Parkhall Integrated College in Antrim; Down High School; and, finally, two proposals to meet the needs of the controlled and voluntary post-primary sectors in Fermanagh. The first of those projects is the provision of a new school to replace Devenish College and to facilitate the amalgamation or closure of Lisnaskea High School. The second is to make provision for a new school to facilitate the amalgamation of Enniskillen Collegiate Grammar School and Portora Royal School.

The 14 primary school projects to be taken forward are these: a new primary school to service Islandmagee and the surrounding area to include Mullaghduh and Kilcoan primary schools; a new primary school for the amalgamated schools of St Joseph and St James's in Poyntzpass; Gaelscoil Uí Dhochartaigh in Strabane; Gaelscoil Uí Néill in Coalisland; St Bronagh's in Rostrevor; a project encompassing St Mary's Primary School, Cargan, and Glenravel Primary School; Omagh Integrated Primary School; Braidside Integrated Primary School; Portadown Integrated Primary School; a proposal to provide a newbuild

solution to service the needs of three schools — Craigbrack, Mullabuoy and Listress primary schools — on the outskirts of Derry; Corran Integrated Primary School in Larne; Elmgrove Primary School in east Belfast; Glenwood Primary School and Edenderry Nursery School in the Shankill area; and, finally, Edendork Primary School in Dungannon.

I reaffirm that my Department's strategy for capital investment for the coming years will be shaped by the outworkings of area planning, and it forms part of the ongoing programme focused on improving outcomes for our young people. It is a continuation of the pragmatic approach that I have taken to ensure the strategic and effective utilisation of capital investment in the schools estate throughout the remainder of the current Budget period. It will also ensure that we have effective capital investment plans in place moving forward.

My announcement today is not only good news for the schools to be advanced in planning but, through the schools enhancement programme, it provides an opportunity for schools to enhance and extend the lifespan of the existing estate and to support proposals emerging from area planning. On the basis of the multiplier figures used by the construction industry uses — £2·84 for every £1 invested and 28 and a half jobs created for every £1 million invested — this announcement provides a potential investment of up to £625 million in the local economy and secures more than 6,200 jobs in the construction industry. That level of investment will be a much-needed boost to the construction industry here over the coming years.

Mr Storey (The Chairperson of the Committee for Education): I welcome the fact that we have come to the House today to look at the announcement that has been made on investment in the refurbishment of our schools and planning for the future. That continues to be an area where we need to deliver. As the House is aware, the Committee has taken an active interest, particularly in the Lisanelly site and Arvalee special school. I am sure that Members will note that a business case is to be advanced for the latter, and mention of that in the statement is to be welcomed.

On eight occasions, the Minister's statement referred to area planning, as well as to decisions on refurbishment and extensions to schools based on decisions relating to the area planning process. The Committee and, I think, every school in Northern Ireland wants to know when the outcomes of the area plan consultation will be published. In asking for this

clarification, I reiterate the Committee's view that the results of the post-primary consultation should be published before the primary school consultation on area planning commences, because that has raised serious concerns.

10.45 am

The Minister referred to 18 projects that he announced in June. He indicated then that these projects could be under construction by the end of this financial year or the start of the next year. In today's statement, the Minister updated the House by saying that only one of those projects has met that expectation. I ask the Minister to look seriously at the processes used after announcements are made. Clearly, they are not working. Can he advise on the appropriate timescale for the approval of the business cases and commencement of construction for the newbuild projects that he announced today that are to be advanced to the planning stage?

I will conclude as a Member of the House. I declare an interest as a member of the board of governors of Ballymoney High School and say how disappointed the school will be, as I am, that, yet again and despite meeting all the criteria and expectations of the board and the Department, it is not even mentioned 10 years later. That raises serious concerns about the references in the document to area planning.

Mr O'Dowd: I thank the Chair of the Committee for his question, which covers a wide range of subjects. I will try my best to cover them all.

I hope to be in a position to publish the area planning consultation results within a number of weeks. There were 47,000 responses, which is fantastic. It shows that there was significant interest in the matter and that the public and the sectors actively responded to it. Therefore, let us give their consultation responses due regard and respect and analyse them. We will then be in a position to set out the next steps in area planning in a number of weeks.

I have always said that area planning will be an evolutionary process rather than the Big Bang, all happening at once. We will be able to sign off definitively on parts of each board's area plans and say, "That is the way forward". Indeed, this statement and my statement in June are based on the information that we already have from the area planning process. This is part of the rolling-out of area plans. The announcements that I made today are strategic investments in the schools estate and in the education of an area.

I was asked when we will publish for consultation the primary school area plans. I also hope to be in a position to do that in a number of weeks. We want to learn from the post-primary consultation exercise. I had discussions with the chief executives of the boards and CCMS last week on what lessons we should learn and have learnt from the post-primary process. We will then be in a position to publish the results on the post-primary area plans before the primary school ones. I will confirm that to the Committee in due course and explain the way in which that process will work.

On my June announcement on newbuilds, the Chair and the Committee are aware that taking forward newbuild programmes is quite an onerous task. I had hoped to have proposals on the ground as quickly as possible, and I still think that we are meeting that target. I have said that we have to have projects in place either in this financial year or early in the next. If there is slippage of a number of months, although that may be disappointing to a degree, the key point is that we are getting the projects on the ground, that construction will start and that they will be built. The St Gerard's Educational Resource Centre project is moving forward and will be in place before the end of the school term. All those things are moving forward, and I am content that we are acting as quickly as possible.

Any building project, regardless of size — we are dealing with hundreds of millions of pounds' worth of projects — can run into delays and other problems, some of which, from experience, I believe can be avoided; others cannot be avoided. Should the entire process of government be fine-tuned? I believe so, because the number of hoops that we have to jump through to get a project on the ground is unnecessary. I even raised that with the head of the Civil Service at a meeting to discuss strategies for the way forward. We are where we are, and we have to continue using those processes. I would like to see them refined.

The projects that I announced today will move forward to varying degrees. I have announced that they are moving forward in the planning process. I have been very careful about what I have said today. This is a good news story, but I do not want to raise expectations among those schools that construction will start in the immediate future. It will not. The schools have to continue through the planning process. I suspect that a number of the projects will be able to start in the current budgetary period, and that is why we are planning for them. If there is slippage in any of the other projects, we

will be able to move those in. If further finance or capital becomes available, we have a list of schools ready to move forward. That is why we are there.

I understand the disappointment not only of Ballymoney High School but of others. I have no doubt that, as the questions continue, I will hear that a number of schools are disappointed not to have been included in today's announcement. I will make more definitive statements around a number of schools as part of my capital announcement. I suspect that this will be my last capital announcement in the medium term, although I hope that it is not the last capital announcement of this Assembly term.

We continue to progress schools through the system, and I want to be in a position to announce further school builds before the end of this Assembly term. However, I also emphasise that schools should look at the enhancement package. I am not suggesting that that is the answer to Ballymoney High, but I say in broad terms that an investment of up to £4 million in a post-primary school or any school will make a significant difference to the fabric of that school.

Mr Hazzard: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. I welcome the Minister's statement. The inclusion of Down High School in the list of projects will be greeted with great approval and gratitude across County Down. I also welcome the significant funds for the school enhancement programme. Bearing that in mind, will the Minister expand on the significance of the programme not just for our schools estate but for our wider economy?

Mr O'Dowd: My primary objective is to ensure that we have a functional schools estate. However, the consequences of that are good news for the construction industry. In part of my statement, I used the calculator that the construction industry uses: for every £1 invested, £2.84 is stimulated in the industry. It is a significant investment, with the potential of up to £625 million being invested in the local economy and the potential for around 6,000 jobs as we move forward. So, the Department is playing its part in assisting the construction industry through this bleak period. This year, we are also investing £40 million in maintenance in our schools. That includes programmes that will ensure that the fabric of our schools estate is improved and assist the construction industry. I continue to seek finances for a number of areas of investment in the schools estate for the benefit of the schools

estate, but I am delighted that it also assists the construction industry.

Mr Kinahan: I welcome the statement and the spend on rebuilds and maintenance, especially with Parkhall Integrated College. I just hope that no new hoops are brought forward.

When it comes to the enhancement programme, we seem to be creating divisions between types of schools as regards area planning. Will the Minister prioritise, so that sharing is more evident or encouraged when he looks at rebuilds in the future?

Mr O'Dowd: The details of the school enhancement programme have been published on the Department's website today. Managing authorities have those details. I encourage schools to take a close look at those, particularly schools that may have been disappointed today that they were not part of the announcement, and consider what advantages there would be for them in moving forward through that project of up to £4 million investment in the schools estate. It is a very worthwhile programme.

With regard to greater sharing in the schools estate, I have emphasised time and again that we require further sharing in our schools estate. I announced the Lisanelly programme of work today as being the only viable option to move forward in Omagh. Although there have been delays, understandably, in the Omagh area in relation to considerations around Lisanelly, I am of the view that we now need to move forward with the Lisanelly project and that it is now decision time around that element. I will certainly facilitate shared education when the programmes are brought forward to me. I am looking through the area plans at the moment to consider how shared education has been facilitated in those, and that will also be emphasised in the primary school area plans.

Mr Rogers: I thank the Minister for his statement, which I welcome both for educational and economic reasons. I welcome the £40 million investment in maintenance and the school enhancement project, particularly the new schools in my constituency — St Bronagh's in Rostrevor and Down High School. They were badly needed and are much welcomed.

You mentioned slippage etc. As the Chair said, it is important to progress things from plan to cutting the first sod. My concerns for my constituency are Knockevin Special School and the newbuild at St Louis' Grammar School in Kilkeel, which would help to secure —

Mr Speaker: I encourage the Member to come to his question.

Mr Rogers: — the plans for all post-primary education. I am really asking the Minister to clarify something that he said to the Chair about the last capital announcement in the medium term. Did you say that there would be some announcement before the end of this Assembly term?

Mr O'Dowd: I will clarify what I meant about the last capital announcement in the medium term: these are the only projects — and my June announcement — that I can move forward with the confidence, firstly, that we have, with regard to the June announcement, the finances to build those schools and, secondly, that, if we move forward the projects that I have announced today, we are in a position to deal with them either through slippage or additional funds coming forward to the Executive or planned towards the next CSR.

It is January 2013. No one knows either the investment we will be able to secure from the Executive or what other, if any, announcements will come from the British Government on their budgetary or economic policies. On a number of occasions, we have seen that we have actually benefited from announcements in Britain where we have got the counterbalance in terms of our block grant for capital. Therefore, particularly in this announcement, I want to be in the position that, if money becomes available, there is a list of schools ready to move forward. I am not ruling out another announcement on capital, but, at this stage, my plans do not include one. If money becomes available, I assure you that I will bring projects forward.

As regards St Louis' Grammar School and the other schools that you mentioned, I am not ruling anything out. The fact that a school is not on today's list does not mean that it is ruled out for the future. There is continuing work to be done on a significant number of schools and on area plans before we can bring further schools forward. So I encourage schools that seek further capital builds — they may be proposing amalgamation or whatever way they propose to move forward — to continue that work. The announcement marks out a phase in the capital builds programme. I would like to be in a position to make a further announcement later in this Assembly term, but we are where we are today.

Mr Lunn: I welcome the Minister's statement, and particularly the fact that he has clearly

recognised the most needy cases, which is reflected in the fact that there are four integrated primary schools and two Irish-medium primary schools on the list, all of which operate out of decrepit Portakabins.

I want to ask him about Lisanelly. He will be aware of the desire of Drumragh Integrated College in Omagh to be involved in the Lisanelly project. Can he tell us anything or, perhaps, give any encouragement that the school's opinion will be taken into account as Lisanelly is taken forward?

Mr O'Dowd: I assure the Member that the school's opinion will be taken into account as Lisanelly is moved forward. The configuration of the schools estate on Lisanelly has not been defined, for instance, in terms of the number of schools required or whether there will be a sixth-form college on the site. All those issues are of interest to all schools in Omagh and to Drumragh. I assure the Member that their views will be taken into account. Will the final plan include every wish of each individual school? No, it will not. That is just the reality of the situation. However, I can certainly assure the Member that opinions will be and are being taken into account. I will also say this: it is decision time on Lisanelly. It is a Programme for Government commitment that I intend to fulfil. So, while we have, quite rightly, gone through a prolonged period of consultation and discussion with individual schools and sectors, it is now decision time. Either you are going onto the Lisanelly site, or you are not.

Mr Dunne: I thank the Minister for his statement. I also thank him for his recent visit to schools in Holywood, where he saw at first hand the need for three new buildings. Can he update us on progress on the Holywood schools project?

Mr O'Dowd: I thank the Member for his question. I did, quite recently, visit Holywood with the Member. I think that I agreed to another meeting with him to discuss the matter further. The Holywood project is fluid in the sense that there has been a rethink around how that project might move forward from the board. Those issues are being discussed with the schools and elected representatives. I want to keep abreast of those discussions. Until they come to a conclusion, however, I cannot make a definitive announcement on the way forward. My advice to the Member and the schools involved is to keep those discussions going. I will meet them in due course. As I have said to other Members in the Chamber, the fact that a school or schools are not included in today's

announcement does not mean that they will not move forward in the future.

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

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. I also thank the Minister for his statement. I have listened carefully to some of his answers. He will forgive me if this is a bit repetitive, but does he intend to announce further capital build programmes? I think in particular of my constituency of West Belfast. I know that there has been some discussion around the area plans.

11.00 am

Mr O'Dowd: I thank the Member for her question. As I said, I would like to be in a position to make further announcements about capital investment before the end of this Assembly term. We will have to evaluate what happens in the June announcement and how well these proposals move forward. We will then have to do our sums to see what capital we have.

As I said to Mr Rogers, as we head towards the end of January 2013, no one here knows what the financial position will be as we move into the last two years of this CSR. The British Government may make further announcements about changes to budgetary processes there, and we will hopefully benefit from that if further capital is available. The Executive are continually examining their budget remits to see whether there is slippage in any Department and which Departments can use that money in the short term. Today's announcement puts the Department of Education in a very healthy position for any of those potential outcomes, which will enable us to move forward. If more money becomes available, that will be used up by these projects, and if there is excess money, I can assure you that I will make further capital announcements.

Lord Morrow: The Minister lamented the fact that he has too many hoops to jump through and that there is too much bureaucracy to deal with. What steps is he taking to tackle all that? Surely that is one of the functions that falls to the Minister: ensuring that red tape and bureaucracy are minimised. I suspect that he would have the full support of the House if he arrived at a solution for that.

To what extent were the projects and the programme that he announced here today influenced by the fact that there is so much

temporary accommodation out there, with teachers having to teach in cabins and wooden huts? Will this, in fact, deal with that sort of scenario? If not, how many of those situations will still exist after this programme is carried through?

Mr O'Dowd: I will deal with those questions in reverse order. We are dealing with six projects today that are largely in temporary accommodation. That by no means resolves the issue completely. I do not have in front of me the information on the exact number of schools in temporary accommodation, but I will get my officials to forward that to you.

As for bureaucracy and the hoops we have to jump through, you are quite right: as the Minister of Education — this is, indeed, the case for any Minister — there is a responsibility on me to try to lessen bureaucracy in the Department. We are taking measures to deal with that. For instance, we are examining a regularised plan and design concept for primary schools, so that we do not have to design each individual primary school. We will have a regular design for primary schools. I am not talking about a 1960s red-brick model. I am talking about a modern, fit-for-purpose, inviting design that will meet the needs of primary schools, with only minor adjustments needed.

We will follow that up with designs for post-primary schools, but that is a more complicated process. A number of the processes that we have to go through happen across government. For example, the length of time that it takes to deal with an economic appraisal is, in my view, ridiculous. That is not because civil servants are not dealing with them, but because of the processes that they have to go through. Business cases also have to be gone through. Anybody here who has been involved in planning matters will know that it can be quite difficult to get through a planning process. I have raised those matters with the Executive and the head of the Civil Service, and they are being taken into account as we move forward. So, we are improving on how we manage government with less bureaucracy, but we certainly have not got there yet.

Mr Deputy Speaker: A lot of Members have their name down for a question, so I remind you to keep your question short. I am sure that the Minister — I see him nodding — will keep that in mind as well when he answers.

Mr Elliott: I appreciate and welcome the Minister's statement. I never thought that I would see some of those proposals for

Fermanagh on paper. I will welcome it even more when young children are moving in, and I will remind them that it was Minister O'Dowd who made the announcement.

How far will the £40 million for newbuilds go towards those projects? Is there any timescale for the ones in Fermanagh?

Mr O'Dowd: There are a lot of figures floating about here today, so I can understand Members misinterpreting what I say. That £40 million is for school maintenance, which is a different programme again. It is for a school maintenance programme, and there is a rolling programme of maintenance going through.

We have a significant backlog of maintenance across the schools estate, although I increased funding dramatically over the past year. I intend to review my budgets again for this and the last financial year to see whether we can make any further funding available for school maintenance. During the monitoring rounds, the Executive also made funding available for future school maintenance programmes.

The projects that I announced today have potential costs in the region of £220 million. We have yet to secure some of that funding, although, as I said, as building programmes move forward there may be some slippages. We have to look at what expenditure has the potential to be spent in this CSR. I suspect that some of the projects that I announced today will move forward to building stages. However, some are at the very early stages and it may take two to three years before construction begins. The important thing is that we are moving the projects forward and they are in a position to use money when it becomes available.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's statement. It is a good news story for the education sector in the Strabane area. I am sure that the staff, principals and boards of governors of Strabane Academy and Gaelscoil Uí Dhochartaigh, in Strabane, are jumping with joy this morning when they hear this news. It is, indeed, a great boost to the economy in Strabane, as well, in terms of jobs. Will the funding for the school maintenance and school enhancement programme continue to grow, as that may be the only source of funding that some schools that are not on the list can access for their schools?

Mr O'Dowd: In the last financial year, £40 million was available for the school

maintenance programme. We are projecting in the region of £37 million in the next financial year. I am looking at budgets to see whether we can make further money available for maintenance. Without anticipating what the Executive may do in respect of the monitoring rounds, I will continue to bid through the monitoring rounds for school maintenance money. So, there has been a significant investment in school maintenance over the last number of years, and we are beginning to tackle some of the problems in the schools estate. However, I am not suggesting that we are there yet.

I have set aside £20 million per annum for the school enhancement programme towards the end of this financial CSR period. I hope that we will be able to use that completely, and I suspect that we will. I think that it will be a popular programme among schools and will see significant improvement to the schools estate as well. So, there are opportunities for schools to access a number of funding programmes to improve the fabric of their schools.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Nuair a bhí an tAire ag caint, thagair sé don phleanáil cheantair. Tá an próiseas sin socraithe i ndeisceart Ard Mhacha. Ar an ábhar sin, an aontaíonn an tAire liom go bhfuil an t-am ann le hinfheistiú a dhéanamh in Ardscoil Naomh Iosaf i gCrois Mhic Lionnáin?

The Minister referred in his statement to area planning. That process is very much settled for south Armagh, with excellent co-operation between the high schools there. Will the Minister agree that this is an opportune time to consider investment in St Joseph's High School, Crossmaglen? Will he accept, if he has not already done so, an invitation to visit that school?

Mr O'Dowd: The standard answer to all Members who have raised individual schools is this: today's announcement does not rule out a school going forward in the future. If capital becomes available, I will make further announcements.

Indeed, I will be making an announcement around area planning. In certain parts of the North, area planning is largely settled. They have made inroads over the last number of years and planning has been going on. I would like to be a position when making an announcement around area planning to point towards a number of areas that have fulfilled their area planning obligations.

I think that I have on file an invite to St Joseph's. If I have not, I am more than happy to go to St Joseph's and take a look around the school, as I have with other areas, examine the school's estate and have a discussion with the staff and pupils about their views on the way forward for education, which I, as Minister, always find very helpful.

Mr Girvan: Thank you, Minister, for your statement. I welcome the investment of £220 million in capital projects. I particularly welcome the announcement about Parkhall Integrated College. We had many meetings about that matter, for which I thank the Minister. I want an assurance about the time frame in which it will be taken forward. I appreciate the fact that not all of today's announcements are at the same stage; some are further along the road than others. Parkhall Integrated College has approval and so on and is ready to go, so will you give me a time frame? Considering the plight of our local construction industry, when contracts are given, will local firms be able to take advantage of them?

Mr O'Dowd: I thank the Member for his question. I was impressed with the cross-party delegation that I met with representatives from Parkhall several months ago in the Building. Despite our reputation of sometimes not being able to work together as political parties, that was a fine example of local political parties working together. The group made an impressive presentation with school representatives, and it had cross-community support. After further examination, the merits of the school spoke for themselves. Parkhall is well advanced in the planning process and has only a number of phases to go through before signing off. However, we have to match that against the money when it is available. I cannot give a definitive time, but the project is more advanced than others in the planning stages.

Mr Molloy: Go raibh míle maith agat, a LeasCheann Comhairle. I thank the Minister for his announcement. It comes after blue Monday and is certainly a good Tuesday, particularly for Holy Trinity College in Cookstown. It provides a new school for Cookstown and gives the town a clear identity as the hub of mid-Ulster. That is important as we try to provide schools for the future. Can any European funding be drawn down, particularly for the advancement of research and development and opportunities to fund it?

Mr O'Dowd: My Department is not using any European funding for the projects. It has, however, been involved in discussions with

other Departments and was included in the last visit to Brussels by Executive officials. We are beginning to involve ourselves more closely with the European project and potential funding streams. I will happily accept money from anywhere; if you have any influence in those circles, I will be more than happy to accept that from you.

In terms of Cookstown, Holy Trinity College was one of the core schools that was identified by the Council for Catholic Maintained Schools (CCMS), which sees the school as being an integral part of area planning. As with all the other schools, I am delighted to be in a position to make that announcement.

Mr Clarke: I join my colleague in thanking the Minister for the positive statement. It is difficult for me to ask a question, given that my colleague asked everything about Parkhall. The Minister recognised that there was cross-party support. Recognition must also be given to the school principal because he played an important role in bringing forward that delegation. There is a concern because the school has been on a list before, but it fell off. Will you give us an assurance that Parkhall is on the list to stay until it is built?

Mr O'Dowd: I have been cautious about making capital announcements because I realise that, in the past, we announced lengthy lists of schools that would be built some day. Schools, quite rightly, expected them to be built, but they never came to fruition and frustration grew. My June announcement stated that if there is money to build those schools, they will definitely go ahead. Parkhall has been identified as a core school in the area, and it will go ahead. It is at an advanced stage of planning. I now have to bring it to the next planning stage and match that up against funds. I can say definitively that Parkhall is going ahead in the future.

When I acknowledged the cross-party delegation that came to the Building, I was also acknowledging the role of the principal, who, along with representatives from that area, presented a firm argument about the future needs of Parkhall. I acknowledge his work in that regard.

Mr Dickson: Thank you, Minister, for your statement. I particularly welcome two projects in east Antrim: Mullaghduh and Kilcoan primary schools, and particularly Corran Integrated Primary School in Larne, both of which many of my colleagues from east Antrim, I am sure, and I have lobbied very hard on.

Minister, can you assure the House today that those two projects will not be marched to the top of the hill only to be disappointed once again and that they will proceed? Finally, Minister, will you agree to meet me to discuss both projects in detail?

11.15 am

Mr O'Dowd: Members are aware that they can write to me and ask for meetings. I am more than happy to receive such requests. I answer numerous letters. I do not need to come into the Chamber for you to invite me to a meeting. I am more than happy to meet you about both these projects and discuss what stages of planning and moving forward they are at.

As I said in response to the Member who spoke previously, I have been cautious in making capital announcements. I could stand here and announce that every school on the list will proceed. That would be great —, "Minister announces all" — but I do not want to do that. I want to make announcements about schools that, as we go through the planning process, I am confident, or reasonably confident, will be sustainable. Those listed today have been identified to me by the various managing authorities as sustainable schools that will fit into the area planning process, be financially sound and continue to have stable or increased enrolments. Therefore, they should move forward as new schools into the future.

Mr Byrne: I also welcome the Minister's very positive statement, particularly for the schools in Omagh and Strabane that he mentioned. What progress, or otherwise, has there been on replacing Carrickmore's Dean Maguirc school, and what can he say about the tug of war over ascertaining its new site?

Mr O'Dowd: I do not have the full details of those projects in front of me. If the Member wishes to write to me, I will elaborate on that as much as I can.

Today's announcements are the result of engagement involving my officials, the education boards and the CCMS, and of my officials taking responsibility for the building programmes that the Department of Education is directly responsible for. So the list that I have announced is the result of that consultation. As I have said to all other Members, because a school is not on today's list does not mean that it has been scrubbed. Each school will have to stand on its own merits after today's announcement, and there are various reasons why a particular school is not in this announcement.

Mr Allister: The plight of Ballymoney High School has already been raised, but the Minister did not answer the question. So I ask again: why is it that, after 10 years of languishing in need, Ballymoney has been ignored again?

Mr O'Dowd: I was pretty sure that I did answer the question. Ballymoney has not been ignored, nor has any other school that is not on the list. At this stage, I am announcing proposals after discussions with the boards, CCMS and other managing authorities on school programmes. If the Member believes that Ballymoney has been ignored, he must take up that matter with the North Eastern Education and Library Board. I do not think that we should send out the message from the Chamber today that because a school is not on the list, its future has been decided — it has not.

I will make further announcements about core schools and area planning in the coming weeks. I hope to be in a position, at that stage, to refer to a number of projects that are at the stage at which they can be designated as future core schools, a number of which will require newbuild programmes. So let us not write off a school's future on the basis of questions asked after a statement. A programme of work on area planning is continuing. I would like to be in a position to make further capital announcements in the future. As I have said to many Members, this is January 2013, and we do not know what the financial position will look like over the next couple of years. I hope to be in a position to make further announcements as a result of the work of the Executive and, perhaps, further announcements from the British Exchequer.

Mr I McCrea: The previous Member to ask a question and my colleague referred to Ballymoney High School, and the Minister may be aware that Rainey Endowed was part of the joint project with Ballymoney that was to have gone ahead. Unfortunately, the Department changed the rules for that. Will the Minister assure the House that Rainey Endowed, parts of which are falling apart, will have a newbuild in the not-too-distant future? Will he give the school principal and its board of governors some assurance that it is on his agenda, and will he agree to meet them?

Mr O'Dowd: I am going to bring my diary secretary to the next Assembly meeting. I will agree to meet you; I have no difficulty meeting you and the school to discuss those matters. I cannot stand up here and give a guarantee to

any school that is not on the list. That should not be taken as a negative. I am announcing plans for these schools today as part of moving forward. I am continuing to work with my departmental officials and the various managing authorities out there to see how we can continue to move other projects forward. Let us continue the engagement on each of those particular schools to see what we can do going into the future.

Mrs Overend: The plight of Rainey has just been raised. I welcome the statement and the potential investment for the construction industry, which is very much needed at this time. However, I am most disappointed, as the students and staff will be, that Rainey Endowed is not on the list of capital projects. Does the Minister feel that holding them to ransom in this way is the best way to enforce area plans?

Mr O'Dowd: The Member should consider whether using that language is the best way to lobby a Minister. I am not holding anybody to ransom. I am moving area planning and the capital build programme forward in an open, transparent manner. You, and anyone else, can examine how I brought the statement forward through my Department's website. The information on how they were brought forward is there.

The information that I have in front of me about Rainey Endowed is that the draft area plan from the board proposes that:

"Rainey Endowed and Sperrin Integrated College will work towards becoming a bi-lateral shared 11-19 school with enrolment increased to 1600 initially working on a split site arrangement but with a requirement for a new build as soon as possible."

So, the proposal has not been completely worked through. No one is arguing that that should not be further examined and discussed. I am happy to meet the school to discuss it further. A newbuild for Rainey has not been ruled out, nor has it for any of the other schools discussed here. The process is at the stage it is at. I have announced the schools that I am confident we can move forward with. As I said, I could stand here and announce that 100 schools are going to be built. That would not mean that they would be built. Let us do this in a staged approach to ensure that the announcements actually mean something and that programmes of work are actually rolling out.

Mrs Dobson: I also thank the Minister for his statement. I welcome the projects that are to be taken forward. However, last week in Committee, Minister, I raised with you the situation of Richmount Primary School, which is in Portadown in our constituency. Will you give an assurance that you will work to ensure that the unmet preschool need will be taken forward?

Mr O'Dowd: The issue at Richmount Primary School is nothing to do with capital builds.

North/South Ministerial Council: Inland Waterways

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): Go raibh maith agat, a LeasCheann Comhairle. Thank you, Mr Deputy Speaker. With your permission, I wish to make a statement in compliance with section 52 of the NI Act 1998 regarding the North/South Ministerial Council (NSMC) inland waterways meeting, which was held in Armagh on 12 December last year.

The Executive were represented by me, as the Minister of Culture, Arts and Leisure, and by junior Minister Jonathan Bell from the Office of the First Minister and deputy First Minister (OFMDFM). The Irish Government were represented by Jimmy Deenihan TD, Minister for Arts, Heritage and Gaeltacht Affairs, and by Dinny McGinley TD, Minister of State with responsibility for Gaeltacht affairs. The statement has been agreed with junior Minister Bell, and I am making it on behalf of us both.

Ministers endorsed the recommendation that sponsor Departments should consider options around the setting up of a board for Waterways Ireland and present proposals for consideration at a future NSMC inland waterways meeting. The aim is to present the paper at the next NSMC meeting in the summer this year.

The Council received a progress report from Mr John Martin, chief executive of Waterways Ireland, on its work, including the following significant achievements: the sponsorship programme to promote the awareness of the waterways across all navigations, with 94 events sponsored up until the end of October 2012, with an estimated attendance of almost 1.1 million people and an estimated value to the economy of over €85 million; maintenance of the waterways, with 99% of waterways remaining open from April to October; at 31 October 2012, a total of 591 metres of additional moorings had been provided, of which 50 metres are at Spencer Dock on the Royal Canal in Dublin and 541 metres at Lough Key forest park on the Shannon navigation; four new publications, which are 'A Taste of the Waterways', 'Guide to the Barrow', 'Good Boating Guide' and 'What's On 2012'; the continued involvement and engagement with the INTERREG IVc Waterways Forward project; and the Waterways Ireland education programme, which includes the development of education packs for schools. That was launched in November by Minister Deenihan and Minister Quinn at the Waterways Ireland visitor centre in Dublin, and at the NSMC

meeting on 12 December by Minister Deenihan and me at the joint secretariat offices in Armagh.

The senior environment officer at Waterways Ireland gave a presentation on the negative impacts of invasive species on the waterways. The presentation highlighted the types of invasive species, which can be aquatic plants, riparian plants, fish and invertebrates. The effect of each type of species on the waterway network was covered. Measures for tackling problems associated with invasive species were also discussed.

The Council noted progress on the development of Waterways Ireland's 2012 business plan and budget. The Ministers discussed the main priorities for Waterways Ireland in 2013 and noted progress on the 2013 business plan and budget. The priorities for this year include ensuring that the navigations are open and all existing facilities operational during the main boating season from April to October and actively promoting the waterways to extend and expand their recreational use in all forms.

The Council received a progress report on the restoration work for the Clones to Upper Lough Erne section of the Ulster canal. Ministers noted that the inaugural meeting of the inter-agency group on the Ulster canal was held on 20 September. The group will examine funding options for the project, which is continuing to proceed through the planning process in both jurisdictions. Waterways Ireland has responded to all requests for clarification and all objections to date, and a decision is awaited from Monaghan County Council and the Department of the Environment's Planning Service.

The Council consented to two property disposals at the River Shannon at Harvey's Quay to Limerick City Council to facilitate the provision of a boardwalk along the river's edge adjacent to the quay wall, and along the Grand Canal towpath at Edenderry, Co Offaly, to facilitate the development of a circular walkway by Offaly County Council.

Ministers thanked John Martin, who is due to retire in March this year, for his contribution to Waterways Ireland and noted the process for appointing a new CEO. The Council agreed to meet again in Waterways Ireland sectoral format in summer 2013.

Miss M McIlveen (The Chairperson of the Committee for Culture, Arts and Leisure): I understand that proposals will be considered at the next NSMC meeting for setting up a board

for Waterways Ireland. Can the Minister advise of the timescale for the establishment of that board and when appointments will be advertised and made?

Ms Ní Chuilín: I cannot give the Member any advice on the timescale. At the moment, the progress report that we have states that options are being considered for the next NSMC meeting in June. Other than that, we have no indication of what those options include, including a timeline or, indeed, appointments to the board.

Mr Ó hOisín: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an ráitis a thug sí dúinn ar maidin. I thank the Minister for her statement. Will she outline what capital works have been undertaken in recent years, particularly in the North?

Ms Ní Chuilín: I know that, at the minute, there is a budget set aside for capital works. In 2012, Waterways Ireland's target was to complete 700 metres of new and upgraded moorings at the waterways: 50 metres at Spencer Dock; 541 metres at Lough Key forest park on the Shannon; 90 metres at Derryadd on Lough Erne; and 40 metres at the water sports jetty near Killyhevlin on Lough Erne.

11.30 am

Waterways Ireland has a plan to spend approximately £300,000 in capital in its 2012-13 budget, which includes a proposal to provide 160 metres of additional moorings at Crom on Lough Erne and a new works depot on the lower Bann.

Mr McGimpsey: The outgoing chief executive of Waterways Ireland, John Martin, was appointed when I was Minister of Culture, Arts and Leisure. His appointment was clearly a very good one and I wish him well in his retirement. He served for 10 or 12 years in that post, which, at the beginning, I can assure Members, was very exacting, because it brought the waterways in the two jurisdictions together. I endorse the Minister's expression of gratitude to John Martin.

I note that the sponsorship programme to promote awareness of the waterways across all navigations included 94 events that were attended by 1.1 million people and created value to the economy of over €85 million. That is very welcome. How much of that refers to Northern Ireland?

Ms Ní Chuilín: First, I appreciate the Member's remarks about Mr John Martin and I am sure that he will appreciate them as well. John Martin, who is an engineer of note and a character of note, has given great service, particularly to Waterways Ireland.

I will write to the Member with details of the exact number of events that took place in the North — we are talking about places on the lower Bann and at Coleraine — and the exact amount of money that has been spent on those events at those sites.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a ráitis. An aontaíonn an tAire liom-sa go bhfuil obair iontach — agus obair dheonach — ar siúl ag Craobh an Iúir agus Phort an Dúnáin de Uiscebhealaí Éireann chun canáil an Iúir agus Phort an Dúnáin a athchóiriú? An nglacfadh an tAire le cuireadh teacht agus féachaint ar an obair sin agus bualadh leis an chraobh áirithe sin den eagraíocht?

Does the Minister agree that excellent work is being undertaken on the Newry canal by the Newry and Portadown branch of the Inland Waterways Association of Ireland?

Since this is a day on which many invitations have been issued, will she accept an invitation to view that work and meet representatives of the Newry and Portadown branch?

Ms Ní Chuilín: Gabhaim buíochas leis an Chomhalta as ucht a cheiste. I thank the Member for his question. I agree that the work on the Newry canal, the partnership and the links with other partnerships in the city, is commendable. The Member will, perhaps, be disappointed to learn that I have already received an invitation from some party colleagues. However, it is better that we, collectively, meet the full partnership. All elected representatives from the area should be there too. This is something that people in the constituency should be proud of. The plans that we have to progress in that area are important because investment in it is much needed.

Ms Lo: I thank the Minister for her statement. I congratulate Waterways Ireland for all the good work that it has done. The Minister mentioned the education programme, which includes the development of education packs for schools, which she launched in Armagh. Will she expand a bit on what is in those packs and how they will be rolled out?

Ms Ní Chuilín: The education packs are for primary school children aged 8 to 11. They are targeted at primary schools that are situated along the waterways and the rivers. The packs highlight the natural environment, the natural resources that are to be found in neighbourhoods and communities and the environment in general. It looks at using waterways and rivers as a health indicator — for example, towpaths and walks. However, it is also about boating and, indeed, water safety. I welcome it: it is a good initiative. It is certainly something that both Ministers will be looking forward to receiving progress reports on, because it is something that we could roll out, not just to primary schools but to post-primary schools, and do so on the basis that the needs for older children can have a place in the waterways as well.

Mr Hilditch: I thank the Minister for her statement. While I note the success of the maintenance of the waterways, has there been any discussion on the responsibility of waste management and environmental issues, including disposal issues, which have been drawn to my attention by some users? There may be some confusion between the local authorities, the private sector and the agency.

Ms Ní Chuilín: I thank the Member for his point. I probably need to talk to him afterwards about clarification. The only time waste disposal was discussed was in relation to the invasive species. Indeed, Waterways Ireland is responsible for making sure that weeds — particularly Nuttall's pondweed, which was fairly problematic in 2010 and 2011 — are disposed of. While there is not a formal service level agreement with local government and local partners, there is a formal setting where they meet and try to share responsibility for environmental issues around the waterways. I am happy to talk to the Member about anything specific that he has in mind.

Mr McMullan: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her statement. Can she tell us the current position with the business plans and budgets for 2012?

Ms Ní Chuilín: The business plans and the budgets have come up. Trevor Lunn is not here, but it is something that comes up quite a lot, particularly around the NSMC meetings. The current position is this: all the Ministers met the Chairs and Deputy Chairs of agencies, particularly Foras na Gaeilge and the Ulster Scots Agency. We also met the CEO to make sure that the budgets, the business plans and

the efficiency savings that were indicated went ahead. So, Waterways Ireland has reported to us that it has met its efficiency savings in its budget and business plans for 2012, to which we provided £3.5 million. So, things seem to be on target for 2012 and moving in the right direction for 2014 as far as Waterways Ireland is concerned.

Mr Campbell: I concur with the congratulatory comments to Mr John Martin on his retirement and wish him all the best.

The Minister alluded to the setting up of a board for Waterways Ireland. She will be aware that there is a concern about cross-border bodies per se in both Northern Ireland and the Republic about the under-representation of the Protestant community in employment. Will that be a priority for the new board?

Ms Ní Chuilín: I have not seen any terms of reference for any new board. At the minute, we are just looking at proposals for what the configuration of a board would look like. I have not been made aware of any concerns regarding the religious make-up of workers or members of the board. If the Member wishes to write to me with anything specific, I will be happy to try to respond.

I appreciate the comments that the Member made about Mr John Martin, and I am sure that he will be happy to receive those comments in the spirit that they were given.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas ar maidin. I thank the Minister for her statement. In relation to the education programme and the impacts on schoolchildren, is it anticipated that this will have an impact on children in areas of deprivation?

Ms Ní Chuilín: Yes it will, particularly because a lot of villages and towns around the waterways have been isolated. They are rural and have not received much investment. Thinking of the waterways in terms of maintenance, environment, fishing or even sport or leisure activities, we are trying to make sure that the programmes are delivered to schools, that there is something in them for everyone and that the children and young people can see a future on the waterways. It is really important to take those initiatives and, indeed, any investment to people who were the furthest removed from investment before.

Mr Rogers: Thanks to the Minister for her statement. The restoration of the Ulster canal will create opportunities for water-based and waterside activities. The recreational aspects of inland waterways have a strong attraction for all our tourists. What discussions has the Minister had with the Minister of Enterprise, Trade and Investment in order to harness and develop that tourism potential?

Ms Ní Chuilín: The Northern Ireland Tourist Board and, indeed, Tourism Ireland are now involved with waterways and the interagency group, particularly in relation to the Ulster canal. They are not only looking at additional funding opportunities for the completion of the Ulster canal but are working quite closely on the tourism product of our waterways, and will continue to do so. I accept the Member's point: it is imperative that there is a joined-up and interdepartmental approach, particularly in trying to provide a more robust and fuller tourism product.

Mr Allister: The joint communiqué from the meeting says:

"The Council noted progress on the development of Waterways Ireland 2012 Business Plan and Budget."

The joint communiqué from the July meeting said exactly the same. The joint communiqué from the February meeting said exactly the same. Back in October 2011, we were told that, at that meeting, the Council:

"reviewed progress in finalising the Business Plan and Budget 2012."

Now that we are through and finished with 2012, is it the case that Waterways Ireland's budget for 2012 has never been finalised? What do you do at these meetings? Is it just a day out for the Minister?

Ms Ní Chuilín: I think the Member is being ridiculous. *[Interruption.]* No, I think you are being ridiculous, but, in fairness to you, you are fairly consistent.

At the minute, the budget is with both Finance Departments for approval and everything is proceeding as normal. It is in the context that the operational responsibility for Waterways Ireland will go through all the different Departments and different processes, and everything is on board. It is with the Finance Departments for final approval, and it will progress as expected and anticipated.

Mr Allister: And when was the 2012 —

Mr Deputy Speaker: Order, please. The rules of the House are very clear: the Member asks the question, the Minister responds, and there should be no further communication.

Mr Swann: Minister, you noted that there were discussions about tackling problems associated with invasive species. Was there any discussion about anything that can be used across other Department of Culture, Arts and Leisure (DCAL) waters? I am thinking specifically about the River Bush and the concerns that are there, with locals saying that a non-indigenous weed species has been growing for quite some time around the River Bush research station.

Ms Ní Chuilín: The Member may be aware that Waterways Ireland received capital funds for weed-harvesting equipment, which has gone round all the DCAL waterways. To my knowledge, the problem with the River Bush is being treated and dealt with. It has not been flagged up to me as an area, or a waterway for that matter, that has been so problematic that it needs to be prioritised. The River Bush was not discussed at the meeting, but obviously this is a constituency question, and the Member is entitled to an answer. The River Bush is part of an ongoing maintenance programme to make sure that any invasive species do not get out of control.

North/South Ministerial Council: Languages

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): Go raibh maith agat, a LeasCheann Comhairle. With your permission, and in compliance with section 52 of the NI Act 1998, I wish to make a statement regarding the North/South Ministerial Council (NSMC) language body meeting, which was held in Armagh on 12 December 2012.

The Executive were represented by me as Minister of Culture, Arts and Leisure, and by junior Minister Jonathan Bell from the Office of the First Minister and deputy First Minister. The Irish Government were represented by Jimmy Deenihan TD, Minister for Arts, Heritage and the Gaeltacht, and Dinny McGinley TD, Minister of State with special responsibility for Gaeltacht affairs.

The meeting dealt with issues relating to the language body and its two constituent agencies, Tha Boord o Ulster-Scotch — the Ulster-Scots Agency — and Foras na Gaeilge — the Irish language agency.

I will now present a summary of the issues discussed by the Council on 12 December 2012.

Recognising that there is a need for change in the sector, Ministers discussed the Foras na Gaeilge review of core funding, which will be the focus of the next language meeting in 2013.

11.45 am

The Council received progress reports from the chairpersons and the chief executive officers of the Ulster-Scots Agency and Foras na Gaeilge. The Ulster-Scots Agency reported the following achievements: advancement of the Ulster-Scots flagship programme for primary schools, including agreement with schools on participation in and organisation of an inaugural teachers' conference; delivery of 16 seminars to raise awareness of agency-funded programmes for festival funding, summer schools and music/dance tuition; establishment of the Ulster-Scots Language Forum with representation from language groups, the ministerial advisory group on Ulster Scots, the University of Ulster and the BBC; and completion of the strategic review of the community workers scheme.

Foras na Gaeilge reported the following achievements: funding for the provision of

specialised courses for the public service, with over 1,200 participants attending night classes and over 2,200 participating in online learning; promotion of the language among young people through funding of almost €500,000 for 66 summer camps and 77 youth events; further development of the terminology database, with the addition of 1,460 new terms and the revision of 120 existing terms; and the promotion of the use of Irish in a business context in the small and medium-sized enterprise (SME) sector, with match funding support provided to 125 businesses.

Ministers also noted the ongoing collaboration between the Ulster-Scots Agency and Foras na Gaeilge on governance issues and the promotion of the work of the Language Body, including revision of the equality scheme, participation in joint showcase events and sponsorship of a book in Irish about Robbie Burns.

The Council noted that Foras na Gaeilge and the Ulster-Scots Agency have applied efficiency savings to the 2012 budgets in accordance with the guidance issued by the Finance Departments and that the 2012 business plans and budgets will be brought to a future NSMC meeting for approval as soon as possible. Ministers noted that the 2008 and 2009 consolidated Language Body reports and accounts were laid in the Assembly and in the Houses of the Oireachtas on 11 July 2012 and on 7 December 2012 respectively. The Council also directed Foras na Gaeilge and the Ulster-Scots Agency to include as a key priority in their 2013 business plans the publication of the Language Body accounts for 2010, 2011 and 2012.

The Council noted that draft 2013 business plans for Foras na Gaeilge and the Ulster-Scots Agency have been prepared, with the focus on delivery of key priorities for each agency. Sponsor Departments will work together to finalise the 2013 business plans and budgets and, following approval by the sponsor Ministers and Finance Ministers, will bring them forward for approval at a future NSMC meeting.

Ministers noted a presentation by the CEO of the Ulster-Scots Agency, outlining the work being undertaken by the agency and other stakeholders to progress the Hairtlan initiative. This entails the establishment of a Hairtlan advisory panel and the development of a funding stream to support the project. The Council also noted the timetable for launching the scheme in 2013 in order to enable programme delivery to begin in 2014.

Ministers noted the provisions of the Houses of the Oireachtas Commission (Amendment) Bill 2012 with regard to the publication and periodic review of the official standard for Irish. This is to be used in translating all primary and secondary legislation in the Oireachtas and as the guide for writing in the Irish language. Foras na Gaeilge will also take appropriate action as required to adhere to the official standard for Irish in carrying out its functions with regard to terminology and publications.

The Council agreed to consider a suitable date for the next Language Body meeting.

Miss M McIlveen (The Chairperson of the Committee for Culture, Arts and Leisure): I note the Minister's comment on the promotion of the use of Irish in a business context, particularly in the SME sector. Given that English is the global language of business, what benefit does she see that having for a sector that is already experiencing difficult economic pressures? Could the match funding that is being made available for that project not be used more wisely?

Ms Ní Chuilín: I do not think that small and medium-sized enterprises would appreciate the Member's comments. They have been asking for this for some time and support the project wholeheartedly. It comes down to where people feel that the Irish language belongs. It is regrettable that the Chair of the Committee has such disdain for the Irish language.

Mr Ó hOisín: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an dara ráiteas a thug sí dúinn ar maidin. Core funding is due to end on 30 June 2013. Has a decision been made for future arrangements to be made and to be in place by that date?

Ms Ní Chuilín: The review of core funding was not discussed in any great detail at the last NSMC meeting. The Executive, as part of the Programme for Government, had Irish language and Ulster-Scots strategies, which ended on 27 November. It is important that the outcomes of those strategies are reflected in any new core funding arrangements. The Member will be aware that there will be changes in the Irish language sector. However, it is imperative that the outcomes of those consultations are visible in any new funding arrangements.

Mr McGimpsey: As someone who has spent most of his life in small and medium-sized businesses, I was intrigued to hear about the promotion of the use of Irish in a business

context and the match funding. I am interested to know how much money we are talking about. I was a businessman in a former life. If I were on a building site or in a building firm and wanted to access Irish, what are the criteria? Would it be a matter of me hiring a bricklayer who can speak Gaelic, and you paying half the money, or is there something more pertinent as far as a business is concerned? As someone who has been in business all his life, I find this hard to —

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

Mr McGimpsey: — understand in a business context.

Ms Ní Chuilín: I will get the Member the exact figures. There has been a demand for promotional and marketing material for small and medium-sized businesses. I am surprised that the Member has not received such requests, because the demand has built up since 2002 or 2003. The issue has been raised in the Irish language sector across all regions the length of the island. Foras na Gaeilge has responded to that. It is not just about meeting demand. It is about using Foras na Gaeilge core funding to try to promote better business opportunities for those who wish to do it through the medium of the Irish language.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Chuala mé ansin tagairt ag an Aire don tsamhail nua maoinithe ina ráiteas. An dtig liom a dheimhniú arís inniu léi go seasfaidh sí an fód do na heagraíochtaí bun-mhaoinithe mar a gheall sí a dhéanfadh sí cheana féin sa Tionól?

I notice the reference in the Minister's statement to the funding of voluntary Irish language organisations. Will the Minister once again attest to the fact that she will defend those organisations, as she said she would in the House previously?

Ms Ní Chuilín: Gabhaim buíochas leis an Chomhalta as ucht a cheiste. I have always said that I will defend the Irish language, as I will defend Ulster Scots. What I will not defend is a review or reorganisation of the sector that does not meet needs. I know that the Member is also coming from that position. This is not just about maintaining the status quo for the sake of it. It is about making sure that there is core funding for the Irish language to meet the needs of not only children and their parents but the business sector — as we heard in previous

questions — the environment and any aspect of life through the medium of Irish language.

It is imperative that those needs are defended. However, I will not — any Minister worth their salt would not — defend something that, on occasion, is indefensible. There have been extensive reviews, and I have done extensive consultations. I want to look at the existing, new and emerging needs of the sector, and that is what I will defend. I will defend the needs of the Irish language sector not only for the sake of it but because it is the right thing to do.

Ms Lo: I thank the Minister for her statement. I have to admit that I have not really followed the progress of the Ulster-Scots Agency's work very much. Therefore, what is the Hairtlan initiative? She mentioned a funding stream to support the initiative. Is that funding from the budget of the agency?

Ms Ní Chuilín: It is, and the Hairtlan project is about geographical areas and hubs for the Ulster-Scots language, culture and heritage. It is really important because it looks at the oral history and development of the language, but primarily at the development of culture and heritage. Currently, there are no set criteria for a candidate area, but the Ulster-Scots Agency will work with communities who want to identify themselves as part of a Hairtlan area. The Member may be aware that north Down, east Antrim and east Donegal have previously designated themselves as Hairtlan areas, but the desire is to try to roll that out as widely as possible depending on where the demand and need are.

Mr Hilditch: I welcome the Minister's statement and the advancement of the Ulster-Scots flagship programme. At this stage, is there any timescale for its implementation? Are there anticipated numbers of schools and pupils likely to be involved in each academic year and any potential costs?

Ms Ní Chuilín: I went to the inaugural meeting, which involved about 16 schools. I thought that that was very impressive. I also felt that, as it was the first meeting, many other schools would come on board. I have no idea about the cost yet, but it will certainly be within the budget of the Ulster-Scots Agency. I am glad that there has been an opportunity to reflect on where the needs are and that the agency has taken those needs into consideration and tried to respond. The Member was one of the people who asked why money for Ulster Scots was being handed back, which is the last thing that we want to do. We want to make sure that

the money is spent on identified need. The project has great potential, and I look forward to it being rolled out.

Mr McMullan: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her statement. What is being done to speed up the process to publish the outstanding annual reports and accounts?

Ms Ní Chuilín: As I mentioned in my statement, both Ministers made it their responsibility, even after the meetings were over, to talk not only to the CEOs but to the chairpersons of the Ulster-Scots Agency and Foras na Gaeilge. The delays are historical and go back to 2001, and, although the accounts and reports are laid consequentially, that is not to say that there is a huge backlog. Both Departments, the Finance Departments and the Audit Office have looked at simplifying, but not diluting, the process. Indeed, we have spoken to the Audit Office and the Comptroller and Auditor General in the Finance Departments, North and South.

The process was used for the first time to complete the 2008 accounts, and those were laid in the respective Houses on 12 July. The 2009 accounts were laid on 7 December. However, I want to be totally clear: we are still unhappy with the progress so far. We want all the 2012 accounts to be laid before the end of this year. I hope that the gap — it is not a chasm, but it is huge because of the delays originally created in 2001 and beyond — will be bridged and that people will not be frustrated by having to ask the same questions after each statement on each sectoral meeting. I am as frustrated with that as they are.

Mr Swann: Minister, in your statement, you say:

"Foras na Gaeilge will also take appropriate action, as required, to adhere to the Official Standard for Irish in carrying out its functions with regard to terminology and publications."

Who is responsible for the official standard of Irish, and why is Foras na Gaeilge not using it in its terminology and publications?

Ms Ní Chuilín: The Member may not be aware that there are different dialects in each province. We need an agreed standard for the Irish language, and I will look at that quite keenly. Through Maynooth College, Queen's and the University of Ulster, we are looking at that to make sure that the Irish language has an agreed standard in future.

People's spoken and written Irish is very much down to the province and county that they come from. I am sure that the Member will support Foras na Gaeilge in bringing that forward in the future.

12.00 noon

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh ráiteas an Aire ar maidin. The Minister referred to the consultations. Can she specify when we can expect the outcome and what the next steps will be beyond that?

Ms Ní Chuilín: The Member will appreciate that there were a substantial number of responses to both consultations. That is very positive. Our officials are still going through each of those responses, some of which are very lengthy. For example, one response came to 50-plus pages on the education section alone, so the Member will appreciate that it is a time-consuming process. However, I hope to have the responses to those consultations completed by the end of March, and I will bring to the Culture, Arts and Leisure Committee and Executive colleagues ways of moving forward with both strategies.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a cuid freagraí go nuige. Molaim-se go hard na hiarrataí éifeachtacha atá ar bun ag macasamhail Foras na Gaeilge. Ach más féidir liom ceist a chur ar an Aire: cad é atá ar bun ag an dá Roinn stáit le polasaithe faoi leith dá gcuid féin a chur i bhfeidhm, agus an bhfuil clár oibre faoi leith ag an dá Roinn leis na teangacha a chur chun cinn?

I thank the Minister for her statement. The work of Foras na Gaeilge and, indeed, Tha Boord o Ulster-Scotch is to be commended for its efficiency and delivery. I speak as a former member of the board of Foras na Gaeilge. Will the Minister outline what, specifically, the two respective government Departments are doing? Do they have a particular programme of work for delivery, and, if so, can she outline some of that delivery to us?

Ms Ní Chuilín: I thank the Member for his question, and I appreciate his support for both bodies. Both agencies have taken on a lot of joint work, which was not the case previously. That is to be welcomed, and it has increased. For example, they are producing a revised equality scheme for both agencies, which is not completed. That is helpful. They also participate in joint events, such as the national

ploughing championships, and they are participating in Fleadh Cheoil na hÉireann. As I outlined in the statement, they have produced a book in Irish on Robbie Burns.

So, there is a programme of work to ensure that the business plans and the agreed programmes of work on the way forward are on target. They are on target, and this is additional work. Both agencies' emerging needs throughout the year will be presented. I am content with the work that both agencies are doing not only singly but together. It sends out a very positive message across the sectors.

Mr Allister: In this week of Robbie Burns night, I am sure that my constituents will be well impressed that, among all the squander, we now have a book written in Irish about Robbie Burns. They might be more interested to know why it is that the accounts, which go to the heart of the financial probity of this cross-border body, are so much in arrears and why, years on, we still await those accounts. Why does the Minister come to the House and say that she is disturbed about it? She is the Minister, but she does not seem to do anything about it. Why is that?

Ms Ní Chuilín: That is not the case. I will ignore the Member's remarks on Robbie Burns. I just do not think that it befits the poet or, indeed, the work that has been put into developing this book, which the Ulster-Scots Agency, Foras na Gaeilge and the respective communities are quite proud of.

The annual reports and accounts for the Ulster-Scots Agency and Foras na Gaeilge have to be consolidated from the annual report and accounts of the North/South body. As the Member will be aware, that is defined in the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999. They have to be laid in front of the respective Parliaments. I outlined, in response to a previous question, the process that we brought forward to simplify and speed up the consolidation of accounts. We made it a priority to meet the chairs of both agencies to outline to them how imperative that work is. I have no ministerial or statutory obligation other than to make sure that I do everything that I can to have accounts produced. I am satisfied that Mr Deenihan and I have done that.

Mr I McCrea: I certainly welcome the establishment of the Ulster-Scots language forum. Will the Minister detail how those who will sit on that body will be selected and what its remit will be?

Ms Ní Chuilín: The Ulster-Scots Agency is leading on that, which is totally appropriate. It is looking at the ministerial advisory group on Ulster Scots and at other partnerships and groups that have been there for a long time and have a lot of experience to offer. We will mark the progress of that work, but I am content that the agency itself is best placed to take that forward. In response to a question from one of your colleagues on the schools initiative and the Hairtlan project, I said that many people have been working in that area for a long time. It would be foolhardy to ignore not only their views but their experience and opinions. The agency knows that, and it will use those people to take the programme forward. I support it in that.

Public Expenditure: 2012-13 January Monitoring and 2013-14 and 2014-15 Technical Exercise

Mr Wilson (The Minister of Finance and Personnel): I want to update the Assembly on the outcome of January monitoring and the Budget technical exercise that was undertaken after the Executive's agreement to realign budgets for 2013-14 and 2014-15.

I will start off by talking about January monitoring, before saying a few words about the Budget technical exercise. Before I go into the detail of the monitoring round, it is worth pointing out that the focus continues to be on the non-ring-fenced resource items, which hereafter I will simply refer to as resource expenditure or resource departmental expenditure limit (DEL). The Executive still monitor the ring-fenced resource and administration expenditure positions, and they are included in the tables attached to the statement.

The key strategic financial management issue for the Executive for the remainder of this financial year is to ensure that HM Treasury budget exchange scheme limits are not breached at the end of the year. Members will recall that those amount to 0.6% of resource DEL and 1.5% of capital DEL. That, of course, excludes the Department of Justice, which is subject to separate end-year flexibility arrangements. The actual amounts will be finalised and agreed with HM Treasury in the coming weeks, but they are likely to be around £50 million of resource DEL and £14 million of capital DEL. Importantly, any end-of-year underspends in excess of those amounts will be lost to Northern Ireland. That is something that I have impressed on other Ministers.

The starting point of this monitoring round was the October monitoring outcome, which concluded with an overcommitment of £14.6 million of non-ring-fenced resource expenditure and £10.3 million of capital investment. A number of adjustments were made at the centre that impacted on the overall financial position in this monitoring round. I would like to highlight some of those items.

As part of October monitoring, the Executive agreed to allocate £5 million resource DEL and £5 million capital DEL to the jobs and economy initiative in this financial year. That was held at the centre for allocation in this monitoring round. Departments have now confirmed that only £3.1 million of resource DEL and £0.3 million of capital DEL can be spent in this

financial year. That makes available £2 million of resource DEL and £4.8 million of capital DEL in this round for allocation.

Members may also recall that, after the October monitoring round, the Executive held in balance £2 million of resource DEL to fund spend under the social investment fund, childcare strategy and Delivering Social Change projects in this financial year. The total expenditure on those funds is now expected to be £1.8 million, which frees up the remaining £0.2 million for allocation in this round.

As I have already mentioned, the Budget exchange scheme allows the Executive to carry forward and draw down end-year underspends up to the limit agreed with Her Majesty's Treasury. The scheme requires the devolved Administrations to adjust drawdown to the final outturn position. This only recently became available and showed that there were additional underspends in 2011-12 at block level of £1.9 million resource DEL and £1 million capital DEL. There were also additional capital DEL Barnett consequentials for 2012-13 amounting to £1.5 million announced in the Chancellor's autumn statement. Those additional amounts were also made available for allocation.

The latest regional rate forecast indicated that an additional £3.8 million of resource funding could be made available in the January monitoring round. That was due to a number of factors, most notably the realisation of higher income levels and lower levels of irrecoverable losses than initially estimated.

As part of the October monitoring round, the Executive also agreed that £1.5 million would be made available to DCAL for sports in 2012-13. DCAL has now confirmed that the funding split required in 2012-13 amounts to £0.6 million resource DEL and £0.9 million capital DEL, and that represents a pressure at the centre to be covered in this monitoring round.

Funding was also released to the centre in respect of the coastal communities fund, reinvestment and reform initiative (RRI) borrowing and the centrally managed EU budget and salaries for individuals working in statutory bodies. All of those amounted to £2.5 million resource DEL and £0.2 million capital DEL.

All the above centre items impacted on the starting position in this monitoring round. Taking those into account, along with the October monitoring overcommitment, resulted in a reduction in the starting overcommitment to £4.7 million of resource expenditure and £3.8

million in respect of capital investment. That provides — it is a long, contorted route, and I hope that Members have followed the figures — the starting position for the January monitoring round before any departmental reduced requirements, reclassifications and internal allocations were taken into account.

I will now turn to the reduced requirements, which is the money that Departments said that they were not going to use. Departments declared reduced requirements in this monitoring round of £30.2 million resource expenditure and £12.1 million capital investment. The full details of those reduced requirements are included in the tables attached to the statement. I remain concerned at the high level of reduced commitments surrendered in this round, particularly since it is difficult to spend large amounts of resources in the final few months of the financial year. I would like to highlight some of the most significant easements and update Members on both the schools end-year flexibility scheme and the A5 road scheme legal case.

The Department for Social Development surrendered £17.8 million of resource expenditure, which accounted for nearly two thirds of all the resource DEL reduced requirements in this round. The easements contributing to this amount came largely from the Housing Executive and the Social Security Agency. Although some of the Northern Ireland Housing Executive reduced requirements were due to additional asset sales and efficiencies, which are good, a considerable amount was due to the deferral of a planned staff early release scheme. The bulk of the Social Security Agency easements related to reduced IT costs, historical VAT payments and welfare reform costs that were not brought forward as quickly, due to the progress of the welfare reform measure.

12.15 pm

In relation to the schools EYF scheme, which allows schools to either draw down or increase their reserves, Members may recall that the Department of Education was allocated £5 million in June monitoring to cover the estimated 2012-13 net schools drawdown. The final schools EYF declaration, however, confirmed that the final estimated net drawdown will be zero in this financial year. That means that the £5 million will be returned as a reduced requirement in this round. Whilst it is disappointing that those resources will be returned at this late stage of the financial year, it is, I suppose, an improvement on last year's position, when £10.5 million was surrendered at

this stage. The schools EYF stock to be carried forward into 2013-14 will now remain at £46.7 million.

I turn to the ongoing A5 road scheme legal case. I understand that the full hearing is scheduled for mid-February 2013. If it is resolved quickly, there is still a possibility of spending about £20 million on the A5 scheme in this financial year. However, it is clear that there is already a £30 million easement. Recently, I secured from the Chief Secretary up to £50 million of RRI borrowing flexibility to manage the issue. The £30 million easement in DRD was, therefore, handled as a technical adjustment to the DRD budget, with a corresponding reduction in RRI borrowing in this financial year. That provides the Executive with an additional £30 million RRI borrowing power in 2014-15. My officials will continue to liaise with their DRD colleagues on the issue. Should it be necessary to make a further adjustment to the DRD capital budget, it can be applied before the end of the year, with a corresponding reduction in RRI borrowing. I will update the Assembly on that issue at the provisional out-turn stage.

I turn to internal reallocations. It is good practice that Departments seek to manage any emerging pressures internally before bringing forward bids for additional allocations. Whilst the public expenditure control framework allows Departments scope to undertake many such movements on a unilateral basis, movements across spending areas in excess of the de minimis threshold are subject to Executive approval. In some instances, Departments have also sought permission to move allocations across spending areas to facilitate the transfer of responsibility for a particular function from one business area to another. The internal reallocations agreed by the Executive in this monitoring round are included in the tables for information.

The Executive also agreed a number of reclassifications between the resource and capital categories in this round. There were also reclassifications between ring-fenced and non-ring-fenced resource DEL categories. Again, those reclassifications are shown in the tables.

All those issues impacted on the amount of resources available to the Executive in this monitoring round. Taking into account the starting position, the reduced requirements and the reclassifications resulted in £20.6 million of resource expenditure and £13.9 million capital investment resources being available to the Executive. Against those resources,

Departments' bids amounted to £96.7 million of resource expenditure and £27.6 million of capital expenditure. Again, the bids are detailed in the tables.

The level of allocations that was agreed by the Executive was informed by a judgement on the final level of overcommitment that should ideally be carried forward to the end of the year and the quality of the bids submitted. Historically, there has always been some underspend at year end in both resource expenditure and capital investment. The key risk for the Executive is that the level of underspend may exceed the limits in the Budget exchange scheme, which would, of course, mean that those resources would be lost to Northern Ireland. On the other hand, there is also a risk of breaching HM Treasury control totals if the Executive decide to commit too much in the January monitoring round. So, a balance clearly has to be struck. Recent experience suggests that the risk of exceeding the Budget exchange scheme limit is greatest for resource DEL, with recent capital DEL end-year underspends being well below the Budget exchange scheme limit. That informed the Executive's decisions in this round.

Before I go on to highlight some of the main allocations, I would like to mention two separate funding transfers made in the monitoring round. The first funding transfer relates to the £11.8 million of funding allocated to us as part of the UK Government's Get Britain Building initiative. This is good news for the construction industry and homebuyers. That funding was ring-fenced, as it scores as a financial transaction, and therefore had to be used for the purpose it was allocated for: loan and equity investment only. My officials have been working with their DSD colleagues on a business model that meets HM Treasury eligibility criteria, and the Executive have now agreed to proceed with two local schemes.

The first scheme involves housing associations purchasing vacant or repossessed properties to fix up and then sell on the market at a discount. The second scheme is a new shared equity scheme, which is a variation on the existing co-ownership scheme. The new shared equity scheme requires first-time buyers to purchase a starter share of between 60% and 75% and put down a 3% to 5% deposit. Participants will initially pay a very low rent on the remaining share, with the interest increasing to encourage buyout of the remaining share after five years. Those schemes should provide a much-needed boost for our local housing market and construction sector. The new shared equity scheme should also assist first-time buyers in

getting on to the property ladder in what continues to be a very challenging environment.

The second funding transfer relates to the sale of the former St Patrick's military base in Ballymena. Under the Hillsborough agreement, proceeds from the sale of former military sites should be transferred to the Department of Justice. Accordingly, the sale proceeds of £2.2 million were transferred to the Department of Justice from the Office of the First Minister and deputy First Minister as part of this monitoring round.

The Executive agreed allocations totalling £21.8 million for resource expenditure and £20.7 million for capital investment. Those allocations are detailed in the tables, but I will highlight only a few of the main ones.

The Executive agreed to allocate £10 million of resource expenditure to the Department of Justice for the prison officer exit scheme. That allocation will help to drive forward ongoing Prison Service reform. Members should also note that that allocation will be more than matched by DOJ surrendering at least £10 million of capital funding in the 2014-15 financial year. That should help the Executive to address the overcommitment in that year.

Some £10 million was also allocated to the Department of Health, Social Services and Public Safety. That allocation allows the Department to address additional demand on emergency departments and other acute hospital services resulting from winter and unscheduled care pressures. It also provides additional resources for family and childcare services, general dental services and further work on infection control in our hospitals. That should be welcomed by the Assembly.

The Executive also agreed to allocate £17.7 million of capital investment funding to the Department for Regional Development. That will allow the Department to purchase 42 new buses at a total cost of £6.7 million. When I have good news for the Green Party, it does not even turn up. It would have been really happy about that. Furthermore, it provides an additional £10 million towards road structural maintenance and £1 million for the replacement of 600 street lighting columns. That brings expenditure on structural maintenance in this year to £100 million.

The outcome of the January monitoring round was that the Executive are now carrying forward an overcommitment of £8 million in respect of resource expenditure. In terms of capital expenditure, the Executive agreed to

carry forward a zero overcommitment. Since the amount of capital allocations exceeded the amount of resources available, it was necessary to switch £6·8 million from resource to capital to ensure that the overcommitment was zero at the end of the monitoring round.

Members should note that the Department of Enterprise, Trade and Investment and indeed the entire block face an unavoidable pressure of £18 million in respect of EU funding not being made available for the Titanic project. The Executive are still considering the complex circumstances surrounding that bid, and a decision on whether to agree the allocation has, therefore, not yet been taken. The Executive may yet still agree that allocation, which would increase the resource expenditure overcommitment to £26 million. However, that is still acceptable in the context of the level of underspends likely to emerge at the end of the financial year.

Before I conclude the statement, I would like to say a few words about the Budget technical exercise relating to the 2013-14 and 2014-15 financial years. The Budget technical exercise allowed Departments to reclassify expenditure and move resources across spending areas, with movements in excess of the de minimis threshold subject to Executive approval. There were also some ring-fenced resource reduced requirements surrendered by Departments as part of that exercise. All those movements are shown in the tables accompanying the statement.

Allocations to the Departments for the next two years under the jobs and economy initiative were also made as part of the Budget technical exercise. In total, £32·5 million resource expenditure and £9·1 million capital investment was allocated in 2013-14, with £27·4 million resource expenditure and £6·9 million capital investment in 2014-15. There was also an allocation of £1·5 million made available to DCAL for sports in 2013-14 and 2014-15. The Budget technical exercise and the jobs and economy initiative allocations impacted on the departmental budget position for 2013-14 and 2014-15. Revised final departmental budget tables have, therefore, been attached for information.

There are a few further issues that the Executive will have to consider next year, and I would like to highlight them. Members will be aware that the Executive agreed, as part of the 2013-14 and 2014-15 Budget realignment, to reduce the Northern Ireland Audit Office (NIAO) budget by £0·2 million in each of the next two financial years. The reduction was based on

the actual spending performance of the NIAO during 2011-12 and should not, in my view, in any way impact on its operational capacity. However, the Chairman of the Committee recently wrote to me expressing concern over the impact of that budget reduction, although he also indicated that the Audit Committee agrees that some reduction in the Northern Ireland Audit Office budget may be warranted. In light of that, the Executive agreed to monitor the situation and will come back to it when it comes to the June monitoring round in 2013-14. I think that that will make the Chairman a happy man this morning.

In concluding, I would like to highlight the significant allocations made as part of this monitoring round. They will benefit many people in Northern Ireland. They include money for front line services in health, the purchase of new buses and improvements to our roads infrastructure. The ring-fenced financial transactions transferred to DSD as part of this round will also deliver a much-needed boost for the local housing market and construction sector. New housing schemes should also assist first-time buyers in getting into the property market in what continues to be a challenging environment.

The Executive are carrying forward a considerable overcommitment on the resource DEL side. That should ensure that our block-level underspend at the provisional out-turn stage will not exceed the Budget exchange scheme limit and hence prevent any resources being lost to Northern Ireland. For all those reasons, I commend the monitoring round to the Assembly. I trust that it will receive a warm welcome from Members, whose constituents will be affected by the allocations that have been made and announced today.

12.30 pm

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. I am not a happy man about the reduced requirements. In total, £42·3 million resource and capital was surrendered. One third of that came from the Department for Social Development, and £4·7 million came from the Minister's Department, which has a much smaller budget than others. Will the Minister give those Departments a slap on the wrists?

On a more serious point, does it appear, Minister, that you will remain within the Budget exchange scheme limit as we come towards

year end? What is your assessment of the risk of non-ring-fenced moneys being returned and possibly lost to the Executive?

Mr Wilson: I am glad that the Chairman has raised the issue of the late reduced requirements that have been declared by Departments. Although we have found worthwhile projects on which to spend the money, the sooner we are aware of reduced requirements, the better we can plan expenditure and make sure that it fits with the Programme for Government and the kind of priorities that the Assembly has set. I emphasise to my Department and to other Ministers the need to look at these things earlier. On some occasions, it cannot be anticipated. Nearly two thirds of the reduced requirements have come from one Department: DSD. The money for the redundancy scheme in the Northern Ireland Housing Executive and some of the IT stuff that was required for welfare reform could not be spent because of delays, and there is nothing that you can do about that. However, it is important that we look ahead and try to make sure that Departments declare the money. Of course I will slap wrists, publicly or privately, when necessary.

Mr Deputy Speaker: Fourteen Members are down to speak, so I plead with you to be brief. I am sure that the Minister has taken note of that as well.

Mr Girvan: I will be brief. I thank the Minister for his statement. The Department of Health, Social Services and Public Safety cannot normally bid in monitoring rounds, so why has £10 million been given to it at this stage?

Mr Wilson: There was an agreement that the Health Department would have flexibility with its budget and so would not normally be able to bid in monitoring rounds. However, when we are faced with the situation that the Chairman described, in which there are lot of reduced requirements at the end of the year, it is better, quite frankly, to spend the money than give it back to Westminster. When there are particular issues in a Department that could improve the quality of life for people in Northern Ireland, those bids should be considered. It was against that — considering people who are waiting for emergency surgery, dealing with unforeseen winter demands on the health service or addressing the matter of infections, which is a big issue in hospitals — that it was deemed that the £10 million was well worth spending. I would prefer that the money go into

the health service in Northern Ireland than back to the Treasury in London.

Mr Cree: I sympathise with the Minister. It is an almost impossible task to balance a budget that is moving all the time. When I looked at the statement this morning, I thought, "Whatever happened to the review of the financial process?". Things would be an awful lot easier if we had a clear system that required people to budget and abide by the budget that they decided on.

My question is on the significant underspend by DSD of £17.8 million. I am particularly interested in the Social Security Agency part of it. The Minister said that it relates to IT costs being reduced; historic VAT payments; and, indeed, welfare reform costs, which I would have thought are a little early. I know that a lot of money is not being provided —

Mr Deputy Speaker: Sorry, may we have a question, please?

Mr Cree: Yes, it is in there — not being provided on grants and welfare benefits. Will the Minister elaborate on the nature of these underspends?

Mr Wilson: I will not enter a debate on budget arrangements. I, too, wish that we had them in place, although I am not so sure that they would deliver some of the things that the Member talked about.

About £2.5 million of the DSD underspend resulted from there not being time to apply spending for the reduction in Housing Executive staff. The rest was due to welfare reform not going at the pace that had been expected. Of course, there have been delays at Westminster in bringing in universal benefit etc. Therefore, some of the anticipated expenditure on IT systems and delivery has not been necessary. That is partly due to the delay nationally in implementing some of the welfare reform issues, so there was no need to spend the money as soon as this because the systems do not yet have to be in place. Therefore, the right thing to do was to return that money. It would have been much better to know that the money would not be required this year. However, given that some of these decisions arise at a national level, the Minister can respond only as that information percolates down.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. I refer the Minister to the £18 million DETI bid to write down the EU debtor. Is that associated with the major project

application to the EC in June 2009? I note that the total project cost was £97 million and the associated ERDF drawdown being sought was £18.02 million. There was a difference in legal opinion. The EC's legal advisers believed that the application was ineligible, whereas the UK's lawyers believed that it was eligible. Has that been settled? If not, where do the Executive stand on this £18 million?

Mr Wilson: I thank the Member for the question. I want to emphasise a number of points. First, this is not the result of an overspend on the project. The project came in on time and on budget. It is a question of how it will be financed. Initially, there was to have been £18 million of EU money. There is a dispute, and the clear legal opinion that DETI received, including that of the people who wrote the rules for Europe, was that the procurement route followed was correct and it could go that way. Later, the EU said that the procurement had not been properly done and, therefore, this would not be subject to EU funding. DETI will challenge that. However, as EU money has to be spent within a certain time frame, the prudent thing to do was to say, "There is £18 million of EU money that has still not been claimed. DETI could not claim it because the EU was opposed and took a different view on whether the procurement was correct. So let us make that EU money available to some other Department and then use the Executive money to finance the Titanic signature project". That is what the exercise was about. DETI made a bid that would free up £18 million of EU money that another Department could then bid on. It was a prudent step for this reason: had we waited and left it until a year or even less time from the end of the EU spending period, the danger was that we could not have spent the EU money on time. So, this is simply a transfer. There is a pot of EU money, which DETI originally intended to use. The EU has challenged it, but we believe that we have a robust challenge to make on it. Rather than run the risk of losing it, it was decided that a bid would be made now to use Executive money for the Titanic signature project and that another Department would bid for the EU money, so that we could secure the EU money. That is the reason.

The Executive have not taken a view on it yet. As I said in the statement, if the Executive take a view on it in the near future, all that we would do is simply make an adjustment in our level of overcommitment. I am happy that, even with £26 million overcommitment on resource DEL, we will still live within the exchange scheme limits.

Mr McCarthy: I thank the Minister for his statement. The Minister will be aware of the real concern throughout Northern Ireland about what is being forced on local councils to pay for the review of public administration, not that they wanted it. Will the Minister give the Assembly an assessment of the bid that DOE made to compensate local councils for the reform of public of administration so that it will not be landed on the ratepayers?

Mr Wilson: There are a number of points to make about DOE's bid. First, I did not believe that it was the amount of money that was actually required. Indeed, it was an excessive bid. I have had discussions with the Environment Minister on that, and my officials have had extensive discussions with his officials. There were a lot of assumptions in the bid. For example, it assumed that every councillor would take the retirement money, which, of course, will not be the case. It was also assumed that every councillor on the new shadow councils would be a brand new councillor, which, of course, would not be the case, and that councils would spend money building up capacity for councillors who may or may not be on the new councils. There are a lot of flaws in the bid itself.

The second point that I will make on the bid is that many of those things — we have narrowed it down for the transition costs — could be financed either when the transfer of functions arises or through the councils' own resources. Do not forget that councils will make substantial savings as a result of RPA. It is my view that those savings should be used to finance the costs, rather than the costs falling on the Assembly and, hence, reducing the amount of money that we have available for public services.

The third thing to say is that there are issues with this. Certain costs will be involved as councils converge. I am sympathetic to how those convergence costs might be addressed. That is a discussion that I have not yet had with the Environment Minister, because he has, of course, been focusing on the transition costs. The Executive's position is that councils themselves should meet all the costs. There is a case for looking at how we can deal with some of the convergence costs, and we will have a discussion on that. However, I emphasise to the Member that there are substantial savings for councils. The amount of resources required for the transition from existing to bigger councils is very minimal. Some of them are capital costs and could be included in capital budgets at a very minimum rate. Therefore, I think it only right that councils

should bear those costs, and my message to councils is that they should now be starting to look at how those costs can be financed. Do not look for a bailout by the Executive, especially when the savings are so substantial that any loan that needs to be taken out could easily be serviced by the councils themselves, without going anywhere near the ratepayers. That is the important thing.

12.45 pm

Mr Deputy Speaker: Members, I really need your co-operation to keep questions and answers short. We want to finish this session before the break, allow the Business Committee to meet and resume here at 2.00 pm.

Mr Weir: I thank the Minister for his statement. Will he expand on the benefits of allocating resources to DSD to set up the house purchasing initiatives?

Mr Wilson: The benefits are many. First, £11.8 million is available and will lead to new house building, so that will help the construction industry. Secondly, it will help with affordable housing, because people will have the option of purchasing the remaining share of their home. They put up only between 60% and 75% and then buy the rest over a five-year period. Of course, there is an incentive for them to do so, because the rate of interest goes up the more time goes on. So, they get an easy step on to the housing market and then an incentive to become full owners of the property. This has the benefits of increasing house ownership, increasing building, injecting money into the building and construction industry and, of course, helping the DSD to deal with the whole issue of demand for housing by relieving some of the pressure on social housing.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for the allocations made to the Department, particularly in respect of road structural maintenance and street lighting. I also congratulate him on the easement that he has negotiated in respect of the A5. Is there further scope to negotiate further easement on that budget should the legal case take longer than he anticipated? I think he said it should take until mid-February.

Mr Wilson: As I said, we will continually monitor with DRD when the spend on that road is likely to start. The DRD has indicated that it is fairly confident of the legal case, and it thinks it can spend £20 million this year. If it cannot do so or if it needs to spend more, we will simply make an adjustment on the RRI

borrowing. Since we have up to £50 million, which is the full amount of money allocated for this year, we have the ability to ease either way — either to make more money or less money available this year. We actually have flexibility: it just means monitoring and keeping in touch with DRD officials on that.

Mr D McIlveen: I thank the Minister for his statement. He will recall that something in the region of £10 million was surrendered to the Department of Justice to facilitate the prison officer redundancy package. Will the Minister indicate what the Executive will get back from that from the Department?

Mr Wilson: I suppose that what we want to do is encourage the prison reform proposals of the DOJ and get them implemented as quickly as possible, especially if they lead to savings on its long-term revenue budget. The Department of Justice said that it believed it had a number of prison officers who would take up the early retirement scheme if the money was available. We have that money available this year. Again, as with the Department of Health, we do not want to run the risk of losing that money to the Treasury. So, the money will be made available to the DOJ to allow for more people to take up early retirement. The good thing is that we will actually get it back next year in the form of a capital payment from DOJ, and that will help ease some of the capital pressures that we will have next year. It is a way of managing money between one year and the next. When you have an underspend one year and you are likely to have a pressure the next year, you can easily carry the money over while keeping within all of the Treasury rules.

Lord Morrow: I suspect that there is not a Member in the House today who is not perplexed at the fact that there is an under-requirement of £42.3 million. It strikes me that a lot of speculative bidding goes on and that the Minister is the unfortunate individual who has to deliver the bad news. That said, however, will he and his Department have to accommodate any further pressures in relation to the A8? Will he confirm that the A8 and A5 projects are one and the same scheme, or have they been divided?

Mr Wilson: They are two separate road schemes. Two separate contracts have been undertaken by two separate firms, and there are different timings for each scheme. However, they both come under the Department for Regional Development's budget, and the job of delivering those schemes on budget is the responsibility of the Minister for

Regional Development. He has not indicated to me or my officials in any way that there is likely to be an overspend on those schemes. We expect Departments to manage these capital projects. I have to say that the record of this Executive in delivering capital projects on time and on budget has been fairly good.

Mr Allister: I must confess that I did not quite follow the Minister's answer to Mr Bradley about the £18 million that was expected for the Titanic Quarter from the EU. Surely what table D indicates is that there is a shortfall of £18 million, which DETI made a bid to have filled in the monitoring round, and that it is not money that is available for distribution, as I took the Minister to say, to other Departments. It is a hole in the budgetary arrangements that will require to be filled. Is that not the case?

On the question of EU matters, it has emerged that, previously, £55 million or £56 million for EU fines for the Department of Agriculture and Rural Development (DARD) came from departmental underspends that were accumulated to meet that purpose. Is any of that going on again in anticipation of EU fines?

Mr Wilson: No, that is not the case. Maybe I did not explain it very well. The cost of the Titanic signature project is as had been anticipated. The funding cocktail, however, now has to be revised because there is a dispute about one of the elements of that funding: the EU element. Is it payable, or is it not payable? DETI believes that it is payable, because it believes that it got strong legal advice before it entered into the contract that the form of the contract was legal. DETI took that advice from the best possible source, which was the people who drew up the EU rules, but it has now been challenged. That means that there is £18 million of EU money that cannot at present be allocated to the Titanic signature project but could be allocated to some other project. So, being prudent, DETI has said that it will make that £18 million available so that some other Department can bid for it, which means, of course, that it will not have to ask the Executive for any money. The money that is required for the funding of the Titanic signature project will simply come from Executive money. There is no hole there. There is still the same amount of money; it is simply that someone else will spend the EU money and DETI will spend whatever that other Department's money would have been on the Titanic signature project. That is putting it in the simplest terms. I do not think that there is any need to worry. My only worry would be that, if we dilly-dally on this and leave off any decision, as there is a time limit in which the EU money

can be spent, we could let things go on and find that we will lose the money because we do not have time to spend it. That is why DETI was right to bring forward a bid at this time, and that is one of the reasons why I was happy to accede to it.

Mr Kinahan: I thank the Minister for his statement and his comments on the Audit Office. While we are on that subject, will he guarantee that he will respect the Audit Office's independence? Will he work with me and others to get a procedure in place that recognises that independence to resolve issues so that we have the transparency that we require in future?

Mr Wilson: There was never an issue about the independence of the Audit Office. I am responsible for the money that is allocated from the Northern Ireland Budget to each of the spending areas, and one of the things that concerned me and my officials, when we looked at all Departments, was that some had bid for money and had consistent underspends or consistent reduced requirements. To better plan for that, we wanted to allocate the money on a long-term basis. So, we looked at where the underspends were and said, "Right, let's then allocate that money so that we have it as planned expenditure". That was done so that we would not run into the kind of situation that I have been describing here today. So, it was purely a budgetary exercise. As the resources were not being used anyway by the Audit Office and it was not spending the money, there was no question of impinging on its ability to do its work. Including this Assembly, there is no area of public expenditure that should be sacrosanct from the good management of public money. People would expect that. In no way was the exercise an attempt to assault the independence of the Audit Office. Of course, as I said in my statement, if it is proved that there is a need for additional resources, a bid can be made for them in the June monitoring round and we can have discussions about that. However, that would have to be justified, just as any other Department would have to justify a bid for expenditure and would have to go onto the list that determines the bids that have the greatest priority.

Mr Byrne: Like others, I welcome the statement by the Minister. There has been £11.8 million allocated to the building programme from the UK Treasury, and you highlighted two possible schemes: the housing associations purchasing some existing properties and the new co-ownership scheme, which I very much support. What will be the breakdown of the £11.8 million

for those two schemes? Is there an explanation of why £7 million has been given up by the Housing Executive?

Mr Wilson: I cannot tell the Member at the moment what the division between the two will be. To a certain extent, it will depend on demand, because the purchase of new homes really depends on how many people come forward. Also, the purchase of existing properties by housing associations will depend on what houses are available and which ones they feel they could purchase, do up and sell on quickly. So, the division will really depend on the opportunities that are available, and that will be for the Social Development Minister to monitor. The important thing is that there is £11.8 million available to him to do that. All of that will have an impact on the construction industry and on the ability of people to get homes, hopefully, at prices that are affordable to them.

Mr Deputy Speaker: That concludes questions on the statement. I thank the Minister and Members for their co-operation. The Business Committee has arranged to meet immediately on the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time.

The sitting was suspended at 12.58 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Oral Answers to Questions

Agriculture and Rural Development

Mr Speaker: Question 1 has been withdrawn.

DARD: Headquarters

2. **Mr McCallister** asked the Minister of Agriculture and Rural Development to outline how Ballykelly was chosen from the final shortlist as the preferred site for the relocation of her Department's headquarters. (AQO 3194/11-15)

Mrs O'Neill (The Minister of Agriculture and Rural Development): Go raibh maith agat, a Cheann Comhairle. The advancement of the relocation of the Department of Agriculture and Rural Development (DARD) headquarters is a Programme for Government commitment for which a strategic outline case was approved by the Department of Finance and Personnel (DFP). Members will be fully aware that the Department's current headquarters at Dundonald House and Hydebank are no longer fit for purpose.

A number of steps were taken before I reached my final decision on the relocation to Ballykelly. The first stage in the process was the development of a longlist of potential locations. The list was taken from the new regional development strategy and, using the 23 local government districts, my officials scored each against a defined set of objective criteria. These included nine different socio-economic factors that considered such things as unemployment levels, deprivation and earnings levels, as well as practical considerations such as the number of public sector and Civil Service jobs already sited in the area.

As I previously outlined, the top two areas in this analysis were Strabane and Limavady, which are both in the north-west. I made my decision to relocate to Ballykelly based on two further factors: the availability of the Executive-owned site at the former Shackleton Barracks, and the availability of buildings on that site that could potentially be utilised.

Work is progressing on developing the business case, which will consider the viable options for

relocating my Department's headquarters to Ballykelly.

Mr McCallister: I am grateful to the Minister for her reply. It certainly throws up one question about the viability, and maybe she can comment on the viability of some of the buildings on the site.

Minister, there is a real sense that you have moved ahead of your Department and officials, with them now playing catch-up. Can you explain why you took the decision unilaterally on Ballykelly, which was effectively a political one, before asking your officials to write the business case?

Mrs O'Neill: Well, I am the Minister, so it is my job to make decisions. The Member will be very aware that, in the Programme for Government, we had a commitment to relocate DARD headquarters to a rural area. That was a Programme for Government commitment to which all parties signed up. That was, I suppose, the starting point for me to make a decision.

Using the criteria that I outlined to the Member, including the 23 local government districts under the regional development strategy alongside all the other socio-economic criteria, that is the area that came up as most beneficial.

The officials have been tasked to go away to look to the future and what needs to be done now. We have a very competent programme board in place that is looking at all the issues, particularly the fact that there are buildings on the site that could potentially be used. So, I think it is a perfect site. I think there are obvious advantages, given the fact that the Executive owned it, so that will obviously save money for the public purse. There is also the fact that there are buildings on the site that could potentially be used. Some of them are, obviously, more modern than others, but we will certainly be looking towards any that are able to be used.

I have not run ahead of the Department. It is my job to make decisions, and it also my job to make sure that everything is looked at and explored. Based on the Programme for Government commitment, I took the decision for Ballykelly.

Mr Frew: Given the rationale that the Minister outlined for picking Ballykelly as a site, and given the fact that there are sites throughout the Province of a similar nature to Ballykelly as regards old military sites, where there are still

buildings on most of these old sites that could maybe be fit for purpose, and given that some of those sites are based in what are classed as regional hubs, namely Ballymena, for one, and St Patrick's Barracks —

Mr Speaker: I encourage the Member to come to his question.

Mr Frew: Would the Minister not have been better looking at all the sites before making a final decision?

Mrs O'Neill: As I said in my answer to the previous supplementary, the criteria that I used are clear; they are clear for everyone to see. The Member, I think, is making it a local issue and is making a point for his own constituency, which many Members will do and have done. I could make the same case for areas in Mid Ulster.

The fact is that we used the criteria, which are very clearly set out and are very objective. People can look at them at any stage. The 23 local government districts under the regional development strategy have been identified, and that is a long running piece of work. There are also the socio-economic criteria that were applied. The top two locations were in the north-west, and this site, as I said, has the obvious advantage of being owned by the Executive, so it was easy for us to get on-site as quickly as possible. But the major benefit has to be the fact that we are saving money for the public purse.

Mr Allister: If I understand this correctly — the Minister can correct me if I am wrong — the decision was taken on foot of a ministerial direction, because it was not compatible with Civil Service advice to appraise all options. Ballykelly was not chosen on its competing merits, for the shortlisting did not consider specific sites but council areas. It was only after Ballykelly was chosen that she moved to a business case to try to sustain that decision. Is that the absurd way in which the decision was made?

Mrs O'Neill: There is nothing absurd about it. A direction is necessary in a case in which you want to avoid delay and reduce uncertainty. Standard procedure is to appraise all options fully, even those that do not meet the Executive's identified policy to move the headquarters to a rural location by 2015, as set out in the Programme for Government. That would be complex, cumbersome and, in the final analysis, wasteful of resources. The decision was taken on the basis of the very

objective criteria that I outlined, which are open and accessible for anyone to explore further. I encourage to Member to do that.

The regional development strategy identified 23 locations, and then further objective criteria were applied. Whether you like it or not, the reality is that the north-west was the area that was identified. The top two areas were identified as a result of all the objective criteria being applied. As a result, the Ballykelly site, because of the obvious advantages that I have outlined, including it being an Executive-owned site, was a natural option to take.

Sixmilewater

3. **Ms Brown** asked the Minister of Agriculture and Rural Development to outline the work that Rivers Agency has carried out or will carry out to improve the Sixmilewater watercourse. (AQO 3195/11-15)

Mrs O'Neill: The significant flood of Sixmilewater in August 2008 caused damage to property at Muckamore, as well as at Meadowside and Riverside in Antrim. Properties were also affected along the rivers that flow into Sixmilewater at Parkgate and Doagh. I am very pleased to advise the House that, following that significant event, Rivers Agency has undertaken considerable works to reduce the risk of flooding to people and property, as well as identifying further work that could be undertaken, subject to competing priorities for available funding.

Rivers Agency has removed material washed down by the flood that could have obstructed flows and increased the risk of further flooding. The agency has also continued to perform planned routine inspections and conduct necessary maintenance work to ensure the free flow of the watercourse. In addition, the agency undertook work at Meadowside in Antrim and Muckamore to ensure that the existing flood defences continue to perform effectively. Rivers Agency is also completing the construction of a flood alleviation scheme at Parkgate. At Riverside in Antrim, the agency has been working with Roads Service to improve the storm drainage system during times of high river flows.

Rivers Agency has also identified cost-effective flood alleviation works at Riverside and along the Doagh river that could be undertaken, subject to competing priorities for available funding.

Ms Brown: I thank the Minister for her answer. As she outlined, in 2010, Riverside Mews in Antrim was identified by Rivers Agency for flood alleviation works, but that is not included in its current capital works programme. Will the Minister provide an update on when we can expect those improvement works to take place?

Mrs O'Neill: As I said in my original answer, works at Parkgate will be completed during the 2013-14 financial year. The timing for the works at Riverside in Antrim — I think that that is the location you referred to — and along the Doagh river are subject to competing priorities for available funding. That work is not programmed in the current Budget period, but I assure the Member that, as and when any funding becomes available, Rivers Agency will continually reassess all areas that need flood alleviation measures. The location that she referred to will be treated in exactly the same manner as other areas.

Mr Kinahan: As many will know, Sixmilewater is very close to my heart, because I live on it. Given that 83% of the surface-water bodies in the local management area have been classified as "less than good", what plans do Rivers Agency and the Northern Ireland Environment Agency (NIEA) have to ensure that we improve the water quality?

Mrs O'Neill: I can perhaps give the Member more detail in writing, but I assure him that Rivers Agency regularly works with NIEA at official level on a range of issues, including water quality. I am happy to provide the Member with detail of any specific negotiations on the water quality of Sixmilewater in writing.

Ash Dieback

4. **Mr McDevitt** asked the Minister of Agriculture and Rural Development what action Forest Service is taking to cope with ash dieback disease. (AQO 3196/11-15)

Mrs O'Neill: The chief executive of the Forest Service leads the departmental response to ash dieback disease. Officials whose normal functions include plant health continue in those roles, drawing on the expertise of specialists in policy, science, surveillance, agrienvironment schemes and forestry. They are supported by officials from other Departments and local government.

I would like to record my thanks for the co-operation of the former Minister for forestry, Shane McEntee, and the excellent working relationship that I had with him. I am sure that

Members will join me in expressing sympathy to the McEntee family on Shane's death just before Christmas. Shane and I worked very closely to ensure that the island of Ireland was as well protected against the disease as possible. We jointly brought in legislation to prevent further introductions of disease to young plants and ash wood. We shared our experiences of how best to find and eradicate the disease.

As also happens in the South, my Department carries out surveillance of recent ash planting on public and private woodland, in roadside and urban landscape schemes, on farms, and in nurseries and garden centres. The Agri-Food and Biosciences Institute (AFBI) provides laboratory testing facilities for North and South when symptoms suggest that the disease might be present. As of 10.00 am today, 800 sites have been surveyed. The disease has been confirmed at 24 recently planted sites and two nursery sites. Those include young woodland, garden centres and landscape planting in public places. Forest Service assistance has been offered to private site owners to ensure that the disease is dealt with as swiftly as possible.

We are now planning how best to carry out surveillance work through the summer. As we have no evidence to date that the disease has spread to the wider environment, our policy remains one of detection and eradication. I will continue to work on the issue with my counterparts in the South and in Britain.

Mr McDevitt: I echo the Minister's condolences to the McEntee family. Mr McEntee will be a sad loss to Irish politics. He was an honest and fine parliamentarian.

Does the Minister acknowledge that quite a number of the sites are on Forest Service land and that that has caused disruption not only to the work of Forest Service but to users of forest parks, not least runners and mountain bikers, whose activities the Minister has done so much to promote in recent months? Can she give us an idea of the amount of money that has been spent on tackling the disease to date?

Mrs O'Neill: As the Member is aware, the disease is relatively new. The strain of the disease was identified only in 2011. A lot of work is being done on surveillance, research and eradication. That has to be the focus at this moment in time. We really need to concentrate on identifying the areas that have been affected. We need to make sure that we have done the research. Given that it is a new disease, we need to make sure that our science is up to date right across the island. We have

very much deployed a fortress Ireland approach, which is one that has served us well in other instances, particularly during the foot-and-mouth outbreak.

We are very much committed to this work at the minute. We are engaging regularly with stakeholders to make sure that we get the message out about what people should be looking for. We are asking them to report detections and, if in doubt, to please seek advice from the Department. We met the Mountain Bike Alliance last week. It is very positive about talking to all of its stakeholders and getting the message out there, and it will continue to do that in the time ahead. I can assure the Member that the focus, at this moment in time, is on surveillance, research and eradication.

Mr McMullan: Go raibh maith agat, a Cheann Comhairle. Will the Minister consider enlisting the help of the general public in reporting suspected cases of ash dieback?

Mrs O'Neill: Yes; absolutely. This time of year might not be the right time, as trees are not in leaf. So, I am focusing very much on engaging with professionals in the forestry sector, the horticulture and landscape industries and in central and local government to provide the training that is needed in disease recognition and in circulating the relevant information. As the causal link between symptoms and the disease are difficult to confirm at this time of year — even for the professionals — I plan to delay greater involvement of the public until the summer. By that time, we will have completed our immediate surveys linked to trade and started on the wider surveillance of sites of known infection.

In the meantime, the Department has a helpline for the public that takes calls about trees of concern. Our website has links to photographs of the disease symptoms, and we have put up posters in forest parks about basic biosecurity. Since the beginning of the disease outbreak, the Department has received just over 20 telephone calls and e-mails from the public. In the time ahead, particularly as we enter spring and summer, we will work very closely with the public to make sure that we have put enough information out there to enable them to come forward and identify to the Department things that they regard as suspicious as and when they see them.

Mr Irwin: Given the seriousness of ash dieback and the damage that it has caused across Europe — I think that 90% of ash trees in

Denmark were devastated and lost because of ash dieback — would it not have been wise for the Department and the Minister to have banned the import of ash much earlier?

2.15 pm

Mrs O'Neill: The first positive diagnosis that the organism causing ash dieback was a new disease was not made until 2011, when scientists looked at the disease and concluded that *Chalara fraxinea*, or ash dieback as it is commonly known, is a new virulent species. The disease that was previously prevalent across Ireland, Britain and continental Europe had been in place since the 1800s. So you cannot ask whether we were able to take action before now because the disease has been around for hundreds of years. The disease that we are dealing with is a new strain of *Chalara fraxinea* that was identified only in 2011. That is why the science is still not developed and why we are still working very hard, from the science end, to develop avenues to treat or eradicate the disease.

Circuses: Wild Animals

5. **Mr Agnew** asked the Minister of Agriculture and Rural Development whether she plans to introduce secondary legislation to ban the use of wild animals in circuses. (AQO 3197/11-15)

Mrs O'Neill: I have not yet developed a position on a ban on the use of wild animals in travelling circuses in the North. It is important to note that no circuses are based in the North of Ireland. A number of circuses are registered in the South, some of which, as the Member will be aware, regularly travel here. My Department has an agreed protocol with counterparts in the South that provides for an inspection of animals from those registered circuses before they move back to the South. At this time, we have no evidence to suggest that the welfare of those animals is compromised.

My immediate priority on animal welfare is the roll-out of subordinate legislation under the Welfare of Animals Act 2011, including the regulation of dogs in breeding establishments, which will come before Members next month, and the development of regulations on the welfare of animals in pet shops, animal boarding establishments and riding establishments. I also intend to bring forward legislation to regulate the welfare of livestock at markets here.

I can advise the Member that I have been approached by Department of Environment,

Food and Rural Affairs (DEFRA) ministerial colleagues, who propose to introduce a Bill banning the use of wild animals in circuses in England. It is important to realise that that Bill is being taken forward on ethical as opposed to welfare grounds. That is because the available scientific evidence does not support the view that the welfare of animals in circuses is being compromised.

Before making any decision on a ban on using wild animals in travelling circuses here, I want to take the time to assess the available evidence and to give the issue detailed consideration. I met representatives from Animal Defenders International and the Born Free Foundation yesterday to discuss those issues. Our meeting was frank and constructive, and the organisations have undertaken to provide me with evidence, which I agreed to examine.

Mr Agnew: I thank the Minister for her answer. I think that a ban, rather than welfare protection, is needed because even a circus with the best intentions towards the welfare of animals could not meet the needs of many of those wild animals. An elephant, for example, travels 25 kilometres a day in the wild on average, and elephants in circuses have a much lower life expectancy. The Minister pointed out that we do not have circuses in Northern Ireland, but they frequently come from the South, and the burden on the Department, were it to introduce such —

Mr Speaker: I encourage the Member to come to his question.

Mr Agnew: The burden on the Department, were it to introduce such a ban, would be minimal, but the alleviation of suffering would be huge. I ask the Minister to follow DEFRA and make an ethical decision.

Mrs O'Neill: I assure the Member that I do not have a closed mind on the issue. For me to bring forward legislation, I need an evidence base, which I am endeavouring to acquire. The two organisations that I met yesterday have been tasked with coming back to me with that kind of information, and I will make sure that I explore that in detail. It is important to point out that, given that we do not have any registered circuses in the North, we need an all-island approach to the issue because there is no point in having legislation in one jurisdiction and not in the other. I intend to raise that issue at my next North/South Ministerial Council meeting with Minister Coveney to see what his plans are. I note from a Dáil question that he has the

same position as me: he has not ruled it out. There is scope to explore the issue further, but I assure the Member that I am happy to receive any evidence and information that he has because that is what I need to move forward.

Mr Newton: On the basis of all the evidence available, does the Minister agree that the decision of Belfast City Council to ban wild animal circuses from council property was a wise decision, and would she, at this interim stage, encourage other councils to take similar decisions?

Mrs O'Neill: The Member will be aware that, right across this island, a number of councils have banned circuses from using their property, and that is a decision for the elected members of those councils. A lot of the groups involved in lobbying on the issue feel very strongly about it, and they will continue to lobby elected representatives. I will look at all of the evidence and then make a decision based on that. In the Welfare of Animals Act 2011, we have in place some of the most progressive legislation on animal welfare. For the moment, I will concentrate my efforts on introducing the secondary legislation to that strong legislation, which puts us in a good position on animal welfare standards. As I said, I am open to listening to the evidence on circuses.

Mr Cree: Will the Minister confirm whether she has met her Executive colleagues on this issue since cruelty to animals was discussed in the House last September?

Mrs O'Neill: Banning wild animals from circuses is not a cross-departmental issue, so it has not been discussed at the Executive. If, in the future, however, I were minded to introduce legislation, I would bring it to the Executive for further discussion.

Mr Dallat: I thank the Minister for her answers so far, which I find very measured. Will the Minister agree with me that we have come a long road from the days of the Bulgarian dancing bears that were trained on hot coals? Will she ensure that when circuses are in Northern Ireland entertaining largely young people, her Department will ensure that claims of cruelty to animals can be verified, if it happens at all?

Mrs O'Neill: I thank the Member for that. I assure the Member that we have protocols in place with our counterparts in the South on the inspection of animals and that those will continue in the absence of any possible legislation in the future. As I said, we have very

progressive animal welfare legislation, and we can stand over it. As we bring forward the secondary legislation, it will be strengthened even further. We are in a positive position, and we will explore this issue further as we move on down the line and receive more evidence.

Common Agricultural Policy: DARD/NIEA Engagement

6. **Ms Lo** asked the Minister of Agriculture and Rural Development for an update on her Department's engagement with the Northern Ireland Environment Agency in developing a position on the common agricultural policy reform proposals. (AQO 3198/11-15)

Mrs O'Neill: Since the CAP reform proposals were published in October 2011, officials from my Department have met representatives from the Environment Agency a number of times to share views on the evolution of the reform development process. The agency has also accepted DARD's invitation to sit on a number of internal DARD working groups that have been set up to take forward the development of measures for the 2014-2020 rural development programme. My Department has recently established a stakeholder consultation group for that programme. The group provides a forum for stakeholders to advise and comment on programme development. NIEA is represented on the group, and DARD has been liaising with it on the preparation of a prioritised action framework. This is an EU requirement to ensure that the funding needs of the Natura 2000 network are properly reflected in the future priorities of all funds. DARD will continue to liaise with the Environment Agency through the development programme and until the prioritised action framework is finalised.

Discussions have taken place with NIEA on the options for the monitoring and evaluation of environmental schemes and measures in the proposed programme. It is a statutory requirement that a strategic environmental assessment is carried out on the proposed rural development programme. DARD has consulted NIEA on the development of the terms of reference for the procurement of the strategic environmental assessment evaluators. It is also the intention that NIEA will be invited to join the steering group that will be established to oversee the work of the evaluators.

Ms Lo: Thanks to the Minister for her comprehensive response. It is now very important that the environmental aspect be put into the CAP and that the EU hear about our

concerns. Has the Minister communicated with her counterparts in Westminster?

Mrs O'Neill: I assure the Member that, throughout the CAP reform process, we have continued to engage with DEFRA on all of the issues. We engaged with Caroline Spelman, the previous Minister, and we now engage with the new Minister. We will continue to do that. It is very important that we make sure that our voice is heard in Europe. We deploy an all-Ireland, or team Ireland, approach when I go to Europe. As far as raising the issues that we have highlighted are concerned, our 15 MEPs are on the same page. *[Interruption.]*

Mr Speaker: Order. Allow the Minister to finish.

Mrs O'Neill: Our 15 Irish MEPs will continue to — *[Interruption.]*

Mr Speaker: Order.

Mrs O'Neill: — voice our concerns in Europe and make sure that our points are heard. I am confident that, in the time ahead, we will be listened to and that we will secure all necessary engagements with the Commission and the Parliament. No doubt it is a difficult period, and, when homing in on all the details, we see that it is difficult to make sure that our interests are well reflected.

Mrs Dobson: Is the Minister aware of the views that are widely held in the rural communities that there should be a much greater level of funding in axis 2 of the next rural development programme?

Mrs O'Neill: The Member will be aware that, at the moment, the battle is to make sure that we can get any sort of financial framework agreed in Europe. To date, that has not happened. We are hopeful that there may be some agreement on 7 and 8 February that will allow us to at least be secure in the funding that we will achieve. After that, we will decide on the split of the funding.

I do not think that it is fair to say that anyone has lost out. Over £180 million in agrienvironment schemes alone has been paid out of the rural development programme right into farmers' hands. So, I think that it would be unfair to suggest that farmers have not had a fair share of the rural development programme.

For me, the key aspect of the rural development programme and the axis 2 funds is to make sure that we get money distributed to not only farmers but the wider rural community. People

who live and work in the rural community are also entitled to be supported so that they can continue to do those things. We must continue to tackle isolation and poverty and all those issues in the rural community. I think that the axis 2 programme was an excellent way for us to do that.

Mr Rogers: I thank the Minister for her response so far. Will she outline how random compliance inspections for the CAP and single farm payments are carried out?

Mrs O'Neill: There are a number of types of inspection. This is not really relevant to the question, but I am happy to give the Member the detail, because a process is applied to selecting people for inspection. That process is based sometimes on concerns arising from, for example, previous overdeclarations. There is a very clear and accountable process, the details of which I am very happy to provide for the Member in writing.

Dog Breeding: Welfare Standards

7. **Mr Brady** asked the Minister of Agriculture and Rural Development how she intends to address the issue of dog breeding establishments with poor animal welfare standards, in particular puppy farms. (AQO 3199/11-15)

Mrs O'Neill: I intend to bring forward new dog breeding establishment regulations under the Welfare of Animals Act next month for debate and approval by the Assembly. Those draft regulations already secured the Agriculture and Rural Development Committee's support at its meeting on 11 December, and the Executive have agreed to the making of those regulations, subject to the Assembly's approval.

The new regulations will provide commercial dog breeders with clear standards that must be met and maintained to ensure the welfare of all breeding bitches, stud dogs and pups in the establishment. They will provide strong powers to improve welfare conditions in substandard breeding establishments.

I appreciate that regulation alone will not stop so-called puppy farming. That will take a concerted effort by members of the public, future dog owners, good breeders and enforcement agencies working together to identify breeders, licensed or unlicensed, who put financial gain before the welfare needs of dogs and their pups. However, the regulations will clearly set out the welfare standards with which commercial breeders must comply. More

importantly, the regulations provide the powers to allow action to be taken where a breeder does not meet those standards. Council inspectors will also have clear standards to apply and strong enforcement powers to allow action to be taken, as well as to prosecute anyone who is illegally breeding dogs.

In addition, the new enforcement powers and tough penalties will act as a deterrent to those taking part in illegal dog-breeding activities, sending out a clear message that such activities will not be tolerated.

Mr Brady: I thank the Minister for her answer. Will the regulations restrict the size of breeding establishments? Go raibh maith agat.

Mrs O'Neill: Commercial dog breeding, irrespective of whether it is large- or small-scale, is a legitimate business, and the regulations will not place any legal limitation on the size of any breeding establishments or on the number of breeding bitches that can be held there. However, I think that it is important to remember that puppy farming is about not the size of the establishment but the conditions in which the dogs and pups are kept.

The regulations aim to provide commercial breeders with clear standards that must be met and maintained to ensure the welfare of all breeding bitches, stud dogs and pups in the establishment. The regulations will also provide enforcement officers with clear standards and strong powers to enforce them. They are not intended to cover individuals who breed the odd litter of pups from a pet, show dog, working gun dog or sheepdog. They are also not intended to cover organisations such as hunt clubs, which, although they breed dogs for hunting, do not sell pups. The Welfare of Animals Act provides general powers that can be used to address any welfare issues that may arise with hobby breeders or in hunt kennels.

2.30 pm

Culture, Arts and Leisure

Mr Speaker: Question 3 has been withdrawn and requires a written answer.

Northern Ireland Screen

1. **Ms Brown** asked the Minister of Culture, Arts and Leisure for her assessment of Northern Ireland screen commission's promotion of Northern Ireland as a major production location over the last 12 months. (AQO 3208/11-15)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): NI Screen has implemented key multichannel campaigns to showcase the benefits of the North as a centre for independent film, television and new media production, selling our location, funds and facilities to the global screen industry. These campaigns also communicate the North's successes and promote our unique product and talent on a world stage.

Marketing plays an important strategic role in NI Screen and is a fundamental part of its business, helping to facilitate the organisation's mission of boosting our economy, celebrating our culture and enhancing our children's education.

NI Screen's notable achievements include attracting to the North of Ireland the production of HBO's 'Games of Thrones', the largest television drama in Europe, and part funding Terry and Oorlagh George's short film, 'The Shore', which, as the Member is aware, won an Oscar in the live action short film category last year.

Ms Brown: I thank the Minister for her answer. Will she outline what plans her Department has to build on the recent success by assisting local councils that may wish to open up their facilities and services to assist in creation and production?

Ms Ní Chuilín: I have not had any discussions with local government on this in particular, but I have had discussions with some members from local government around the creative industries and the role that councils have to play. I am happy to take forward any partnership with local government to NI Screen and vice versa. Any experience that we have that would enhance the potential for independent film and television production has to be processed and encouraged, and I am happy to play any part in that.

Ms McCorley: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. What community work does NI Screen carry out that could practically support deprived and socially excluded communities?

Ms Ní Chuilín: I thank the Member for her question. NI Screen carries out quite a good range of work, particularly with disadvantaged and deprived communities. It is responsible for some of the three creative learning centres, the Nerve Centre in Derry, Crossnacreevy in Castlereagh, and the AmmA Centre in Armagh are examples. These centres provide training

for young people and youth leaders, and assistance and support for teachers and people working in schools in the new and creative digital technologies. Above all, it is proud of the work that it has done, particularly around marginalised and hard-to-reach groups. I am pleased with the work that NI Screen has done and continues to do with communities from deprived areas.

Mr Copeland: I thank the Minister for her answers thus far. Given her comments, particularly around 'Game of Thrones' and other potential similar ventures, can she indicate how many new jobs she believes can be created and in what sectors those jobs would fall as a result of these welcome activities?

Ms Ní Chuilín: I thank the Member for his question. It is really important to note that the creative industries and television and film production are a really good economic driver. From 2007 to 2010, £166 million was created, and around £24 million of that went on jobs. When I visited NI Screen's 'Games of Thrones' set, people there had worked in shirt factories and had been made redundant and were now part of wardrobe and design. Students coming out of art college are now part of the stage and creative design, and students and apprentices are going through creative industries and television and film production. These new industries and opportunities need to be nurtured and encouraged. Certainly, NI Screen is doing quite well with regard to providing employment not only to people who lost their jobs but to new people coming along.

Ms Lo: Will the Minister detail any efforts that she has made to make it easier for local artists to access production equipment for films, TV or music?

Ms Ní Chuilín: With regard to local artists, I assume that the Member is talking about film and television production. However, I have also met musicians. The Member might be aware that my Department and the Department of Enterprise, Trade and Investment (DETI) are responsible for bringing forward a new music strategy. At the end of the day, it is really important not only to try to develop the skills and talent that we have here but to ensure that artists have opportunities and can compete with other people.

I have met NI Screen and others who are involved in the sector, including universities, to discuss how we can help. It is important that the industry does not seem to be one for people who are already there but is attractive to those

who are coming in. That is really important. We have not set aside a separate fund for equipment. We are looking at the business of strategies, which are funded, to try to enhance opportunities for people now. It is something that I know, through different budget bids, we will look at in the future. We are, however, still in the process of having those discussions across the sector. When they conclude, hopefully, at the end of this year, we will be in a better position to know exactly what the real needs are with regard not only to training but to equipment.

World Police and Fire Games

2. **Mr A Maginness** asked the Minister of Culture, Arts and Leisure whether there will be sufficient suitable accommodation for the athletes and visitors at the World Police and Fire Games 2013. (AQO 3209/11-15)

11. **Mrs Overend** asked the Minister of Culture, Arts and Leisure how she is working with Executive colleagues to ensure that there is sufficient accommodation for visitors and competitors during the World Police and Fire Games 2013. (AQO 3218/11-15)

Ms Ní Chuilín: With your permission, Mr Speaker, I will take questions 2 and 11 together.

Accommodation has been and remains a key area of work for 2013 World Police and Fire Games Limited. In recognition of that, the company has developed an accommodation strategy, which is based on an analysis of the accommodation required for athletes and visitors during the games. The strategy indicates that there will be sufficient accommodation for all athletes and visitors. The company is working with the full support of the Tourist Board, the Hotels Federation and the Belfast Visitor and Convention Bureau in order to achieve the accommodation targets for the games and also to ensure that all accommodation offered to visitors is of a suitable standard. In a further effort to maximise accommodation provision for the games, the Minister of Enterprise, Trade and Investment and I attended an accommodation breakfast meeting on 20 January, which was set up to highlight to hoteliers and other accommodation providers the opportunities that the games present. Currently, 2,560 rooms are booked through the Belfast Visitor and Convention Bureau, representing over £2 million. The company will continue to focus on that as a priority. A system is in place to ensure

that weekly levels of accommodation uptake can be monitored.

Mr A Maginness: I thank the Minister for her very detailed and informative reply. The games are a big opportunity for local businesses and local people generally. Would the Minister give any specific advice to those who wish to provide additional accommodation to both visitors and athletes?

Ms Ní Chuilín: I thank the Member for his question. He is right: it is a brilliant opportunity. It is, probably, a once-in-a-lifetime opportunity to have games of this size in Belfast and also taking place in 15 venues outside the city. At the breakfast meeting, I met people from small B&Bs and guesthouses who have fed into the World Police and Fire Games company. The advice that I would give is to feed into the company or, even, contact the Department of Culture, Arts and Leisure (DCAL) or DETI. We would be happy to forward people on. We want to hear from as many people as possible who feel that they can offer something towards accommodation for the games. Every opportunity should be made available to them to make that process as easy as possible.

Mrs Overend: We need assurances from the Minister that there will be adequate accommodation for the World Police and Fire Games considering the high demand for beds and accommodation that there was in August last year. It is anticipated that there will be 23,000 visitors to the World Police and Fire Games. Can the Minister provide some details of how the plans that she has put or is putting in place will meet the accommodation needs of those anticipated visitors?

Ms Ní Chuilín: The Belfast Visitor and Convention Bureau, the Tourist Board, Belfast City Council, DETI, people from small businesses, such as guesthouses, and hoteliers attended the breakfast meeting last Friday. If all 25,000 visitors come to Belfast this August, there is an estimated shortfall of beds of between 5,000 and 7,000. There is where the idea of pop-up hotels, campus hotels and student accommodation comes in. The assurance given is that the accommodation must be of a certain standard. That is why work is starting now with the Tourist Board and the Belfast Visitor and Convention Bureau to make sure that all requirements are in place as soon as possible and that people who provide that accommodation know what they are as early as possible so that they can make appropriate arrangements and so that they, too, can have some economic benefits from the games.

Mr Hilditch: I thank the Minister for her answers thus far. Can the Minister confirm the process for registration for accommodation providers? More importantly, are any additional fees required of them?

Ms Ní Chuilín: Not that I am aware of, but if the Member has any particular question, or any particular example of something that has been asked from athletes that is additional, I would be keen to hear that. I am not aware of it. I have met athletes from five different countries who are going to be competing here in August, and they were very happy with not only the registration process but, indeed, the accommodation and all the other processes between the services. So if there is anything in particular that the Member wishes to bring to my attention, I would be very happy to hear that.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. How best might the benefits of the games be maximised right across the North?

Ms Ní Chuilín: I thank the Member for his supplementary question. As I said to another Member, there are 15 places outside Belfast that are going to be used to host events. So it is important that, even though Belfast won the bid to host the games, other places outside Belfast will have an opportunity to have some economic benefits. That is one end of it.

The other benefit will be to the community and young people and engagement. That was evident last year at the Olympics and Paralympics, where a lot of communities and sporting organisations, most of which are based on volunteers, got involved in some small way. I imagine that that will also happen throughout the World Police and Fire Games.

The other economic benefits are — we have made it very clear — that the World Police and Fire Games will also have, woven into the company, social benefits, social contracts and social clauses, which will make sure that local businesses, in particular, are given some opportunity to benefit from all the economic benefits that are going to come, which will be in the region of £21.4 million. It is important that local people see an opportunity for themselves in that.

Minority Sports

4. **Mr Dickson** asked the Minister of Culture, Arts and Leisure, given the funding package announced for boxing, what action her

Department has taken to support other minority sports following the success of the 2012 Olympic Games. (AQO 3211/11-15)

Ms Ní Chuilín: I thought that I saw question 3 here earlier; I am mixed up.

Mr Speaker: Sorry; question 3 has been withdrawn.

Ms Ní Chuilín: OK. Thank you.

Neither my Department nor Sport NI recognises the term "minority sports" or, for that matter, its application to boxing. Furthermore, in anticipation of the successful Olympic and Paralympic Games in 2012, DCAL took and continues to take action to support all sport in the North through the implementation of the 10-year strategy for sports, Sport Matters.

Sport Matters embraces all recognised sports in the North and aims to support them in their efforts to improve participation rates, athletes' performance and places for sport in the lead up to and following the Olympic Games until 2019. To that end, our Sport Matters action plan has been developed and published. It sets out a range of actions that key delivery partners are committed to taking across all sports in order to ensure that all the targets in Sport Matters are achieved.

Mr Dickson: Does the Minister agree that payments as small as £80,000 to minority sports fail to deliver quality sports and that Northern Ireland will never discover a new Andy Murray in the world of tennis if £80,000 is all that is paid to a sport such as tennis?

Ms Ní Chuilín: I am still very reluctant to use the term "minority sports", and so are the people involved in sports. I think that the Member's information on what tennis has received from Sport NI is wrong, as well. I am happy to furnish him with the proper statistics, as another Member has asked a similar question, and those figures are a bit more accurate than what the Member has been led to believe the investment is.

Mr Storey: Reference has been made to the Olympics and the legacy of London 2012. Will the Minister join me in congratulating Mr Joel Cassells from Coleraine, who at the weekend, in the Youth Olympics in Sydney, won bronze for Team GB in the men's fours and the men's eight. He is continuing the success of the Coleraine rowing club and bringing great honour to Northern Ireland. He is a credit not

only to his family but to Northern Ireland and the rowing fraternity.

Ms Ní Chuilín: I agree with the Member: he is a credit to us all. During my visit to Bann Rowing Club in Coleraine last year, I was very impressed with not just the three Olympians but the amount of young people they work with on the river. I also know that the schools, after-school clubs and young people have been heavily involved since the three Olympians won their medals. This is an example of a young person who has dedicated probably every spare minute that he has had to becoming the athlete we are all very proud of.

2.45 pm

Mr McKay: Go raibh maith agat, a Cheann Comhairle. The funding for boxing has been widely welcomed across my constituency of North Antrim, in particular by clubs such as All Saints in Ballymena, which has produced very fine boxers, including the one who is getting the freedom of Ballymena in the coming weeks. What expressions of interest have there been in the scheme, and will the Minister update the Assembly on how is it progressing?

Ms Ní Chuilín: This should really be Question Time for all constituency issues. Anyway, I appreciate the Member raising a positive point around boxing. The expressions of interest have been vast, and the update is that we have been working very closely with Belfast City Council, which is bringing forward its own boxing strategy. That local government strategy is really about investment in staff to try to make sure that boxing flourishes.

The Member asked about our performance and programmes. As he knows, we have invested over £3 million in boxing and are still working with clubs and areas, because the first stage of those expressions of interest is to look at equipment and then facilities and premises. Therefore, I am aware of All Saints, and I assume that Liam Neeson is receiving the freedom of the town for his acting prowess rather than his boxing.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht a cuid freagraí. Road bowling is popular in my constituency. Will the Minister join me in supporting the association in seeking recognition from Sport NI for road bowling as a sport?

Ms Ní Chuilín: I thank the Member for his question. I am very aware of road bowling. I

met someone from Cork, so Cork and Armagh are the two counties that are prominent.

Other sports that had not received recognition came to the Department, and we made arrangements with Sport NI. Getting recognition, as the Member for North Antrim will know with weightlifters, is a long process, and we need to make sure that arrangements for management committees and governance procedures are in place and that there is transparency.

However, I am quite happy to support road bowling and hope that other counties take it up, because it is a sport that is very much linked to our cultural heritage. I remember the programme that was on TG4 some months ago. It is a sport that goes across all religions and backgrounds, so we need to do what we can to make sure that it does not remain within two counties. We need to make it more widespread.

Mr McGimpsey: Will the Minister explain how the funding package for boxing that she referred to can go forward fairly at this time, given the Assembly's commitment to equality and fair treatment, bearing in mind the well-documented abuse of Sandy Row Amateur Boxing Club? Moreover, does she agree that the governing body of amateur boxing urgently needs to look at its own governance systems and get its house in order?

Ms Ní Chuilín: I do not agree that the Irish Amateur Boxing Association urgently needs to get its house in order. I also do not agree with the accusation that the Member made about well-documented, systematic abuse. Despite offering to meet the Member, and indeed other Members, about that club, none, for some reason, accepted my offer. I am assuming that you are afraid to step into the ring. *[Interruption.]* I take my section 75 duty very seriously. To make sure that section 75 is implemented, the criterion that I outlined to the Member at previous Question Times is that clubs need to be affiliated in order to put in for moneys from the boxing strategy, and that remains the case.

Tennis

5. **Mr McDevitt** asked the Minister of Culture, Arts and Leisure how her Department promotes tennis. (AQO 3212/11-15)

Ms Ní Chuilín: Responsibility for the promotion of tennis throughout the North of Ireland rests, in the first instance, with the governing body of

the sport, Ulster Tennis. That said, Sport NI has provided over £440,000 of Exchequer and lottery funding in the past five financial years to assist Ulster Tennis in developing and promoting the sport. In addition, following recent discussions, Sport NI is finalising an offer of almost £313,000 over the next four years through its performance focus programme to help the governing body to support and develop tennis further. Sport NI has provided Ulster Tennis with a range of advice and guidance on matters including governance, talent development, club development, coach development, and the development of a player pathway and performance systems for the sport.

Mr McDevitt: I welcome the Minister's clarification that it was £440,000 over five years and not £81,000 — by my count — a year, as was suggested earlier. Even the proposed £100,000-odd a year is a very small amount. Surely the Minister will accept that tennis is one of those sports that is perceived to be class-based. There are probably a very low number of people in our more working-class communities who are able to play tennis. Does the Minister agree that that issue needs to be addressed positively?

Ms Ní Chuilín: I thank the Member for his question. I agree: we need to try to make sure that sports that were perceived to be elitist or of a certain class are not perceived to be like that anymore. I have visited Lisburn Racquets Club, and I know that there are children and young people from all postcodes who represent all classes and none. I am keen to try to support young people's participation in sport, whatever that sport is. Sport NI and the Department are working with Lisburn Racquets Club, although not exclusively, to develop its facilities to ensure that more children and young people feel that tennis is a sport that they can participate in.

Mr I McCrea: Has the Minister had any discussions with the Education Minister about trying to reintroduce tennis into schools? When I was at school, there were tennis clubs and a lot of issues around tennis. Has she had any discussions about trying to encourage people to get back to playing tennis? If not, will she?

Ms Ní Chuilín: I have not had any discussions with the Minister of Education about tennis.

A Member: That was a long time ago.

Ms Ní Chuilín: I would just ignore your colleagues' jibes about how long ago you played tennis. *[Laughter.]* I have spoken to the

Department of Education and the Minister of Education about making sure that we do what we can to open up sports facilities and grounds during school and after-school hours. The Department of Education is involved in a sports monitoring implementation group. We are looking at sports provision in schools that the whole community can benefit from, but there has been no particular discussion about tennis.

Mr Hazzard: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. What discussions have taken place with Ulster Tennis about future support for the sport?

Ms Ní Chuilín: As I said to Conall McDevitt, Sport NI has had discussions with Ulster Tennis, and it is providing guidance and support. It is looking at the evaluation of the sport's high-performance athlete development, talent and coaching, club development and systems of governance. I firmly believe that those discussions have been very valuable. Ulster Tennis believes that they have been very valuable, and those will continue. It is important that governing bodies have an ongoing engagement with DCAL through Sport NI because, should additional moneys become available through sport, it is important that an up-to-date needs analysis is done so that governing bodies and projects are in a state of readiness and can avail themselves of that money.

Stadium Development Programme

6. **Mr Mitchel McLaughlin** asked the Minister of Culture, Arts and Leisure to outline how the wider social and economic equality benefits from the stadium development programme are being progressed. (AQO 3213/11-15)

Ms Ní Chuilín: The Executive are firmly committed to the use of public money for maximum improvements to the lives of people in the areas and communities that suffer the greatest socio-economic inequalities. My Department also has a stand-alone statutory and public policy requirement as a public authority in its own right, and that imposes specific procedural duties attached to section 75. In keeping with that, social clauses that will maximise the sustainable economic, social and environmental outcomes have been firmly embedded throughout the procurement and delivery process for all three sports stadia and will form an important element in the contract-award criteria. In addition to those clauses, we will target sectors and areas of our communities that are assessed as being in the most objective need and will provide a wide range of

social returns for areas and communities living in proximity to the new stadia.

Mr Mitchel McLaughlin: Go raibh maith agat. I thank the Minister for the detail in her answer. Those social clause measures are extremely welcome, but will she give us some specific information about the long-term unemployed?

Ms Ní Chuilín: I thank the Member for his ongoing questions on this issue. The Ravenhill contract, which is the first to go ahead, will provide long-term employment for seven people and create four new apprenticeships, with 5% of its workforce being in recognised apprenticeship schemes. It will have two student placements and produce five practical post-contract proposals, which is also important, to develop a range of social returns in the area. The Member will be happy to know that similar measures will be applied to the Casement Park and Windsor Park stadia contracts.

Mr Durkan: I thank the Minister for her answers thus far. I will follow up on the Minister's answer to Mr McLaughlin. Does she agree that the redevelopment of the Brandywell stadium in Derry would provide wider economic benefits in an area of severe deprivation?

Ms Ní Chuilín: Fair play to my colleagues from the north-west: they never miss an opportunity during Question Time to mention the Brandywell. The Member is right. Any development of any facility — in this case, sports stadia — has to have maximum social returns for the area. Derry is certainly in the top 10 of the most-deprived areas. Although social clauses are still a work in progress, they will be strengthened at every opportunity, and I hope that they will be stronger again when the time comes to develop the Brandywell.

Mr G Robinson: Although I welcome the progress made on the Ravenhill development programme, will the Minister give an update on the Windsor Park development programme?

Ms Ní Chuilín: The Windsor Park programme is on target and is developing well. The most recent position is that everything is on target, and I met Windsor Park representatives as part of the sponsor programme board that is regularly attended by the IFA, the GAA and rugby representatives. We are discussing with Belfast City Council what it intends to do about developing its own leisure provision so that those developments happen at the same time rather than afterwards, and we maximise the benefits. I am happy to say that I am working

well with the IFA and that everything is on target for it. As far as I am aware, they are happy, too.

City of Culture 2013

7. **Mr Flanagan** asked the Minister of Culture, Arts and Leisure for her assessment of the venues, accommodation and car parking provision during Derry/Londonderry City of Culture 2013. (AQO 3214/11-15)

Ms Ní Chuilín: Derry City Council has been working in partnership with the Culture Company, a range of Departments and statutory and civic agencies to ensure that the venue, accommodation and car-parking requirements during the City of Culture 2013 have been identified and that action is being taken to ensure that they are met.

Mr Flanagan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí. I thank the Minister for her answer. Will she outline the wider social benefits of the City of Culture taking place in Derry for the wider north-west of the island?

Ms Ní Chuilín: I thank the Member for his question, which follows on from Mark H Durkan's question about the economic impacts and benefits to Derry City in particular and the wider north-west. I made it clear in my letter of offer to Derry City Council, vis-à-vis the Culture Company, that there must be strong equality, sustainability and social and economic benefits for people in the city. It is important that people who live and work around the city have an opportunity to benefit from the Culture Company. Indeed, Derry City Council is looking at sourcing and procurement routes that will maximise opportunities for small and medium-sized businesses. The social benefits for children, young people and the people of the city will be great, and I wish them all the very best for their programmes for the rest of the year.

Mr P Ramsey: Will the Minister, along with me, acknowledge and commend the BBC and the Culture Company for such a magnificent event for the region as the 'Sons and Daughters' concert? Will the Minister also assure the House that absolute collaboration is taking place between Departments to maximise the City of Culture's potential for that region of Northern Ireland?

3.00 pm

Ms Ní Chuilín: Yes, I congratulate them. The concert was absolutely brilliant, and I really enjoyed it. There is a real buzz about the city, and it is brilliant. Every time you go back to Derry, you can see that the people have got behind the programme, and rightly so. My Department, Derry City Council, the Culture Company and other Departments, including DETI, DSD and OFMDFM, have supported it. Over £30 million has gone from the Executive to the City of Culture, and rightly so. As I said on the 'Sunday Politics' programme, we are not done yet. Congratulations also go to the BBC. It was a great event and, hopefully, a sign for the rest of the year.

Mr Speaker: That concludes Question Time.

Mr McGimpsey: On a point of order, Mr Speaker. In question 4, I raised the well-documented sectarian abuse of Sandy Row Amateur Boxing Club. The Minister, in her answer, told the House that I had been invited to meet her and that I had turned down that offer. I am not aware of any such invitation ever being issued to me.

Ms Ní Chuilín: Further to that point of order, Mr Speaker.

Mr Speaker: Order. Let me deal with the original point of order. First, it is not a point of order. The Member has what he said on the record, but he should take the issue up directly with the Minister. It should not take time from the business of the House.

Executive Committee Business

Planning Bill: Second Stage

Mr Attwood (The Minister of the Environment): I beg to move

That the Second Stage of the Planning Bill [NIA 17/11-15] be agreed.

I thank the Business Office for enabling the Second Reading to occur today. Subject to the will of the Chamber, I wish the Environment Committee well in assessing the contents of the Bill, which are, by and large, very familiar to them given the passage of the Planning Act in the previous mandate.

Reform in the North has served us well, as I have said before in the Chamber. The character of our Government and of much of our society is a result of the benign and positive consequences of reform. The North could benefit from a further phase of deep and radical reform. I do not only say those words; I try to judge myself against them in the time that I have as Minister. It is in that context that I see this Planning Bill and many other aspects of planning reform, which I will touch on before I deal with the Bill itself.

My priority as Minister on the planning side has been to take a twin-track approach, on the one hand to achieve real-time change and reform in the character and content of the planning system and, at the same time, to work through deeper and radical change and reform that will sustain good planning in the rundown to RPA and thereafter. I would like to think that there are positive indicators that corners are being turned in real-time change and reform. I will not deny that there are still corners to be turned when it comes to the planning system. Indeed, I have been saying to the senior planning management staff, over the past two weeks in particular, that, if there has been a measure of positive change over the past 18 months, now is the time to push on with further and deeper change, both in the planning system as it works in real time and in longer, deeper and radical change and reform. At all times, the purpose is to ensure that the planning system works in a way that protects our heritage and environment and delivers outcomes from economic opportunity. Yesterday's debate on the economic value of the historic environment demonstrated and, in my view, captured very effectively how our heritage can be protected and positively developed. I believe that that

approach should inform the wider planning system generally. I do not think that you can divorce the contents of the Bill from the wider architecture of the planning system. Therefore, I want to touch on some of that architecture and on the wider changes in the planning system before I delve deeper into the Bill.

When I came into this job, there were in and around 60 article 31 applications. Decisions have now been issued for over half those applications. For a further nine, decisions have been made, but notices of opinions have not been issued. Therefore, a substantial body of what were the article 31 applications before the Department has now been managed. Indeed, among those that have come into the system over the past 18 months, there are good examples, including the police college and the Royal Ulster Agricultural Society's (RUAS) move to the Maze, of applications being handled consistently with the Programme for Government (PFG) aspiration to ensure that 90% of large-scale investment planning decisions are made within six months and applications with job creation potential are given additional weight.

If you looked at the planning system's performance on small, intermediate and major applications — those being managed in the divisional planning offices — you would see that figures from the last quarter confirm that minor applications were processed three weeks faster than in the same period last year: from 15 weeks to 12, exceeding the target of 14. You would also see that intermediate applications were turned around two weeks faster, going from 20 weeks to 18 weeks, again surpassing the 20-week target, and that the number of decisions issued against renewable energy applications doubled, increasing from 88 to 177, with 92% being approved. I am now telling my planning system that, if that is the standard of achievement for renewables, intermediate and minor applications, I want to push on and below the target figures that are being surpassed. Historically, there have been about 1,000 renewables applications in the planning system for wind farms, wind turbines and anaerobic digesters. Given the direction of travel, in that 177 applications have been approved, that is also an area to push on in.

I acknowledge the 22 councils that have now agreed to departmental proposals for streamlining. Under those proposals, 75% of applications that are not deemed to be strategic or article 31 applications will be accessible to the streamlining process. Again, that is an example of empowering local people to make

local decisions and of doing so, subject to public and political input, in a streamlined way.

I also acknowledge — this was touched on by the Culture Minister in one of her last comments — that greater use is being made of pre-application discussions for significant and major proposals. Yesterday, I met the IFA about the Windsor Park proposal. It was able to make its application in December because of the pre-application discussions that are being piloted on that proposal and as a result of the requirements that have been laid down on the football authorities for community consultation, advertising the proposals, convening community events and so on and so forth. Subject to the consultees' view, that application may be handled well within the six-month target. I want to acknowledge what the football authorities are doing on that, and I encourage the GAA authorities to deploy the same practice, which they are doing, for the Casement Park proposal.

I have, in various ways, referred to the House proposals in respect of permitted development rights. They are too numerous to mention, but I want to acknowledge my predecessor, who initiated that work, and I hope that I am now accelerating the work, including the consultation on a proposed permitted development right allowing farming accommodation to be increased by up to 500 square metres by including the provision of a renewable anaerobic digester plant, which concluded just last week. I hope to make an announcement in that regard.

At the same time as that ongoing, real-time, active, robust management of the planning system, which, subject to people's view, is producing some results, the Department — this is where I come back to the Bill — has been engaging in a series of summits on critical issues and ongoing strategic issues that, in my view, require further attention by government, Departments and the wider community, in terms of things such as heritage crime; beach summits; community benefits; enforcement; blight; urban decay and dereliction; and so on. The outworking of all of those summits has informed not just planning policy but wider policy within the Department. That is not to discount further proposals that will come forward on fees, especially fee reduction for third-party charitable organisations and for the renewal of existing planning permissions, as well as a broad range of work in respect of planning policies, with which I will come to the House in the near future, across four or five different areas.

Behind all of that there is an elephant in the room. We are 800 days from the transfer of significant planning function to councils. As Members will be aware in the rundown to RPA, the biggest element of government function that will be transferred is the planning function. Anybody who has been in this job, responsible for the Planning Service and making decisions as planning Minister, will know that, day and daily, your day could be occupied with issues around individual planning applications and development plans. That responsibility — some might see it as a burden, but I see it as an opportunity — will transfer to councils in 800 days. That responsibility — in terms of the many individual applications, in terms of having responsibility for local development plans and in respect of the new community planning function — is a deeply significant and challenging one but one that is full of opportunity.

In the rundown to RPA, we must not only ensure that the transfer happens but that it happens on the right terms, in the right way and with the right funding, handing to the local councils a planning system that, on the far side of RPA, will see local ratepayers — business and domestic — see, in the function of councils, real change and real benefit when it comes to the future shape of the council clusters. That is where the Planning Bill comes in. It accelerates the substantial elements of the Planning Act from the last mandate. Rather than introducing them with RPA, as was proposed, which is now to be in 2015, it is to create the new planning architecture intended by the Planning Act but create it now in the rundown to RPA so that, when RPA happens in the late spring of 2015, councils will inherit a planning system that has already gone through the reform and, consequently, is more fit for purpose. That is what the Bill tries to capture. It takes the elements that will be put into place and puts them into place now in order to ensure that the councils and councillors have a better planning system that is more fit to serve the interests of ratepayers post 2015.

3.15 pm

So, what are the elements captured by this Bill that are to be introduced in advance of RPA? There are six or seven, and I will touch on them only briefly because I am mindful of the weather conditions. There are a number of principles that are given expression through the Bill in various planning proposals. The first is that there will be faster processing of planning applications. The Bill outlines measures that are designed to capture that aspiration, and I will name some of them. First, although the issue may not arise so often, the Bill will grant

to independent third parties the capacity to conduct inquiries and hearings into major planning applications, sharing that responsibility with the Planning Appeals Commission but giving it to independent third-party persons who are appropriately qualified and capable of conducting those sorts of inquiries.

Secondly and critically, the Bill will create a statutory duty for the first time in Northern Ireland law on statutory consultees — the Bill will create more statutory consultees than there are currently — to respond to consultations within a prescribed timescale. The indication is that that prescribed timescale will be 21 days. That will be taken forward by regulation on the far side of this legislation. However, if it is not straying too far, I want to establish now that I do not intend to wait until the Bill completes its passage to take forward the work on the regulations. If we are going to have new architecture for the planning process in advance of RPA, we need to do that sooner rather than later. Consequently, we will take forward work on the regulations in advance of the passage of the Bill, subject to the views expressed by the Committee for the Environment, because I would not want to step on its toes.

Thirdly, in pursuit of the faster processing of planning applications, we will put into law the capacity of the planning system to say that a particular proposal is non-material when it comes to a change in respect of a proposed building. So, if accommodation has planning permission and the applicant changes what is being proposed, there will be a process whereby that could be deemed to be non-material and, consequently, will not require a full planning application, the processes therein and the fee that that would attract. There are a range of proposals for faster planning applications.

It is important that, consistent with good evidence, proper process and good law, we have fairer and faster appeals. Those elements in the original Act are now being captured by the Bill in order to introduce them in advance of RPA. What are the headlines when it comes to fairer and faster appeals? First, the period in which a person can appeal against a planning decision will be reduced to four months. Secondly, there will be restrictions on an appellant's ability to introduce new material at an appeal. There will be some narrow exceptions to that, but the principle will be established. The Planning Appeals Commission will have the opportunity to award costs on planning appeals in a way that will mark applicants who make an appeal without

any real ambition of being successful and avoid those who might use the planning system in ways that do not represent a healthy way to proceed.

Thirdly, we will enhance the environmental aspects of planning. That will be expressed in a number of dimensions. For example, where there is a proposed development in a conservation area, it will be a legal requirement that it should enhance the character and appearance of the area. At the moment, the test for any proposal is that it should do no harm. We want to put the test more positively to ensure that the proposed development in the conservation area should enhance the character and appearance of the area. That is the right principle to adopt. Given the scale and wonder of our heritage, including our built heritage, expressed through our listed buildings and our conservation areas, we should seek to improve, not diminish, the appearance of those buildings and those areas. That is what the Bill will do.

This is captured in clause 2 of the Bill. Clause 2 states explicitly that, in carrying out the Department's general duties in respect of development of land and in respect of the work of the Planning Appeals Commission, the duty on both will be to fulfil the objective of furthering sustainable development and promoting or improving well-being. Those are very important principles that are captured in the early clauses of the Bill and in the Act that was passed during the last mandate, which restate that, in carrying out their general functions, the Department and the PAC have to do so with the objective of furthering sustainable development and promoting or improving well-being. Those are very important principles. I will speak later about new clauses in the Bill that were not in the original Act, clauses that have attracted some interest. It is very important that, in looking at the totality of the Bill and the conduct of the planning system, people appreciate that, in carrying out the functions, the planning system does so with the objective of furthering sustainable development and promoting or improving well-being and nothing in the Bill takes away from those proposals.

I have just referred to the fact that there are two clauses in the Bill that are additional to what was in the original Act. They are clause 6 and clause 2. When it comes to planning policy and planning applications, the Bill will reflect that which is already in policy statements, namely the objective of promoting economic development, paying particular regard to the desirability of achieving good design — that is, in respect of planning policy. When it comes to

the determination of planning applications by the Department and, in future, by the councils, material considerations will include a reference to any economic advantages or disadvantages that are likely to result from the approval or refusal of planning permission.

I want to spend some time in respect of those two clauses, because they are new, they have attracted some interest and they will, no doubt, be interrogated by the Department in going forward. So let me repeat: there are two aspects to the new clauses — one in respect of planning policy and one in respect of planning applications — but both revolve around the same principles. Let me make it very clear what I understand all that to mean. Previously, I attracted some criticism when I, to borrow a phrase, suppressed PPS 24, which was a draft planning policy that I inherited from the previous mandate. The essence of PPS 24 was that, when it came to, for example, deciding planning applications, economic considerations would be given determinative weight. That was the impact and consequence of PPS 24 as drafted. As I indicated, I was not minded to proceed with that draft. I did so for a range of reasons, including my view that the draft was very vulnerable to multiple legal challenges. Given the character of the development community in the North and others, I felt it was very vulnerable and likely to be subject to legal challenge. In any case, on a greater point of principle, it was not the right policy approach. Giving determinative weight to an economic application would stretch the planning system in a way that could create conflict with the wider duties of the planning system, including sustainable development. I want to make it very clear that, whatever else the Bill proposes, it does not state, as PPS 24 suggested, that economic considerations should be given determinative weight. That is not the intention of the Bill.

I spent two hours on Saturday afternoon in Belfast city centre. I have not spent that length of time in the city centre —

Mr Allister: Were you protesting?

Mr Attwood: No, and I was not counterprotesting. I was doing what a lot of other people did on Friday, Saturday and Sunday: reclaiming the streets of the city centre for their true purpose; namely, to shop, have a drink, have a coffee, eat and do some business. Many others did the same. I was struck, when walking the streets of downtown Belfast for a couple of hours in lawful activity, by the scale of vacancies. It is only when you spend time on the streets that you see the scale of it. Without

compromising the wider purposes and principles of the planning system, it is timely, appropriate, reasonable, necessary and legal to send a message through the Assembly and the Planning Bill that economic considerations are material when it comes to a planning application or a planning policy. That does not give determinative weight to economic considerations in a planning decision but means that they will be a material factor, along with the other material factors that are part of the planning system. That is what the Bill states; it does not state more than that. Going forward, the law will have to be read in a way that is consistent with the adopted planning policies, case law and the other legal requirements that inform planning decision-makers. Ultimately, it will fall to them to make decisions, be they on applications that are currently in the custody of individual planning officers — soon to be in the custody of councils — or those that are in the custody of the Environment Minister in respect of article 31. In making a decision one way or the other, he, she or they will exercise judgement in consideration of all the material factors: the law, precedent, the evidence and good process.

I felt it appropriate, after conversations with Executive colleagues — one or two in particular — that to put that type of clause in the Bill was timely and reasonable. I want to make it absolutely clear that that does not subvert, derail or in any way diminish other material factors when it comes to planning considerations. I would like to make the point firmly —

Mr Elliott: I thank the Minister for giving way. He has raised a very interesting subject around economic development. I accept that it will not have any greater weight than any of the other aspects in the Bill, but, as the Minister stated, it will obviously be up to an individual, more likely, or a group to make a subjective decision on what will carry most weight in any decision on a planning application.

However, I assume that the Department will bring out further guidance that will help to determine what weight each aspect of each individual application is given. Can the Minister tell us when we can expect to see that guidance?

3.30 pm

Mr Attwood: I will reply to that in a number of ways. First of all, the Member is absolutely right: it will fall to he, she or they to make the ultimate judgement, bearing in mind, among

other things, the material considerations. I was about to say, before I took the intervention, that I would not be arguing for this clause to go into the Bill if I felt that there were a tension between that clause and, for example, that which I have been entrusted to do in making article 31 applications. In my view, the clause is entirely consistent with the function that I have been fulfilling over the last 18 months in, as Mr Elliott just referred to, making the judgement on the weight to be given to the various material factors when making decisions.

I do not want to anticipate next week's debate but when it came to Rose Energy, for example, in my view, the material factor of the impact on the environment had greater weight than some other material factors. Conversely, in the case of Runkerry — I do not wish to anticipate the outcome of the judicial review of that decision — while I recognised the material features and factors in respect of the environment, in my view, building infrastructure on the north coast and the economic material factor in respect of that planning application had greater weight.

Therefore, I think that I have tried to demonstrate that, when he, she or they come to make a decision, they have to weigh in the balance all these material factors, policies, laws, evidence and precedents and come to the judgement call and ensure that that judgement call is entirely consistent with —

Mr Agnew: Will the Minister give way?

Mr Attwood: I will answer this question and then come back to Mr Agnew.

Secondly, I will make a point that relates to the body of the Bill. When it comes to the material factor of economic impact, the Bill states that an assessment should be made of the economic advantage and/or disadvantage. When it comes to the economic benefit or otherwise of a planning application, a judgement has to be made in the round as to both the economic advantage and disadvantage that might or might not arise. In that regard, I have also made decisions where I have made a call and given advice to the Planning Appeals Commission (PAC) in respect of what I think is the appropriate retail policy for the greater Belfast area, bearing in mind the economic advantages and disadvantages that might attract in one venue or another.

If good process and good judgment prevails, this clause sends out a positive message but does not in any way compromise the wider planning system. Before Mr Agnew comes in, I will confirm that Mr Elliott is absolutely right.

Beyond the law, there will be a requirement to have a further policy if not guidance.

I have just come from a meeting with the Royal Town Planning Institute. What was the purpose of that meeting? It was to work with the institute in the rundown to April to have a summit convened by the institute but with an input from the Department to look at the proposal for a single planning policy statement. We have multiple planning policy statements in Northern Ireland, far too many to mention. If you go to Scotland and Wales — Wales started this process — you will find that they have a single planning policy statement. What does that do? It captures, in a smaller number of words and in a more accessible format, a guide to the planning system to ensure that those who have an interest in it — whether a developer, an applicant, a citizen or a community — have a pathway through the planning system, rather than having to look at multiple documents and try to work out which is the most relevant to their interests.

We are working with the Royal Town Planning Institute and on our own to work up a single planning policy statement, which, in my view, has to be in place by the time of a transfer of functions to the local councils to ensure that the planning system is more intelligible and more of an aid to all those who have an interest in planning generally or specifically. That is where a lot of the further working-out of the law will have its place, but I am mindful that, in the interim, the planning policy statements, the guidance, the High Court decisions and so on will be the architecture around which the law will revolve.

Mr Agnew: I thank the Minister for giving way. In his answer to Mr Elliott, he referred to the Runkerry decision and stated quite clearly that economic factors were a material consideration in it. If economic factors are already a material consideration, what is the need for the new clause in the Bill?

Mr Molloy: On a point of order, Mr Speaker. May I intervene to say, first, that the weather conditions are getting worse outside and, secondly, that it might be beneficial if the Minister finishes his introduction and then allows Members to speak? The Minister has a right of reply at a later stage rather than taking interventions continuously during this part of the debate.

Mr Speaker: That is an important point of order, and it might be wise to allow the Minister

to finish and then bring in Members. I will allow the Minister to answer.

Mr Attwood: As I said, I am prepared to take all questions, but I do not want to frustrate or impede the debate in any way. I will be guided, as other Members might be, by your observations. Whether that was a ruling or not, I do not know, but it was certainly an observation.

My answer to Mr Agnew is that you could ask the same question about clause 2(1) because that reiterates the previous legislation and states that, when the Department or the Planning Appeals Commission exercise any function, it must do so with the objective of "furthering sustainable development". I got advice, subject to correction from the Attorney General, that that might not be the best legislative approach and that you do not have to repeat in subsequent legislation that which is in previous legislation. I happen to disagree with that advice. If a good principle needs to be articulated in subsequent law, let us articulate it even if it has been articulated in previous law. The Scottish Government have put into their Marine (Scotland) Act 2010, for example, the duty of sustainable development of the marine. They did not have to do that because it exists in previous legislation. However, I think that they were right to do that. I am trying to do the same in our Marine Bill, which might be one reason why it has not got to the Executive table yet. No harm or violence is done to good principles of law to reiterate them, and I have no doubt that Mr Agnew will welcome the principle of furthering sustainable development or promoting and improving well-being as principles of the Bill. Therefore, he or anybody else do not need to get upset by the reference in clause 2 to "promoting economic development". That is my answer, but I will give way if there is further —

Mr Boylan: It is snowing.

Mr Attwood: I have to get down only to Stranmillis.

Mr Attwood: The clause will be interrogated by the Committee, which I welcome. However, that is my understanding of the thinking behind it, and I am comfortable with it. It is not an offence to anybody's interest but sends a good, strong, positive message to the world, even those who doubt me, that this place is open for business.

I have just two further comments on the Bill. The Bill contains a requirement for enhanced

community development. As I mentioned, we piloted the pre-application discussion and community consultation on the GAA proposal for Casement Park and the IFA proposal for Windsor Park, and those have been done well. I have heard a very positive report about Windsor Park, and I will be a bit more cautious about Casement Park because it is in my constituency. The pilot worked well, both on the positive side and on what some might think is the negative side, and it will be built into the Bill. As part of that, the Department will publish a statement of its policy for involving the community in the delivery of planning functions. It will do so no later than a year after Royal Assent, although I would like to think that it would happen much earlier. A draft of that policy has already been prepared. It will require subordinate legislation, but it will give life to the principle of involving the community in the delivery of planning functions. Very much like the IFA model, it will deal with how and when consultation should take place, and so on. When the IFA submitted its planning application for Windsor Park in December 2012, it also submitted a report on how it had conducted community consultation, with whom it had spoken and where, where it had published its plans, what the conclusion of that conversation was and how its proposal had been adapted and amended to reflect community input. That is a very powerful way of empowering the community and the citizen in taking forward planning functions in the North.

I will touch on two final matters — there are only two more. I have always said that the flip side of good planning is robust enforcement. If I were to be self-critical, as I tend to be, I would say that one of the areas in which I have not been able to get as much over the line as was my ambition is that of enforcement. Yes, we have upgraded the staff of the ECU and I urged my permanent secretary to empower the ECU more on environmental crime, but there is a lot more that the Department can do on overall enforcement. In the near future, I will try to take forward the conclusions of an enforcement summit that we held last June.

The Bill will take forward proposals in the Act to raise fines by the courts to a maximum of £100,000 where, for example, a stop notice has not been complied with. It will introduce fixed penalties whereby rather than going through the length and cost of a court prosecution, people will be able to take a reduced fine for a fixed penalty. There are many who risk building and then come to get retrospective approval. I understand that, at certain times and in certain places, people decide to take a chance, and they feel that they are not acting with anything

other than good intentions. However, there are many examples of people who think that they have the measure of the planning system, and so they build and then seek retrospective approval. Again, to drive discipline into the planning system, if such individuals apply for retrospective approval, they will pay a multiple fee rather than the single planning fee that might otherwise have been relevant to their application.

In very broad terms, because I am mindful of Members' travel requirements today, that captures some of the shape of the Bill, and I will reply to other matters in my response to the debate.

I try to push officials very hard at times, and that has been the case with the planning system. So I want to acknowledge that, time after time, I found that the senior management in planning offices were up for the challenges and took some of the criticisms. In my view, they have pushed reform and change in a positive way. That is captured in two ways, and this is how I will conclude. Last year, the planning system in the North received a special award from the Royal Town Planning Institute for the unique contribution made by planners to Northern Ireland. Everyone in the Chamber knows of the unique contribution of the political community — for good or ill, some might say — over very difficult years. Public service is what this is all about, whether we are talking about elected people or civil servants. The planning system, corporately, won the award in recognition of its public service in very difficult times. The system recognises that it can do better, and I think that it has demonstrated that it is doing better.

3.45 pm

In conclusion, I refer to the final question asked of the Culture Minister at Question Time. In December 2012, the planning system in Derry received special recognition at a Europe-wide planning awards ceremony in Brussels. Why? It was because, in very quick time, working with the council and Ilex in Derry, it was able to turn round the planning approval for the Peace Bridge.

Ebrington would not be Ebrington, and Sunday night would not have been Sunday night, had the planning system not turned round that particular application in your own home town, Mr Speaker, as quickly as it did. I think that this reflects the importance of planning with respect to wider community confidence, changing the profile of the city, creating economic development and sending out a very strong

message, in these very difficult times, that there is much good in the North and in the planning system.

Ms Lo (The Chairperson of the Committee for the Environment): I welcome the Second Stage of the Planning Bill; quite a bit later than expected, but welcome nonetheless.

As the Minister outlined, the Bill will make legislative changes to improve the efficiency and effectiveness of the planning system that is available to the Department in advance of the transfer of planning functions to councils.

The Committee welcomes the intention of the Bill: to modernise and strengthen the planning system by providing faster decisions on planning applications; enhanced community involvement; faster and fairer appeals; tougher and simpler enforcement; and a strengthened departmental sustainable development duty.

Members were briefed on the Bill at the Committee meeting on 10 January. Departmental officials informed members that the Bill is intended as an interim measure, most of which will remain in place only until it is possible to fully commence the Planning Act (Northern Ireland) 2011, at which point it will be repealed.

Importantly though, the Bill will introduce additional provisions to underpin the role of planning in promoting economic development and good design. These are new policies, which were not part of the extensive consultation conducted prior to the introduction of the Planning (Northern Ireland) Act 2011 which underpins this Bill. The explanatory and financial memorandum indicates that the new provisions will be subject to consultation during the Bill's passage through the Assembly, so it will be up to the Environment Committee to ascertain the thoughts of the public on them. I assure Members that, although the Committee does not want to see any further delays in the process, it would be remiss of us if we did not carry out thorough scrutiny of those new elements, and I intend to come back to the House to seek an extension to the Committee Stage to allow people enough time to reply to the call for evidence.

On the issue of promoting economic development, I asked officials why that had been added after the withdrawal of planning policy statement (PPS) 24, as I felt that it may put additional pressure on planners. The Department stated that, though economic considerations had always been material in planning, it has been included in the Bill to give

clarification to planners by putting it on a statutory footing. As stated previously, the Committee will go into this new provision in more detail once the Bill enters Committee Stage, and I imagine that that particular provision will be the one that generates most comment.

The Committee welcomes the provision for enhanced community involvement with developers having to consult communities before submitting major planning applications. I am sure that all Members have had planning applications where the community has not been consulted and that has led to objections being raised and the planning process being slowed down considerably. Communities need to be involved from the start to identify any concerns that they may have and to resolve those with the developers from the outset. As a result, we should see applications being turned around faster, creating a smoother process for all involved.

Any attempt to ensure a faster processing of applications is to be welcomed, particularly in the current economic climate. All too often, we see applications suffering major delays due to the failure of statutory consultees to respond in a timely fashion. Therefore, I welcome the introduction of a duty for statutory consultees to respond to consultation within a prescribed time frame. We can no longer afford to delay applications because a response has not been received, and this provision will ensure that, if no response is received within the timescale, the application proceeds. That seems very fair to me.

However, I must sound a note of caution. The Committee has been told that there are currently only two statutory consultees identified in legislation with whom the Department must consult before determining an application for planning permission: district councils in whose area the land that is the subject of the development proposal is located; and, in certain circumstances, the Health and Safety Executive for Northern Ireland. For this new provision to deliver shorter planning times, it is essential that that list is extended. However, although many would assume that the Northern Ireland Environment Agency should be added to that list, as the agency is legally considered to be part of the Department of the Environment, it cannot be identified in statute as a separate entity and, legally, the Department cannot statutorily consult itself. That anomaly will, of course, not be resolved when planning functions pass to councils, because the Department will remain the planning authority

for a limited number of regionally significant applications after the transfer.

I welcome the measures towards a faster and fairer planning appeals system. The provisions to restrict the introduction of new material at appeal and to allow the Planning Appeals Commission to award costs where the unreasonable behaviour of one party has left another out of pocket are sensible and should help to ensure that appeals are genuine, rather than their being used as a stalling tactic.

I welcome with caution the time limit for submitting appeals being reduced from six to four months. I fully understand the rationale for its introduction and welcome it accordingly. However, I know that it was tried in England and led to a significant increase in appeals, so that, in fact, they have now reverted to the longer time limit of six months. We will, therefore, need to keep a close eye on the outworkings of that provision.

Enforcement has always been a major issue for the Committee, and any legislation is only as good as the enforcement that follows. The measures to make enforcement simpler and tougher are, therefore, to be welcomed. Raising fines for a series of offences, introducing fixed penalty notices as an alternative to costly and lengthy prosecutions through the courts and introducing multiple fees for retrospective planning applications should help to ensure that planning permission is sought in advance of development and offenders are dealt with quickly and penalised financially.

I know that the previous Committee was very keen to see higher maximum fines introduced into the Planning Act (Northern Ireland) 2011 in order to ensure that the penalties for offences gave a clear message that planning offences are taken seriously and not just treated as another cost to be factored into the price of the development.

In conclusion, as soon as the House commends the Bill to the Committee, we will call for written submissions from interested organisations and individuals. Members will be extremely interested to hear their views, particularly on the two new aspects of the Bill. I look forward to a good ongoing working relationship with officials to ensure that my Committee is able to scrutinise the legislation properly. On behalf of the Committee, I support the principles of the Bill.

With your indulgence, Mr Deputy Speaker, I would now like to add my own comments as MLA for South Belfast.

The Northern Ireland Assembly has set sustainable development as a clear goal of government in its sustainable development strategy. The principle of sustainability is defined in the regional development strategy 'Shaping Our Future' as the ability to:

"meet the needs of the present without compromising the ability of future generations to meet their own needs."

The principle is also set out in PPS 4, which:

"seeks to facilitate and accommodate economic growth in ways compatible with ... social and environmental objectives and sustainable development."

When draft PPS 24 went out to consultation, it was overwhelmingly opposed by more than 70% of respondents. It was eventually — due to the good sense of the Minister — withdrawn by the Department. That is why I am at a loss to see how the new additional provision underpins the role of planning in promoting economic development. It is also extremely concerning that the new policy will not be subjected to extensive public consultation, unlike the comprehensive consultation for the 2011 Act. Whether the absence of such a process may be deemed to be lacking in legal standing, it is certainly not best practice. It may also be criticised as trying to sneak in such a fundamental shift in planning principle through the back door.

The Committee will do its best to consult. However, it will not have the same scope as a full public consultation organised by the Department. I have to say that I am annoyed by the Department's leaving the Committee to carry out that consultation. We have only a team of four staff to carry out that full consultation within a very short period. The Department has an entire unit to manage consultation.

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

If the aim of the Bill is to streamline and speed up applications, I am worried that giving extra weighting to promoting economic development may give rise to more potential for legal challenges and disputes, thereby having the opposite effect and, in fact, being counterproductive to that aim.

Businesses may not see any benefit from planning reform if challenges are going to cause serious delays to planning decisions. I see the reasoning behind the emphasis on the importance of good design. Nobody would argue with that. However, I am uncertain as to why specific provisions for promoting economic development are necessary.

4.00 pm

Clause 6 will amend an article in the Planning (Northern Ireland) Order 1991 and a section in the Planning Act 2011 by inserting the provision that material considerations in the determination of planning applications include a reference to considerations relating to any economic advantages or disadvantages that are likely to result from the granting or refusal of planning permission. Basing the decision on a planning application on whether it is economically advantageous or disadvantageous can, no doubt, be a minefield.

It would be fair to assume that, in many cases, the deciding outcome of an application could benefit one party while leaving another in an economically unfavourable position. One example of that could be an application for an out-of-town shopping centre versus opposition to it from town centre retailers. Larger developers who have the means to develop sophisticated economic arguments can profit from such projects. For a resident or a small community, such as those that many MLAs represent, proving economic gains or loss could be costly, and they could lack the necessary expertise to do so.

Another potential dilemma for planners could be a future planning application for hydraulic fracturing in Fermanagh, with the Department weighing up the economic advantages and disadvantages rather than determining the application purely on an environmental impact assessment and material matters. We do not have an independent environment agency, and we have already seen examples of applications, such as the one at Runkerry, being approved by the Minister against the advice of NIEA.

The strongest economies in Europe have robust planning systems. Have we not learnt the lessons from overdevelopment both here in Northern Ireland and in the Republic of Ireland, where economic factors were allowed to outweigh other considerations in the appraisal of development. I would be curious to know whether a comparison with other jurisdictions on economic development in planning has been carried out. To the best of my knowledge, stipulating economic development as a policy in

planning is not common practice. In fact, I would be very surprised if it were.

Our planning system must have a long-term strategic policy on sustainable development, delivering on its duty to uphold the public interest. We in the Assembly have an obligation to future generations to preserve our natural and built environment. Yes, we need economic growth, but the balance must be struck here to ensure that the Bill does not put on a statutory footing a bias in favour of economic development, with less regard for the impact that such economic gains may have on people, communities and the environment in the longer term. I urge the Minister to reconsider carefully the new provision in the Bill on promoting economic development.

Mr Weir: On behalf of the DUP, I broadly support the Bill and its Second Stage. As a member of the Environment Committee, I will have the opportunity to go through the Bill in some detail, so I will try to keep my remarks brief. I had hoped that the Minister would also keep his remarks brief. To be fair, he spoke for 46.5 minutes, which, by his standards, is extremely brief. I have rarely heard him speak so succinctly.

Mr Elliott: Do not encourage him. *[Laughter.]*

Mr Weir: No.

I want to touch on a few of the Bill's provisions. As was stated, although there are new aspects, it builds on the 2011 Bill. That Bill stretched to over 230 clauses, while this one, although highly significant, stretches to only 28 clauses. I do not know whether that means that it will take a shorter time to scrutinise, but at least it will be more manageable.

Clause 6, which deals with the economic determination of planning applications, will arguably be the most controversial and significant element. We will receive evidence from groups that have concerns about that. I was a little dubious about the Minister dropping the previous PPS, so I have a different concern. It is important that we give proper weight to economic considerations. I have to say, with the greatest respect, that it would be wrong if economic considerations were the only consideration in a planning application. However, we have to give sufficient weight to them because we cannot remain aloof to economic conditions. It is something of an ivory tower approach to say that no thought at all should be given to economic considerations

when we are in the midst of a recession and people are unemployed. The Bill refers to:

"considerations relating to any economic advantages or disadvantages likely to result".

Again, to be fair to the Minister and to the Bill, it is not saying that that is the only aspect that will be looked at.

Also, and far be it for me to defend the Minister, out-of-town shopping centres were mentioned. The Bill refers to economic advantage and disadvantage, and I would have thought that that is a clear case that we should try to weigh up the economic advantage to see whether that is appropriate in those circumstances. When a ministerial determination is made, it is important that officials give advice to the Minister, but I am sure that the Minister accepts that the buck very much stops with him. I have disagreed with a number of ministerial decisions. We will probably debate one of those decisions — on Rose Energy — next week. If any of my colleagues from Lagan Valley were here, I suspect that they would say that they were not overly keen on the decision, or at least the draft proposals, about the impact of John Lewis. I certainly believe that, at times, the Minister will get it wrong. Ultimately, it is for the Minister to make that decision. He cannot simply be a slave to whatever his officials bring forward; rather, he has to have a somewhat independent mind.

My test of clause 6 — I will be interested to hear the criticisms — is whether it is fit for purpose and properly and appropriately promotes economic implications. We have to look at getting that balance right.

I welcome the references in some of the earlier clauses to community involvement and pre-application community consultation. There was a very lively debate on the previous Bill about third-party appeals. My party and I were certainly hostile on that front. We took the view that it would be much better to try to resolve problems at the earliest possible stage. I appreciate that that was not necessarily a popular view in the Chamber. However, given where we are, surely all of us agree that getting a planning application right at the start and, when possible, dealing with the community's concerns by way of community involvement and proper consultation would be beneficial. It is about ensuring that there is a correct balance: there must be genuine and proper consultation but it must not be so overly bureaucratic that it simply creates additional delay in the system.

A number of proposals in the Bill are sensible, particularly those on timescales, some of which were mentioned by the Chair of the Committee. A criticism often levelled at the planning system in Northern Ireland is that it is too slow and cumbersome, although the Minister indicated improvements. A number of aspects of the Bill can lead to more timely, and, hopefully, more correct, decisions. There is, for example, a reduced time limit for appeals and an attempt, in clause 10, to free up the system by allowing a bit more flexibility in who can chair public inquiries. That is a useful proposal.

I take on board what the Chair said about the duty to consult. A concern often raised is that the Planning Service turns things around quickly enough but is hamstrung by waiting for responses from others. It is important to look at the organisations and statutory bodies bound by the duty to consult and make sure that it is fit for purpose. So there is a range of changes. Similarly, as someone who has dealt with concerns from local residents, particularly in North Down, that not enough weight is given to, for example, conservation areas or areas of townscape character, the provisions are to be welcomed.

There is a lot of detail in the Bill, although it contains 28 clauses as opposed to, I think, 234 in the previous Bill. I see some First World War veterans of that Bill dotted around the Chamber. This is an important Bill that has the potential, if we get it right, to move planning forward in Northern Ireland and improve the situation. I look forward to the detailed scrutiny and, therefore, I support its passing Second Stage.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom labhairt ar son an bhille seo. I also support the Bill. There are just a few issues that I would like to bring up. Most importantly, what we need to get right is what we are trying to pass down to local authorities. Anybody who has experience of councils knows that planning legislation is open to interpretation. We want to try to shore up the gaps to create the best possible legislation so that the decision-making process in local authorities will be that wee bit better.

I want to pick up on some points raised about the principles of the Bill. I know that we will undertake clause-by-clause scrutiny in Committee. Minister, the issue of the duty on statutory consultees raised its head. Concerns about that were raised during the passage of the Planning Act, when the likes of NIEA was mentioned. I agree with the 21-day response,

but we still have a responsibility to try to reach all those consultees. Sometimes, that sits outside the scope of the Department, and it will sit outside the responsibility of a local authority as well, but we must look at how we address the issue of respondees because, until now, they have held up the process. Maybe you would like to touch on that a wee bit because it is an important point.

I agree with the publicity arrangements under clause 4, but we need to get that process right from the start. It may be that it is not inclusive under this clause but will be under the required subsequent legislation. Although they may not come under the heading of publication, we should look at the likes of site notices and neighbour notification. That would also help the process.

Another issue that raised its head, and it came up during Committee Stage of the Planning Act, was that of mineral sites. I would support clause 14, but it refers to a condition being imposed on those sites. I am somewhat concerned that there may be some existing sites, such as the older sites, on which conditions may not have been imposed. I would like us to look at how we could replenish or rejuvenate some of those previous sites.

4.15 pm

The other issue relates to clause 12; the introduction of new material at appeals. Mr Weir talked about third-party appeals and everything else, and about getting the process right from the start. I want us to talk about how we look at the application process because that is key to providing new information. You said in the clause that there will be exceptional circumstances or circumstances in which it cannot be foreseen to introduce it. However, having a proper application process at the start would clear the lines in respect of how people submit the application.

I have only two other points to make. I want to make a point about the good-design issue. I agree with that but I would like to see an opportunity for new design and for people to incorporate new ideas in the future. There is a design guide for rural planning. I hope that we will provide opportunities for new design in that regard.

The last point that I want to talk about is the economic issue and clause 6. I heard the Chairperson articulate her points about that. I am supportive of that. Clearly, it outlines the advantages and disadvantages. The Chairperson spoke about the issue of out-of-

town shopping centres as opposed to in-town ones. Minister, surely we should be looking to the applicant to bring forward his or her arguments on that debate. You give the advantage if there is job creation, but you have to look at the impact that that would have on the local area or community. That would be a disadvantage. If there is going to be an impact, applicants should be given the responsibility to clearly outline the advantages and disadvantages of the economic argument. There is no point in saying that we will allow a business to create jobs if that will displace other jobs and businesses in other areas. I do not know whether the intention of the Bill is to include this in the application process, but perhaps the responsibility being put on the applicant in that regard is something for consideration.

I support the Bill. No doubt we will have a bit of a debate in Committee about the economic argument. I look forward to that. The Bill is not as bad as the 224 clauses or whatever number of clauses there were in the Act. Go raibh míle maith agat.

Mr Elliott: I thank the Minister for bringing forward the Bill. I appreciate Mr Molloy's sentiments about helping some of us with longer journeys to get home earlier, but I am concerned that that would stifle debate to some degree. Obviously, we are at a legislative stage, and it is always useful to have the debate when the issues arise. The Minister has never been backward in taking interventions and articulating his side of the debate, but I understand the rationale.

I start with a quote from Committee:

"Good planning and quick decisions are key to economic growth and new jobs."

It is vital that we develop a planning system that will serve us for many years to come. We have had significant problems in the past. Many of them have been because of inconsistency in the planning process. I have had this discussion with the Minister in the past: certain areas and divisions seem to take a different view on some aspects of planning policy than others. That leaves it very difficult, particularly for us, as elected representatives, when we hear colleagues in another area say, "Well, look, we would not have much problem getting that passed. I don't know what your issue is". We want to have consistency, and good planning will obviously be right at the heart of that.

I support absolutely the faster processing of applications. Earlier, the Minister talked about enforcement, such as fixed penalties. People who build at their own risk without planning approval will pay multiple application fees when they apply for retrospective approval. I do not support people who do that, but sometimes you can understand their rationale. Business people in particular have been frustrated. First, they have lost business and the opportunity for economic development in the past, simply because the planning system and the bureaucracy it entails have been far too slow, time-consuming and totally out of step with any economic progress that business would like. That is why some such people have been almost forced to go ahead. I am not saying that I support their doing that, but, quite clearly, there is a understanding among some in the wider community about why it happens. If we can make it better and fix it, that should resolve the issue. That is why what the Minister is suggesting is a good idea. However, we must ensure that we have the system properly fixed, so that it will not be a bureaucratic mess for those who want to develop and for economic developments in particular. Making satisfactory progress on that will, I think, resolve quite a number of issues.

I note the suggestion, which nobody has picked up on and the Minister did not refer to, that costs could be awarded against a party by the Planning Appeals Commission. I understand that the rationale for that might be to avoid cluttering up the process. However, I am concerned that that would militate against those who cannot afford to go to appeals or to make their case there. I would like to hear some more detail around that, because that measure might say to the public, "Well, the appeals system is only for the rich". I hope that that is not the position, but, from what I read in the clause, it seems to be. The Minister may put me right when he makes his winding-up speech. I hope that everybody would have a fair opportunity to make their case at appeals. That right is vital for the person who is appealing the planning decision and those who support it.

The Bill contains enhanced environmental aspects. The Minister referred to the conservation areas and said that the test of a development should be that it will enhance the area. We have some difficulties, which I have referred to in the past, around conservation areas and townscape character areas, where you are not allowed to remove a building. Sometimes, that building is allowed to rot. What does that say for an area? Is that enhancing an area where there might be plans

to take down and renew that building, even with a similar facade? I think that there have been some very poor decisions in some such instances here. I know of an instance in my constituency, where an applicant was getting funding from the International Fund for Ireland — I think that it was in the region of £150,000 — to build a new structure to put in place some shop or industrial units — I cannot remember which — with some things above it, and it was stopped by Planning Service, simply because he needed to remove the entire old building and replace it. He even agreed to replace the former facade with an almost identical one. Those are the types of planning decisions that do not give people any confidence in the system.

I note the Minister's comments on enhanced community development. We already have the pre-application discussion (PAD) system, which I think has been working extremely well. I know people who have engaged in it and development proposers who have actually taken part in that. They found it very useful, from their point of view. It means that, when they come in with a full application, it is much more relevant and they do not spend time changing it. So, the new community development system will cause maybe some concern among those putting in for development, simply because they will see it as an opportunity for people who object to make their case at an early stage and try to stop the proposal before it even gets to application stage. There will need to be some confidence-building measures among the wider economic world in that respect.

That takes me to my next point, on economic development. I had an exchange with the Minister on this. It is quite an interesting aspect. Obviously, it is a subjective decision from those who have to make the decision. It is very subjective as to what carries most weight. The Minister mentioned the Rose Energy one. I know that he and I may disagree over the significant economic weight that that should have carried. His decision or opinion would be different from mine, but he ultimately makes the decision. So, quite clearly, it is very subjective. That is why I would like to see some guidance on that before the Bill finally goes through, just to establish where the perimeters are for the people making those decisions. Most of us here have served on councils at some stage. I can imagine quite a debate on the council floor around whether a planning application should carry more weight from environmental aspects or economic aspects. I can see some very fiery debates around that. I am not, by any means, saying that I am opposed to it. All I am saying

is that we need some clarity and guidance around it.

The economic development clause will certainly be supported widely by the economic world and those in industry. They feel, by and large, that their views have not been taken account of. I know some guidance was brought out some time ago, which was, I think, then legally challenged. Maybe the Minister will keep me right, but I know planners got some guidance in the past, and I do think that that went to a legal challenge.

I also note the issue around a single planning policy statement. It would be very helpful if that could be progressed by the Department and the Minister at an early stage. We have a number of planning policy statements and, sometimes, to me, some of them seem contradictory to each other. I hope that that single planning policy statement can be progressed, sooner rather than later.

I will leave it at that. I am happy to help the Bill progress to the next stage. Obviously, we will have significant debate in Committee and, indeed, even at further stages here in the Chamber.

Mr Eastwood: As someone who has to get over the Glenshane Pass tonight, I will attempt to keep my remarks quite short.

Since the day and hour the Minister came into office, it has been clear to people that he is not only a reforming Minister but a Minister who is prepared to make decisions. He has proven that he is prepared to make decisions in support of the environment and also in support of the economy. He has made very balanced decisions and has been able to show his independence in that regard. I think that that may go some way to proving some of the arguments around the economic clause.

The Bill paves the way for planning powers to transfer to councils in 2015. It is designed to make the Planning Service faster, more decisive and more in tune with the needs of the environment, our communities and the wider economy.

Many improvements have already been made to the Planning Service. There is a PFG commitment to ensure that 90% of large-scale investment planning decisions are made within six months.

When the Minister took up office there were 60 article 31 cases. Now, 31 of those decisions have been made, with a further nine already

announced. Many of the applications had been with the Planning Service for many years prior to the Minister taking up office.

4.30 pm

Only last week, statistics were published showing improvements in planning performance for the second successive quarter. That is largely due to a new focus on active case management, the implementation of a good practice guide and a reduced requirement for documentation accompanying planning applications. Minor applications were progressed three weeks faster than in the same period last year, intermediate applications were progressed two weeks faster, and the number of decisions issued on renewable energy applications has doubled, with 92% of those being approved.

Guidance has also been issued to staff on the need for consistency in decision-making right across the board. That points to some of the questions that Mr Elliott raised. There has also been an increase in the number of streamlined applications. That is a system that was piloted in my constituency in Derry, and it has greatly improved efficiency in the planning application process right across the board. We have also had increased response times from statutory consultees, but clearly things can still improve a lot. That is what the Bill is about. It is designed to build on those achievements and others made to date. It will underpin the role of planning in promoting economic development. It will allow for implementation of reforms contained in the 2011 Planning Act. It is also now intended that those reforms will be enacted and tested before powers transfer to councils.

Although the Planning Bill is intended to enhance economic development alongside sustainable development and to ensure that planning is not an obstacle to investment, it is also designed to allow local communities to become more involved in the planning process at a much earlier stage. Developers will be required to consult the community before submitting major planning applications. That will allow the community to become involved at an earlier stage than happens currently.

There will also be further measures to encourage sustainable development, with new protections for conservation areas and wildlife. The appeals process will be reformed to ensure a faster and more effective system, and there will be a comprehensive consolidation and review of existing planning policy right across the spectrum of policy areas. The Bill will also ensure tougher enforcement procedures for

planning offences. There will be a new maximum fine of £100,000 where an enforcement or stop notice has not been complied with.

The Bill will enable the planning system to be faster, more accountable and more focused on economic development, but it will also be tougher on those who flout planning legislation and is designed to enhance further our natural and built environment. I support the Bill.

Lord Morrow: I am just looking at the clock. I hope that we can get out of here before 7.00 pm, because that should ensure that we get home by 10.00 pm, if last night is anything to go by.

I listened with rapt interest to Mr Eastwood. I must say that he has a tremendous grasp of the Bill. I do not think that the Minister could have done better himself in selling the Bill, so "Well done" to him. The Bill's aims and objectives are indeed very laudable. They are first class, as a matter of fact, but I suspect that it could be said of most Bills that go through the House that their aims and objectives are very good, and there seems to be a determination written into them, backed by a determined Minister, to make things happen, in this case as far as planning is concerned. As my colleague Mr Weir said, my party supports the aims, objectives and principles of the Bill, which, as I said, are laudable. However, I want to comment on some of the things that are in it.

Clause 2 makes clear what the Bill is trying to do. It states:

"Where the Department or the planning appeals commission exercises any function under Part 2 or this Part, the Department or, as the case may be, the commission must exercise that function with the objective of ... promoting economic development."

I suspect that not one MLA will object to that. The issue has been mentioned from two perspectives: Tom Elliott came at it from a slightly different angle from that of the Committee Chair, which is good. All of us will say that we should promote economic development in a measured and balanced way, not in an abusive way. As MLAs, we want to ensure that the balance is correct.

Clause 2 mentions "furthering sustainable development", which is a theme that runs through the Bill. I have no problem with that, because it is a good thing. Clause 3 deals with the meaning of "development", which is interesting:

"a structural alteration of any description of building specified in a direction given by the Department for the purpose of this Article, where the alteration consists of demolishing part of the building."

Let us imagine, for example, that a decorative chimney is taken from a building. What does the clause really mean by the phrase "demolishing part of the building"?

We are all conscious that, from time to time, abuses occur. All of us, particularly those who have served on councils over the years, have garnered some experience and knowledge. I know that the Minister is no different in that respect because he served his time as a councillor and cut his teeth there. He would have come across all that in his work as a councillor.

Tom Elliott made an interesting point when he talked about an incident in Enniskillen, I suspect — County Fermanagh, anyway — in which a developer wanted to do something but was held back by the planning authorities, who would not let him replace an existing development with something very similar. That has happened in Dungannon in my constituency, where we could have had a very enterprising and exciting development, but, because of planning rules, we now have a street on which development has been restricted. The economic downturn happened, and opportunities were missed and lost. I hope they are not lost permanently, but, sadly, they may be lost for a long, long time. In the past, the lack of moving on with planning has stymied things. I suspect that the planners will defend themselves by saying that they needed further information and there was no joined-up thinking in the Departments. If there was a wee bit more joined-up thinking between Departments and consultees, we could see things happening. I am not sure that the Bill will achieve that. I am not sure that it cites it in the same determined way as it cites other things, and I would like to have seen it in the Bill.

Planners and the Department sometimes get blamed for things of which they are not guilty. Then again, we are all in that category. As MLAs, we sometimes get blamed for things of which we are not guilty. Decisions should be made on the basis of the information that is available, and planners should not have to run around the country getting more and more information if what is required is clearly determined and outlined. If the information that is needed is there, they should get on and make decisions. The Minister is a man who is not afraid to take hard questions sometimes, so I hope that he will comment on this. Has he or

his Department done any study of the time that it takes to process a planning application here, compared with, for instance, England, Scotland and Wales? How do we fare in comparison? My opinion is that we do not fare very well. The Minister might tell me that I have got that wrong and we are ahead of them. That would be great, but I will let the Minister comment on that.

Mr Eastwood said that he thinks that the Minister takes the tough decisions and is not afraid to call them. Yes, we have noted that with the negative decisions on John Lewis and Rose Energy. There is no doubt that some of us looked for different decisions, but those were the decisions that the Minister took. No doubt, he will stand by them, defend them and say that they were right.

Clause 16 deals with an increase in certain penalties. The explanatory and financial memorandum says:

"This clause also increases the maximum level of fine, on summary conviction, for a range of offences relating to breaches of planning control or consents from £30,000 to £100,000."

When you read that, you think that a £100,000 fine is, by anybody's standards, a lot of money, but is it? Is it? If there was a development on a site that cost £100 million, would £100,000 be a deterrent to the developer? I suspect that it would not. I think that that works out at about 0.001 of 1% of the contract price, so I do not see it as a great deterrent. I would like not only that deterrent to be put in the Bill but one with a percentage relating to the contract price. The Minister should give some consideration to that. I believe that, when you get to that stage, you have a deterrent that will stop the breaches.

Clause 18 speaks of the control of demolition in conservation areas. We have seen that happening, too. Clause 19, which ties in with that, relates to tree preservation orders and now also preserves dying trees. It is hard to put the tree back after you take it down, is it not? It was there for 100 years, 150 years or 200 years, and it is gone overnight. I suspect that this clause will not stop that, but I am pleased that it is there. I think that it will act as a deterrent, but I suspect that it will not stop it.

The Minister should take another look at where there is demolition in a conservation area — where it has been raped — and maybe even beef it up a bit. There has to be clearly defined legislation to tackle situations in which a clearly defined conservation area has been raped.

I want to talk about a situation in which the Department is dealing with a planning application. We are supposed to live in an age of transparency in which everybody is equal, though some of us are not convinced. The Minister should consider the inclusion in the Bill of a timeline for the determination of an application. We have looked at applications in the past that had been sitting for years. I am not in any way saying that that is the fault of the planners, but I am saying that a planning application that was submitted in 2004, 2005 or 2006 and has been sitting there for up to 10 years will be affected by the many things that happened during those 10 years, which means that the application is not as relevant as it was on the day it was submitted. Planners might come back and say that they asked for A, B, C, D and E and never got it. A determination should be made on that planning application on the information that is available. If more information is required, has been requested and is not forthcoming, I would proceed and make a determination. Ten years is far too long for an application to be kicked around, amended and changed. The Minister should set a timeline for the processing of a planning application. If that was in the Bill, it would be even more fit for purpose. I hope that will be given due consideration.

4.45 pm

I hope that we will have an enforcement policy that is fit for purpose and will deal with those who flout the law and go ahead with developments. The Minister made reference to that, and I was pleased to hear it. Those who go for planning permission in retrospect cannot take it for granted that all is well and they will get it. The planners take a sensible line on that. I have spoken to planners, and they have told me that, when employment is involved, they go the extra mile — those are more my words than theirs — to facilitate an applicant. In principle, I do not have a problem with that, and I do not think that the Assembly does. However, I strongly believe that those who deliberately flout planning legislation have to be dealt with.

Those are the matters that I look forward to the Minister dealing with. I look forward to the Bill coming to the Committee. We will get our hands on it and try to shape it. I am sure that the Minister will appreciate all that we are doing, because we are doing it for his good, the Department's good and our constituents' good. It will be good at the end of the day. Mr Eastwood said that he thinks the Bill will deliver at the end of the day, and I hope that he is right. We, as Committee members, will try to ensure that that is the case.

Mr Molloy: Go raibh maith agat, a LeasCheann Comhairle. First, this is a good opportunity to have a debate. I was not trying to stifle Mr Elliott earlier; I was just trying to follow the normal procedures. I can understand why people thought that we were already into the debate, because the Minister was some time in explaining the Bill, but that is OK. Thankfully, Mr Eastwood is here, because it was important that someone spoke up for the Minister.

We have had reformed Ministers here of all kinds, including church ministers. We had Mr Rooker, who was here for a time and left behind a legacy that has taken some time to overcome. We need to be cautious about reform and what it actually means.

In general, it is beneficial to see on paper some of the ideas in the Bill and the clauses that we will go through. In Committee, I am sure it will take some time to get through that. It is important to caution that this does not become another Bill that will simply curtail people and put more power in the hands of a future Minister, whoever that might be. The present Minister needs to remember that he will not always be there and that someone else will interpret what he has said.

We have heard various opinions about what this is about. Like all Ministers, the Minister will often have to make the final decision. Remember that that is just the Minister's opinion — it could be right, or it could be wrong. Over the years, one of the inconsistencies in planning was that we heard various people's opinions on what was good planning, what was bad planning, what looked well, what was good design and what was not. I pay tribute to all the planners that I have dealt with at local government level over the years. At the end of the day, they try to accommodate and facilitate. Sometimes architects and designers are as much at fault as planners.

It is also important that we look at what is being proposed and get the responses back on planning. I am a wee bit concerned that we will appoint persons to carry out an inquiry who are not necessarily Planning Appeals Commission staff. How sure can we be that those who are appointed will be independent of the Department and have an open mind and objective opinion that takes into account the needs of the area and the applicant and the different environmental concerns?

There has been a lot of talk today about the economic benefits of sites and developments. I take it in good faith that the Bill will promote that. Clause 2 talks about:

*"(a) furthering sustainable development;
(b) promoting or improving well-being; and
(c) promoting economic development."*

However, I have to say that that has not been my experience to date. Hopefully, the legislation will change that. This Minister has certainly not changed it. This Minister has not followed that line. I have concerns about whether what is in the Bill will be reflected by any future Minister.

I will give the example of a factory outside Coalisland — the Minister knows it well. It is trying to develop an old sandpit on a brownfield site, which will create jobs. In fact, the factory proposes to double its workforce. It has been trying to get planning permission on that site for the last six years. It has made a very determined effort in the last two years. That development would provide jobs in an area of very high unemployment, an area that is renowned for its engineering experience and exports materials across the world. In fact, 82% of the world's mobile crushing and sand and gravel equipment is made in that area of east Tyrone. Yet, a factory that wants to double its workforce cannot do that because the Minister is holding the application on his desk, despite the fact that the planners have already approved it.

I am concerned about what will happen in reality. Maybe a new Minister or somebody else will make a different decision, but factories cannot wait that length of time. Developers who are signing contracts and trying to get business into an area cannot wait years for planning permission. They have to be able to say that they are going to produce a, b and c and that they will do it next year, in six months or whatever the case may be. To be held up and not even know whether they will get planning permission is soul-destroying. It is also deprives local people of jobs, and that is what is happening in that area at this time. That factory could double and possibly treble its workforce because it is possible to expand on the site. We need to have a vision of what is possible and how we can improve the well-being of people in the area and the environment of the area. The factory will be developed on what is currently a brownfield site and a site of dereliction. New factories can give people confidence. It is very important that the Minister proves himself with actions as well as in the Bill.

There are proposals for more public consultation on developments, which is very important. However, in considering economic factors, what weight do we give to serial objectors? What weight do we give to the

people who simply do not want anything like factories or even schools and play areas in an area because it is too close to them? What consideration do we give to that and what consideration does the Department give to the fact that it grant-aids those objectors through Supporting Communities? What assessment does it make of objections and whether they are valid or are simply from serial objectors?

In that same area, a serial objector, who is also a councillor, has objected to four factories, including one proposed by one of the biggest engineering companies, Terex, which exports all over the world. You are talking about 500 jobs, and we will send those jobs elsewhere. Why do we fund Supporting Communities to very often go against the decision of the planners? The Department is funding the objectors through Supporting Communities, and the planners then make the decision to approve. Where does it end? We are in a new situation, and I see that the Minister of Finance and Personnel does not even have to approve it now. Is it like legal aid? Is some sort of assessment made of whether objections are valid or are simply from objectors? Some people object to any change whatsoever and do not want any noise, for example, in an area. We need to look at what we are funding. It is important that communities that need support get support, but it also needs to be valid. There needs to be an assessment before you simply throw ratepayers' money into fighting something.

Sustainability has been talked about in a strong way, and my belief is that, particularly in the rural community, you cannot have sustainability without economic development. You sometimes have to change the community and the make-up of the area to create that. Often, the best place for factories is in the rural community because they need access and space around them to do things, and it does not work to put them into development lines or into town centres because of the effects in those areas. We have a great opportunity, through our local Assembly, to make decisions that are relevant to the local area. However, if we get into a situation where party politics in local areas can influence Ministers to object and to hold back progress, we bring into question how good our local Assembly is at delivering for the local community. Does it support the local community, or does the local community support it? Is it a small section of the community? We need to look at all aspects of the Bill. Are we talking about a fair planning process or one that can be controlled and managed and have political input?

The Bill will hopefully take us through to the point where local government will have more control over planning. It is important that, if we hand the power of planning to local government, we give the councillors and the local community the power to do that. The consultation process must be genuine, and the Minister should not, in the future, step in, take a planning application out and hold it up and stall the process. If local government is to have power, we should give it power and not curtail it in any way. We may have to deal with article 31 applications, but I am not talking about those. I am talking about normal planning applications that should be dealt with in the normal way, and it is important that, at local government level, the local community has the opportunity to have an input. We now have an opportunity to draw up area plans that, with community planning, involve the local community in developing the area. In the past, area plans were handed down to us from on high in the Planning Service and were fought over between barristers in the courts, and the local community had very little say on or input into them. If we are to give the local community power to have an influence, we need to look at what weight is given to that and take it into consideration. It should not be the be-all and end-all. There have to be compromises to make sure that we get a proper new planning system that will benefit everyone in the future.

5.00 pm

The proposal that a response to a consultation has to be made within 21 days is very important, because, as the Chair said earlier, the planners may only have to consult with councils and a couple of other bodies and do not have to consult nationally with NIEA. Often, the planners hold up processes in various ways because there is no consultation back from NIEA until the last minute. In a recent planning application that I was involved in, it only arrived the evening before the case was going to court. Therefore, NIEA and other bodies need to respond by a certain time. If they do not respond by a certain time, they must have nothing to say, and the planners should move on. Over the past number of years, it has not been my feeling that that is the way that they have operated. The consultees have held up the process, sometimes indefinitely and without any real cause or justification for that. It is very important that we get a response back in time. It is also important that we get a response back in time from the planners so that it is not stretching for 10 years, as Lord Morrow said. Also, where the Minister intervenes, it is important that there is a response time from the Minister on the decisions that have been made.

Hopefully, the Bill will be improved by the time that it comes out of the Committee and that the various aspects can be dealt with there. It is a very important step forward, and it is important, in this document, we have the three aspects of furthering sustainable development, promoting and improving well-being and promoting economic development for the future.

Mr Kinahan: I am very pleased to see the Bill coming before us today, and I am especially pleased to see movement in planning. It was something that was close to my heart a while ago when I was on the Environment Committee and we scrutinised a Bill with whatever the number of clauses that it had. It intrigues me that we were told then that there were 16 to 18 other pieces of legislation or guidance that were yet to come through, and I am aware of this as maybe only the second or the third. I know that RPA was one of them, so I ask the Minister: where are all of the other pieces that need to be fitted to the jigsaw for that Planning Bill, which we all put so much time and effort into, to start to work? It is good to see a Bill that is bringing in speed and a quickening in our planning process.

One matter that has just been touched on and concerns me but from the other side is that of the conflict that arises between councils and the Assembly. When I was a council member, I sometimes felt that we were making planning decisions that purely suited the local area and not necessarily the whole of Northern Ireland. Francie raised a good point, but it has to be looked at from both points of view. We must make sure that things are being done for Northern Ireland as a whole and yet somehow keep the balance with what is needed locally for the councillors who are on the ground.

I am concerned, and I know that the public is because it is often raised, about the old backhander or paper-bag rumour that went around that money was meant to be changing hands. I have never heard or seen any example of that, but it concerns me that that is what the public think of planning; that, somewhere in the system, there is a way of corruption playing its hand. I want to hear from the Minister how he feels that we can ensure that that is corrected so that the public do not go away with that. I am aware of a story of an official being laid off due to corruption. We need to make sure that that is absolutely knocked out of the system and that it does not exist. I do not believe that it does exist at the moment.

Most of this Bill is tidying up, and I welcome that. I particularly welcome the appointment of

other persons to help through the Planning Appeals Commission, because that was one of the areas where matters were being slowed up. I congratulate the Minister on many of the areas where he has tried to speed things through quicker, knowing that, in some cases, others will not be happy with his decisions. The effort was there to try to get things through, and we did have our say.

One thing that has always bothered me in the planning process is that we somehow always end up designing everything so that we have a battle between two sides, neither of which wants to give way. I long to see a system which encourages people to sit down and discuss their differences and try to find the right way forward, so that it is not a planning process which is constantly having to be fought out in court. Runkerry is an example. It is extremely sad that it has ended up in court. We know that we need the jobs and that we would like to see a good golf resort up there. Those involved in it know that, when you build a golf course, it brings the wildlife back. It can be done in such a way that everyone benefits, and that is what I would like to see coming out of these planning changes —

Mr Deputy Speaker: I remind Members that the Runkerry issue is subject to judicial review and Members would be best not saying too much about it.

Mr Kinahan: Thank you for that clarity.

I also support the raising of the penalties, although I thought that we had put those in place a year ago. I was pleased when we managed to achieve the raising of penalties from £30,000 to £100,000. I note Lord Morrow's comments on that matter, in that, at the time we discussed the percentage idea but were unsure as to whether it was manageable.

We also looked at the problem of dying trees. It was pointed out at the time that, once you are born you are getting closer to your death and, therefore, you are dying and it is the same with trees. We are all dying and, therefore, it is vital that protection protects all dying trees.

I welcome the fixed penalty notices coming through into the system. However, if we go by the small matter of fixed penalty notices on litter, at the moment, different councils interpret them in different ways and, therefore, I look forward to hearing from the Minister how we will get fixed penalty notices on a much grander scale into the system so that every council and every system treats them in the same manner.

The major battle, which many Members have touched on already, is finding a balance between promoting economic development and furthering sustainable development. There, I think, lies the nub of one of the most difficult matters. I look forward, but feel some sympathy for the planning people left to make the decision. I go back to my earlier point: we really want to see people sitting down and trying to find a solution to a matter, rather than fighting it out.

Another area of concern is community involvement. When I asked a year ago what we meant by "community", I was told that it was the people who live there, those who work there and all those who drive in and out and go through it. And it becomes huge; it is everyone. Again, it has been asked how we stop the serial objector from holding up the whole matter. I look forward to seeing in the Bill how we will deal with that, and how we will get proper consultation in the local community that gets them all on board. Maybe that will deal with my other concern about always fighting a battle, instead of finding a nice joint way forward.

I will enjoy watching this from the Education Committee, and I wish all the rest of you in the Environment Committee the best of luck as you go through this Bill clause by clause. I congratulate the Minister on bringing the Bill to the House.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom tacú leis an Bhille, agus ba mhaith liom diriú ar an chuid sin den Bhille a bhaineann go háirithe le forbairt eacnamaíochta. I welcome the Second Stage of the Planning Bill, and as other Members have said, its aims, objectives and overall principles are honourable.

I want to focus in on a couple of specific areas. I welcome the fact that there is a commitment to the faster processing of planning applications, but maybe concentrate now on the whole area of promoting economic development. Other Members who have spoken have cited specific examples of how, in their direct constituency experience, they have encountered what might be described as bad planning, which disabled economic development, rather than enabling or promoting it. Even where environmental concerns were taken into account, still the correct balance was not achieved.

I have a distinct recollection of my time on Omagh District Council between 2000 and 2010 when a very thorough attempt was made by councillors across all the political parties represented on the council to work together to

establish an enterprise park in Fintona in County Tyrone. It is the largest centre of population in the Omagh district and the most socially deprived and socially disadvantaged town where unemployment is at its highest. A local community group emerged and people began to show leadership locally to tackle the issues of the day, and their priority project was the establishment of an enterprise park.

Omagh District Council was able to gift or transfer to the local community an area of land where the enterprise park might be developed. IFI grant aid was achieved and 12 anchor tenants were ready to go. Planning Service explained at the time that it was a finely balanced decision and one where it might exercise discretion. However, in that instance, there was no approval and it was a refusal. The community was demoralised. Local government, in its wisdom, had backed it strongly. That was one of the worst examples that I ever witnessed of Planning Service using its discretion to effectively disable economic development in an area where jobs were being created. I want any future decision-making on planning legislation to be informed by that experience.

In the same broad area of promoting economic development is the vexed issue of directional signage — what is allowed and what is not allowed. In the recent past, I tried to support local business — a plant hire company near Dromore in County Tyrone, a small bed and breakfast facility in Drumnakilly, a creative arts business in Omagh and, more latterly, a gymnasium inside an industrial estate. Planning Service is taking exception to modest signage pointing people to a gym in an industrial estate, which is way off an A-class road and a B-class road. Those are examples of where Planning Service could be a lot more flexible and a lot more supportive to the survival of small and medium-sized enterprises.

Mr Deputy Speaker: I ask the Member to relate his remarks back to the Bill, please.

Mr McElduff: OK. I am trying to give individual examples of bad planning in the past to inform good planning in the future so that it will influence the Bill as it develops.

Primarily, I am concerned about the words, "promoting economic development". In an area of social disadvantage, there should be a greater will to establish the principle, for example, of an enterprise park and then get on to the business of discussing design and accommodating Planning Service with design.

At this time, job creation and job retention should be a central consideration when the Department assesses applications. At a time when people are crippled by rates and a rise in fuel and other costs, Planning Service can do more to promote economic development.

Mr Allister: I want to raise a number of issues about the Bill, and I will do that as succinctly as I can. First, I have a concern about the threat to the independence of arbitrators in respect of Article 31 inquiries referred to in clause 10.

5.15 pm

Article 31 inquiries, which deal with significant planning applications, are an important part of the infrastructure of the planning process. They are also an important part from the point of view of public confidence in the planning process. They have evolved, in that when there is a major planning application upon which the Department is, ultimately, to make a decision, the system has been devised under article 31 that farms it out to the Planning Appeals Commission to hold a hearing and make a recommendation, and the Department stands back and carefully considers the independent advice that the commission gives.

I think that that is right and necessary. There have been some criticisms — I have had occasion to experience them myself — when, despite the recommendation of the Planning Appeals Commission, the Department has done its own thing on an article 31. But if we undermine that introduction of an independent role in article 31 by bypassing the PAC, without explanation as to why we need to do so, and have the Department appoint someone else to hear the application and conduct the article 31 inquiry, we will undermine the process. Remember that the Department is a party to an article 31 inquiry. It is one of the combatants in the article 31 arena — it, the applicant and the objectors. In any such arena, it is bad practice for one of the parties to get to choose the referee, so to speak. Therefore, it is a flawed approach in clause 10 to say without explanation — we have heard none from the Minister as to why it is necessary — that it will circumvent the procedure in article 31 whereby the PAC conducts the inquiry, and choose someone of its choosing to conduct the inquiry. Why? If they produce a report that the Department does not like on an article 31, will that be the last time that that person is asked to chair such an inquiry? It has to be seen to be independent as well as being independent. So I do question that, and I have a suggestion —

Ms Lo: Will the Member give way?

Mr Allister: Yes.

Ms Lo: I am very seldom in agreement with the Member, but I am certainly very much in agreement with him this time. I also want to say that the PAC actually has the power to appoint anybody else if it wants to — an independent person.

Mr Deputy Speaker: Can remarks be made through the Chair, please?

Mr Allister: It would not be a bad habit to develop, to agree with me in respect of certain matters. I appreciate the point that the Member has made. It is the point that I was coming to: that there have already been occasions when the Planning Appeals Commission, because of its workload, has asked someone else to undertake an inquiry.

I was going to make this suggestion to the Minister: rather than clause 10's saying:

"a person appointed by the Department for the purpose",

why not regularise that by saying "a person appointed by the commission for the purpose", and thereby retain some semblance of independence, which the present wording surrenders? I put that suggestion to the Minister.

I will now move to what clause 12 brings upon us in respect of matters that may be raised in appeals under article 32. Article 32 appeals, as we all know, are the regular, run-of-the-mill planning appeals. Here we have the introduction of a provision that nothing new may be introduced to the appeal. Clause 12 states that:

"a party to the proceedings is not to raise any matter which was not before the Department at the time the decision appealed against was made unless that party can demonstrate to the satisfaction of the planning appeals commission -

(a) that the matter could not have been raised before that time; or

(b) that its not being raised before that time was a consequence of exceptional circumstances."

I have to say to the Minister that my experience of planning appeals is that they are a very

important outlet, not least for objectors. Departments may come along to hearings with very skilled and experienced planning officers or even legal representatives. Applicants may come with equally skilled representatives to fight out a planning appeal. However, the party, if there, who often comes with the least expertise is the objector. He or she usually turns up for the first time in that sort of forum without legal or other professional representation and tries to do the best that he or she can to fight their corner.

It would be punitive in respect of justice being seen to be done, for objectors in particular, to introduce a provision that states that you cannot bring in anything that has not previously been before the Department. That would be far too rigid and far too hard on objectors. I also question whether it is compatible with article 32(4) of the existing 1991 Order.

I will remind the Minister what that article states:

"Where an appeal is brought under this Article from a decision of the Department, the planning appeals commission, subject to paragraphs (5) and (6), may allow or dismiss the appeal or may reverse or vary any part of the decision whether the appeal relates to that part thereof or not and may deal with the application as if it had been made to it in the first instance."

In my experience, that latter terminology has been used by the commission to justify the receipt of fresh information and to say, "This is an appeal, but we will deal with it as though it were made to us in the first instance."

How does the provision in clause 12 sit, if it sits at all, with article 32(4) of the Planning Order? The Minister needs to look at the compatibility of that and at the new proposition about whether it is compatible with article 6 of the European Convention on Human Rights? Is it consistent with a fair hearing of an appeal issue if you have legislation that states that the PAC can deal with an application as though it was made to it in the first instance, but you want to bring in other legislation that states that someone — I take the example of an objector — cannot raise an issue that has not been before the Department heretofore? I question whether that is consistent, and I think that the Minister needs to look at it.

I will move on to deal with some other points very quickly. This is somewhat related to my concerns about the issue of objectors: the power to be introduced by clause 21 to award costs in respect of planning appeals. I can

understand that there might be a temptation to say that if someone runs and loses a planning appeal, there should be some consequences. However, I think, again, that that can be very punitive. Certainly if someone, on some frivolous basis, goes down a certain route, that person might be thought to warrant some punishment in costs.

Does the introduction of an open-ended provision that the Planning Appeals Commission may make an order on costs mean that costs regularly follow an event? If you lose an appeal, do you pay everyone's costs? How are costs apportioned when objectors are there to object, the appellant is fighting a case, and the Department is taking a view for or against? In one sense, there are two winners and one loser on the decision.

There are practicalities, and it would be particularly punitive for third-party objectors, who come to planning issues with their hands already tied behind their backs in that they have no right to a third-party appeal. If there is now the additional risk of costs, that is quite punitive.

A situation will develop, which pertains to many good potential judicial review challenges, that they can never be brought because of the fear on the part of applicants that, if they lose, they are saddled with intolerable costs. In such cases, there may be a legal aid safety net, but there is no such safety net in planning appeals. That is a draconian and unnecessary measure, and the Minister should look at it again.

The proposition in clause 2, and in Part II of the 1991 Order setting out the general guidance on planning, that, for development plans, the Department or the commission must exercise their functions:

" with the objective of -

- (a) furthering sustainable development;*
- (b) promoting or improving well-being; and*
- (c) promoting economic development."*

I want the Minister to clarify whether that is a single, three-pronged objective. Is the function to be exercised, as it appears grammatically to be drafted, with a single objective rather than objectives? Those seem to be three components of a single objective. Is that what the Minister intends, or does he intend each to be a free-standing consideration? As to what "improving well-being" is supposed to mean, I do not know. I think that it means whatever you want it to mean. Inserting wording into

legislation that means whatever you want it to mean is not a good course. However, I seriously ask the Minister whether that is a singular objective whereby all three elements must be satisfied, or is it something different?

Clause 6 amplifies what is meant by material considerations so that it embraces the debate over economic advantage or disadvantage. Further down the road, I suspect that, when development plans evolve that take account of clause 2, they will be quite explicit about promoting economic development. That will be an essential knock-on effect of clause 2. In those circumstances, what does clause 6 add to the debate? What does the following mean:

"considerations relating to any economic advantages or disadvantages likely to result from the granting of or, as the case may be, the refusal of planning permission."?

It does not help the balancing exercise simply to state that account must be taken of one or the other. I suspect that greater assistance, if that is what it is to be called on that front, will come from the percolation through the development plans of the objective of promoting economic development. Although I feel quite positive towards that, I have to remind myself, as should the Minister, that planning is about planning, so the economic consideration probably should not be that which is paramount. It certainly has its place, but there is a balance to be struck on how that is weighed.

5.30 pm

Clause 4 states:

"A development order may make provision requiring notice to be given of any application for planning permission".

Article 21 uses the phraseology "development order". Is that a development order as defined in article 13 of the 1991 order? If it is, how does that fit with the definition and, in particular, with the repeal of the original article 21, which was the provision whereby planning applications had to be advertised? Is it the special creature of development order that is in article 13 of the Planning Order? Is there, therefore, some effective diminution in advertising requirements? Where do we find what is defined as a "development order", as quoted in the new article 21 pursuant to clause 4? Where do we find that definition if it is not in article 13 of the 1991 order? I am sure that the Minister follows the point that I am rather clumsily trying to make.

On a similar point, clause 5 refers to a pre-application community consultation. It introduces a new article 22A, which states:

"Before submitting an application for planning permission for a development of a class prescribed for the purposes of this Article".

Where is the "class prescribed" for the purposes of this article? Where do I read that definition? Is that in the 1991 order? Is it in this Bill? Is it somewhere else? Perhaps I have simply missed it, but I have not been able to find where the class prescribed for the purposes of the article is so prescribed. Perhaps the Minister could help us with that.

The final point that I want to make relates to the introduction of fixed penalty notices in clause 20. A fixed penalty notice, by its very nature, is a one-off penalty. Under planning legislation, particularly in regard to breaches of enforcement notices, an inherent part of the penalty process is often the imposition of a daily fine: there is a fine for the breach of the notice and an ongoing daily fine until the breach is remedied. How does that sit with the option of a fixed penalty notice? Presumably, if a fixed penalty notice is issued, it abrogates the opportunity for a daily fine for a breach of an enforcement notice. Is that sensible? In other words, how would you deal with a continuing breach of planning by fixed penalty notice? I am sure that the Minister will be able to advise on all of that.

Mr Agnew: Planning is fundamental to whether we prosper as a society; it determines how we develop our homes, towns and cities. A well-managed planning system can bring improvements in health and well-being. A strong planning system will protect our environment and rural areas. An efficient planning system is vital for a strong economy. For those reasons, we must ensure that we get the legislation and planning policy right. In fact, I argue that it is more important to get the legislation right than get it quickly. No one would argue that the planning system in Northern does not need to be reformed, although we may differ on what such reforms should look like.

I have to question why the Bill has come forward, given that we had the Planning (Northern Ireland) Act 2011 as a result of the lengthy Bill that went through the Assembly's processes. What is its purpose? One explanation that we have been given is the length of time that it has taken for RPA — the 2011 Planning Bill was dependent on the

conclusion of RPA — and planning, as I have outlined, is too important to keep back improvements. If that is the key purpose of this Bill, I question the decision to put additional clauses into the Bill. As we have seen, particularly around references to economic development, the additions are creating controversy around the Bill, where, had they not been introduced, there might be none. Indeed, if all that the Bill sought to do was to, on a temporary basis, implement certain measures of the 2011 Bill, it might have had accelerated or at least a quick passage through the Assembly. However, as we have heard from its Chairperson, the Environment Committee will seek an extension to the Committee Stage. So, it looks unlikely that we will see the Bill's progress through the Assembly speedily.

The Bill contains what are described as "desirable additions". Minister: desirable to whom? Who sought these additions? Why are they in there and what benefit do they bring, given the cost of how long it will take the Bill to go through?

There are certainly good aspects to the Bill, and I will refer briefly to some proposals in the Bill that I think it is right that we should seek to introduce sooner rather than later.

Mr Boylan: I thank the Member for giving way. I agreed with the Chairperson, who said that the Committee would ask for an extension of time to consider the Bill. The reason is to give it the proper process and due recognition of responses to the consultation. It is not really to delay; it is to give everybody an opportunity to participate in that process.

Mr Agnew: I thank the Member for his intervention. I agree that the reasoning for asking for the extension is sound. The fact is that the Bill has new additions without public consultation. Should the Bill be seeking to enact only something that had already been through public consultation and the Assembly processes, I think that the Minister would have a strong case for having no public consultation. That is why I again question why these "new additions" have been included in the Bill. I think, as I said, that the speedy introduction of sensible and agreed legislation does harm to that objective.

So, I welcome the enactment of some of the provisions in the 2011 Act, including the faster processing of applications. I do not think that you would hear anyone argue against that. Whether an applicant or an objector, speedy resolution is in everyone's interest, and the

Minister has referred to progress that has made on that. Further progress would be welcomed.

On having a faster and fairer appeals system, I share some of Mr Allister's concerns: it may be faster but I am yet to be convinced that it will be fairer, and I will come back to that. I certainly welcome enhanced community involvement; although, again, I am dismayed that we are still without legislation for third-party rights of appeal. However, the enhanced community involvement is a step in the right direction. Simpler and tougher enforcement, again, is to be welcomed. We need to see more enforcement. The perception is that a blind eye is too often turned by Planning Service to breaches of planning regulations.

I also welcome the increase in staff numbers in the environmental crime unit. I welcome particularly the greater powers to do with retrospective planning applications; a practice that has, to some extent, brought the planning process into disrepute.

Measures to enhance the environment and strengthen the system are to be welcomed. The introduction of the clause on good design seems fairly uncontroversial. It may be uncontroversial in principle, but I suspect that, in practice, it may be very controversial. I would not like to be the person who drafts the guidance notes on how you enforce good design. However, the clause is to be welcomed. It could, as I say, cause some difficulties, but I will wait and see on that one.

Reference has been made by a number of Members to diseased trees that are under a tree preservation order (TPO). The fact that a TPO would still apply to a diseased tree is certainly to be welcomed.

Most of the benefits from bringing forward legislation sooner have been through the consultation process and agreed by the Assembly. They are to be welcomed. Again, however, I would question the reasoning for the introduction of new clauses to the Bill.

I come now to the issue of economic considerations and the clause to promote economic development. The clause has caused concern and suspicion. The Minister himself made reference to PPS 24, which he wisely scrapped, for want of a better word. That was the right decision. An overriding precedence given to economic factors could have caused many problems, even in areas such as health and safety; if economic considerations were to override health and safety, that would be very bad policy. However,

because of that attempt, many see the clauses on economic considerations as an attempt to legislate where the policy did not come into force. I appreciate that the overriding nature of PPS 24 has not been included in the Bill. However, even if you accept that, you then have to question the purpose of putting it there. That came up in the Environment Committee, and an official stated that the Bill:

"gives economic development the statutory weight of a material planning consideration ... I suppose that, ultimately, legislation gives it the highest status in policy."

I have concern with the suggestion of "highest status in policy". It suggests a hierarchy. I suspect that the Minister will refute that, but, if that is the case, it contradicts by definition sustainable development. I would be concerned about that potential conflict and contradiction.

Previously, in reference to PPS 24, the Minister stated that:

"Many rightly argued that economic considerations are already a factor in planning decisions and are already dealt with in a balanced way alongside other material considerations".

That suggests, and, to me, confirms, that economic development is already a material consideration. If that is the case, I would again question why it has been put in the Bill. When I put that question to him, the Minister did mention the reference to sustainable development. If economic considerations are to be given explicit mention, I suggest that what might be more helpful would be for environmental considerations to be given equally explicit mention. If it brings no improvement in practice, I question its necessity in the Bill.

What might be helpful is an explicit definition of what we mean by sustainable development. I would not accuse the Minister of this, but, often, in Departments, sustainability and sustainable development are used as buzzwords, without being founded on an understanding of what sustainable development means. That would be beneficial in really giving weight to sustainable development, which, inherently, includes economic considerations.

5.45 pm

I fear that the inclusion of this clause is, to some extent, a concession to those who

wanted to see PPS 24 and, perhaps, an attempt to say to those who are saying that we need to see economic development because the economy is struggling — I fear that it is a knee-jerk reaction to the short-term economic situation. Knee-jerk reactions create bad legislation. Indeed, the lack of consultation on the new clauses — as well as clause 10, which I will come back to because it is a significant amendment — is bad process. I gave reasons for that earlier in my speech.

OFMDFM's 'Practical Guide to Policy Making in Northern Ireland' states:

"Proceeding with no or token consultation may appear to save time in the short term, especially in a context of limited resources, but it can result in problems later."

In fact, we are seeing that already because, whilst we may have saved time in public consultation at the start of the Bill's progress, additional time may be required for its Committee Stage. I second Anna Lo's points about the Committee's capacity to conduct public consultation compared with that of the Department.

Even if we accept that clause 2 does not give any greater weight to economic considerations, the specific reference in clause 6 to the weighing-up of economic advantages and disadvantages could have considerably detrimental unintended consequences. Those have been mentioned, to some extent, by other Members.

What we are trying to do is streamline planning, speed it up and make it more efficient, but by introducing the specific reference to the weighing-up of economic advantages and disadvantages we open up all sorts of problems. It could result in more appeals and judicial reviews and could be counterproductive to many of the other objectives of the Bill.

The Minister will know that when you have three economists in a room you will get six different opinions. I am concerned to see how that might play out in the form of legal challenges. We will inevitably have economists representing those who, whether they are applicants or objectors, have considerable vested interests. How do we make those judgements? How do we stand over them in a court of law?

Indeed, how does the Planning Service — Planning NI, I should say — make those decisions, given that there are, to the best of my knowledge, no economists in planning?

They are planners; they are not economists, and whilst indeed they are experts in their field, I fear that this may put a responsibility on them that is not specific to the arena of planning.

Again, I have to ask: whose economic advantage and disadvantage? By definition, certainly in the case of commercial developments, it will be to the economic advantage of the applicant. Presumably they believe so, or they would not put the application forward. What if a development impacts on house prices in an area? Is that a material economic consideration? It has not been to date, and it is probably right that it has not been.

Again, what about competitor businesses? If an application is to their economic disadvantage, whose profit will be given the greater weight — the existing business or the applicant? Again, I am interested to hear about that in feedback from the Minister. However, I have concerns that it could turn out to be a legal minefield.

I often sit beside Mr Allister, but it is very rarely that we stand side by side. I think that he would agree with that as much as I believe it. I share his concerns about how clause 10 would enable the Department to appoint those who chair and provide recommendations on article 31 applications. I have serious concerns about the perception of the independence of the process. I think, quite rightly, that the independence of the process is compromised if, as Mr Allister pointed out, the Department is a party to a dispute and appoints the person who will referee it.

Having sufficient safeguards in place might alleviate some of my fears, but my reading of clause 10 is that it takes out the numerous safeguards that were in the original Act — the Planning Act 2011. Those safeguards were consulted on and approved by the Assembly. I very much believe that to be a significant change, and, again, there was no public consultation on it. Indeed, in his opening remarks, the Minister made little reference to it. Should the Bill go through the full Assembly processes, I ask the Minister to confirm whether that amendment will remain in place post-RPA, which is when the 2011 Act will come into force. The change is significant, and I am keen to hear whether it is proposed that it be temporary or permanent.

Another question that I have on that proposal is whether it will apply to applications that are currently in the system. If it does, that would raise further suspicions that the Minister and

the Department are seeking to put through something that would give them greater power to make decisions on current applications in the way in which the Department wants.

As I said at the start of my speech, I am disappointed that there is still no third-party right of appeal. I stand over my point that, given the Bill's objective, new clauses should not have been introduced. However, if we were to introduce new clauses, introducing one on third-party right of appeal would have been beneficial. I know that the issue was debated in the Assembly and that it received cross-party support. The only exception to that support was the DUP, which tabled a petition of concern. I think that that was a misuse of the petition of concern, and it raises the question of whether the DUP, whose Members are no longer present, is the party of the developers' union. I am all for trade unions — I am a big supporter of them — but we need transparency in the arrangement between developers and political parties. Indeed, if we are to have public confidence in the planning process, it is essential that we have transparency in political funding, especially when we devolve these powers to councils. As I said, there are certainly concerns about safeguarding against incorrect decisions and councillors not being influenced by other factors.

Before I conclude, I have one further question for the Minister. Where do the Bill and the Planning Act 2011 sit with plan-led development? Is it still the Minister's intention to implement that? BMAP is a perfect example of the time, energy, finance and effort that can be put into developing such plans.

Area plans are a sensible way to take that forward, but the original intention was to give them primacy. Is that still the intention? If so, what is the timeline?

In conclusion, planning is fundamental to how our society functions. It affects our health and well-being, our environment and our economy. Planning legislation and policy is one of the most important aspects for Governments, this Assembly and, soon, for councils. We need a system that is fair, efficient, transparent and accountable. It should be, and rightly is, underpinned by the principles of sustainable development. In my view, that should not be compromised. In that regard, I have some concerns about the Bill. There is much in it to recommend; I will be happy to see it going to the next stage, but I would like it to be revised as it goes through the Assembly.

Mr Attwood: I thank all Members who spoke for their kind and not-so-kind contributions.

To begin, I want to make a wider political point but not a party political one. I sometimes think that we cannot see the wood for the trees. What I mean by that in this instance is, as I said in my opening remarks, that there are 800 days until the transfer of planning to local councils. That will be an enormous responsibility for local councils and, arguably, a burden on them.

On Thursday, I will again go to the Executive looking for funding for the transition costs for the transfer of functions to local councils and their reorganisation between now and 2015. A big element of that funding proposal is to build the capacity of councillors and management to best manage the functions that will be devolved to them in 2015 around planning applications, local development plans and community planning. I confirm for Mr Agnew that plan-led development is the best-led development, and I will come back to that theme later. Community planning will be an enormous responsibility, but it has to be done, and it has to be done right. Therefore, building up the capacity of councillors and management will be an essential element of getting it done and getting it done right. However, I am not going to hand something to local councils that I know is not fully fit for purpose. In 2015, I am not going to say to councils that they have all this planning function, and, by the way, in 2015, but only in 2015, put in place the elements of the Planning Act that have been referred to today. So although it is absolutely right to interrogate the Bill and to ask the questions that have been asked, we should be mindful that it substantially reflects the law and the democratic will of the Assembly from a previous mandate. I am mindful of that, which does not mean that you do not revisit legislation or decisions. I think that, in my time and tenure in this office, I have demonstrated that I have been prepared to take a different view from that of my predecessors. However, if we are serious about RPA and getting it right, and if we are going to get it right, we need much of the Bill to be in place in good time to ensure that there is good planning for local councils on the far side of 2015. It will be very important to bring that perspective to the interrogation of the Bill, being mindful that it reflects the thinking and will of the Assembly during the previous mandate and the urgency and primacy of ensuring that, in 2015, the people whom councils serve — business and domestic ratepayers and others — get, through the transfer of functions, a planning system that fully measures up to their needs.

6.00 pm

It may well be that I will not be able to address all the issues raised, partly because some require further consideration and reflection by me. Some issues are technical or legal and will require further advice. There were some questions to which, despite my best efforts to work up an answer, I probably do not have the answer. However, through a further written reply to the debate and through the process of interrogation at Committee Stage, I will ensure that all those questions are answered. I will try to address some of the more challenging comments made, even some of the more unkind ones.

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

I will go through all the contributions of Members who spoke. Anna Lo made a self-evident but fair point. I try to acknowledge points that are fair and, as Ms Lo will hear, I will also acknowledge points from some Members that I think were unfair, including from Ms Lo. This Bill came later than expected. That is due, first and foremost, to the new clauses. It is also because of the toing and froing and conversation between me and officials, and officials and Ministers from other Departments. That is why this came "later than expected", to borrow Ms Lo's phrase.

I was determined to ensure that we got the Bill through the Executive and to the Assembly for the reasons that I just gave, namely to hand councils something that is more fit for purpose than what we had before, and which reflected the will of the Assembly in the previous mandate through the Planning (Northern Ireland) Act 2011. I was determined that, in achieving that objective, I did not build into this Bill something that might only create multiple problems down the road. That is why there was a later than expected decision by the Executive to approve the Bill. I was determined that the Bill would not create hostages to fortune, that it would not overreach and that it would not lead to unnecessary legal challenges. People are entitled to make legal challenges, but I will certainly try to mitigate unnecessary ones. That is why the wording of the new clauses has been drafted as it has, in comparison with the previous legislation. The intention was to navigate that path and ensure that what we are doing does not overreach. I will come back to that issue in some detail.

The Bill was drafted so as not to create legal mischief, legal doubt or legal challenge. I cannot anticipate what others might do hereafter, but that is the path that I chose. In coming to the House later than expected, I have tried to ensure that we have legislation that is

on the right side of all of that, but achieves the ambition of getting the new architecture in place in advance of 2015.

A point was made about consultation on the new clauses. It is a preferable model to have the type of consultation referred to, but the advice that I was given, which has not been contradicted by any legal authority in and around government, is that, despite introducing new clauses today, the processes hereafter of political and public consideration of those clauses, as well as the overall Bill, satisfy the threshold of public consultation. That is the advice that I have been given. Given the circumstances that I am in, which are that this has come later than expected, and given my ambition to get the new architecture in place in advance of RPA and to have it tested and tried, as Mr Eastwood said, even if only for a year or so, I think that, in the round, that is the best approach to take. That is why the consultation process will be undertaken by the Committee. Ms Lo referred to being annoyed that it is being left to carry out that consultation. However, when you measure all the various factors and try to balance them and achieve the best and desired outcome, I think that, given the circumstances we are in, that is how it will be approached.

On the basis of this debate, it is quite clear that those clauses, as well as the Bill generally, will be scrutinised intensely. In that way, a sufficient and satisfactory level of political and public input will be satisfied. A threshold will be reached to ensure that a proper process — it may not be the process that others would have designed — is fulfilled that sees whether it is the will of the Assembly that this legislation is passed to send out the message that clauses 2 and 6 send out in all their terms. I want to confirm to Mr Allister that clause 2 and its three subsections, themes and principles should be read together as an integrated approach rather than as selective with a hierarchy therein. I will come back to that shortly.

In the circumstances that we face, to fulfil the ambition of the original Act and to do all that in advance of reorganisation, taking into account all the comments that have been made is, I think, both politically and as Minister, the better way to proceed, even if some people do not consider that it is the best way to proceed.

I will differentiate between Anna Lo's comments as Chairperson and her comments as a South Belfast MLA. I can confirm that, in her comments as Committee Chairperson, she was quite right that having provision for statutory consultees and time frames for response does

not mean much if you do not broaden the category of statutory consultees. That will be a consequence of the legislation. Not only will it be laid down in regulation what the time period might be — at the moment, we are working towards 2021 — but the range of statutory consultees will be broadened to ensure that the statutory timeline has genuine meaning and brings into the body of law and the practice of planning the rigour and discipline that might have to —

Lord Morrow: I thank the Minister for giving way. I would like him to clarify the point about the transfer of functions to local councils. Is he saying this evening that that is no longer guaranteed to happen before 2015 and that, in fact, the transfer of functions may well not now take place? I would like him to clarify that point.

Mr Attwood: I do not know why I need to make any point of clarification. I think that the Hansard report will confirm that there was nothing in what I said that suggested that anything other than 2015 remains the ambition. That is the intention. The Executive decided in November 2010 — erroneously, in my view — to have 11 councils rather than 15, and I committed to managing that decision. There is no evidence of my doing anything since that time other than managing that decision and sending out the message that the point of no return passed long ago and that this will be achieved. I hope that that intervention was informed by mischief rather than by the very clear statements that I have made in all my contributions at all times in respect of RPA.

In my view, Anna Lo's contribution in her capacity as an MLA was certainly unhelpful and probably crossed that line. Let me explain why. We have had enough in this society of what I refer to as the leadership of worst fears. It is people looking at a situation and concluding from it that the worst fears is their response. We have seen ample evidence of that in the past six or seven weeks, where decisions are taken and people draw conclusions from them that, in my view, are disproportionate. Frankly, there was that sort of thinking in Mrs Lo's comments.

I do not mind criticism of the decisions of any Minister: that is legitimate, democratic and ensures accountability. However, you have to give the full narrative. Mrs Lo drew conclusions about how the new legislation that is proposed in the Bill might work itself through for the application that is yet to come for hydraulic fracturing in Fermanagh. Mrs Lo chose to somehow apply clauses in a Bill, which I tried to explain, to the potential for hydraulic fracturing

and say that, because those clauses refer to economic advantage or disadvantage, they would somehow have consequences for the proposal for hydraulic fracturing. People know how charged and sensitive the proposal for hydraulic fracturing is in Fermanagh. Mrs Lo knows that I have said absolutely every time I have been questioned that there will be no rush to fracking in Fermanagh, that all environmental and planning requirements will be upheld and that we will assess all the science — American, European and Irish. People will have noted that there was a call for evidence to a project led by the Irish Government, but involving my Department, on best practice or best science on the issue of potential for hydraulic fracturing. Mrs Lo knows how vigilant and careful I have tried to be in that regard, and to try to get some casual headline by saying that it will end up with the potential for fracking in Fermanagh —

Ms Lo: Will the Minister give way?

Mr Attwood: I will give way in a second.

In my view, that is worst fears politics. Yes, you can raise questions about what this might mean, but to relate it to something that is not even in the planning system at the moment is not a wise approach.

I make those comments because the other point that Mrs Lo referred to when she spoke about planning decisions I made in the past 18 months was Runkerry. I will not get into the issue of Runkerry because I will respect the authority of the court even if other people do not necessarily appear to do so. Comments were made without giving the wider narrative about decisions that were turned down because environmental standards, in my view, were of greater weight or about decisions taken on rebalancing, as I see it, in-town in favour of out-of-town retail as has happened in Derry, which is consistent with current planning policy and all the other planning requirements. I will give way to the Member.

Ms Lo: Minister, thank you for giving way. Does the Minister not agree that introducing a policy of promoting economic development will strengthen the hands of all developers in economic development?

Mr Attwood: No, I do not agree with that assertion. Whether you believe that or not, to try to relate the proposals and my comments to what might or might not happen in Fermanagh is trying to exploit fears rather than, as we are obliged to, looking in a measured, proportionate and discerning way at what legislation really

means. There have been other examples, I have to say, of Ms Lo misrepresenting and mangling what the Department is trying to do for reasons that she can best explain.

6.15 pm

I cannot understand some of the assertions around these clauses. Ms Lo said that stimulating economic development is not common practice in other jurisdictions. Subject to the Hansard report, that is a quote. Stimulating economic development is not common practice? There is a presumption of development in law. Some people do not like that, but there is a presumption of development in law. The purpose of the planning system is, working from that principle, to then mould planning policy and decisions that take into account all the other factors that properly and reasonably should be taken into account. To send out a message, from any political party in this Chamber, in the circumstances in which we exist at the moment in the North, when we are about to enter a triple-dip recession and we are about to have 20,000 more people on the unemployment register because of the outworking of welfare reform; when we are about to see two more phases of welfare cuts, as has been indicated by the Chancellor in his autumn statement, on the far side of 2015 — and, mind you, it is going to be earlier than 2015 — to send out a message that stimulating economic development is not common practice in other jurisdictions is, in my view, incredible and is not the sort of message that we need to be sending out to so many hard-pressed people at this time.

Ms Lo: Will the Minister give way?

Mr Attwood: Yeah, I will.

Ms Lo: Minister, as Mr Allister said, planning is about planning. We cannot allow bad developments to go ahead simply because they are going to have short-term economic gains, but ruin our environment, ruin our neighbourhoods, ruin our communities and ruin our health and well-being.

Mr Attwood: Again, I have to say to the Member that, four times in that intervention, she said that we were ruining, ruining, ruining, ruining — our heritage, our health and our communities. I do not know what your observation —

Ms Lo: Bad development.

Mr Attwood: Bad development should not happen. That is why I have been making assessments based upon all the relevant factors: the law, the evidence and planning policy. Where I think something is bad, I have been saying so. I do not get that upset about the criticism, because you need to be clear-headed and clear-sighted. I have overturned, for want of a better word — Mr Poots has now gone, but he will be returning shortly or, at least, as soon as I have finished my remarks. I have overturned a view essentially in respect of the seats-for-sale restriction at Belfast City Airport because, in my view, that was not a sustainable position. It was not based upon the law, and it was going to get crushed at a judicial review. I have taken a different view from others in respect of Rose Energy. I have taken a different view in the advice that I have given to the PAC in respect of the overall greater Belfast policy.

So, where I think that something is not measured up against the law, policy or evidence and is "bad", to use your term, I think that any Minister, if they are worth their weight, should be prepared to make those decisions and live with the consequences as long as they have good law, good process and good conscience on their side. This notion of portraying what has been proposed in this legislation as some sort of advance guard for development here, there and everywhere seems to me to be disproportionate.

It reminds me — and now I am going to get into some trouble, if I am not careful, Mr Deputy Speaker — *[Laughter.]*

Mr Deputy Speaker: Yes, you anticipated correctly, Minister. I think that you have made your point very well, and I am sure that the House will be pleased if you are coming to a conclusion on that.

Mr Attwood: I will take that as endorsement and move on, Mr Deputy Speaker.

I have to say that I am not in the place that some in this Chamber are, where economic advantage, whatever it may be, is going to prevail. I think that there are probably some people who skirt around that argument; I must be honest with you. There are people who go close to that argument, but I am not one of them. That point was captured by Mr Weir before he left. He looked at what was proposed and used very cautious words about, if you like, the economic elements proposed in clauses 2 and 4. He said that proper and sufficient weight should be given to economic considerations,

but he never used the line that there should be determinative weight given to them. That is the difference between where I am and where others might like to be. Where others like to be is to give determinative weight to economic considerations. In my view, that is disproportionate to the overall character and integrity of our planning system.

Mr Agnew: Will the Minister give way?

Mr Attwood: I will. There should be proper weight given to economic considerations and proper weight given to all relevant material considerations, as informed by law and policy practice. I give them sufficient weight but not determinative weight. How can people draw a conclusion from clauses 2 and 4, when I suppressed the policy that gave determinative weight to economic considerations? This is the language that Ms Lo used, and I quote her again:

"trying to sneak in such a fundamental shift ... through the back door."

Do you think that that is the sort of politician that I want to be, sneaking something in — a fundamental shift — through the back door? I will give way.

Mr Agnew: I thank the Minister for giving way. I have expressed respect for him and the scrutiny that he has given to decisions in the past. He has referred to his own performance as Minister, but, ultimately, he will not be Minister for ever. The question that I ask is this: does he believe that, when another Minister comes in, will the Bill in any way empower that Minister, under either clause 2 or clause 6, to give added weight to economic considerations over and above other aspects of sustainable development?

Mr Attwood: No — that is the answer. It does not. I have had the conversation, taken legal advice and looked at the words that have gone into the Bill, and, given that those words are not of a scale and extravagance that measures up to being determinative, I do not believe that that conclusion can be drawn. I will come back to the point and then reply to Mr Agnew's latter points.

Mr Weir also made the point about third-party appeals. My intuition and judgement is to go in the direction of third-party appeals. The South seems to have become a bit more neutral or hostile to them. I understand that the Scottish Government, who have been the clear leaders of new planning policy — in spatial planning,

integrated planning, the devolution of planning function to local citizens and so forth — seem to be somewhat more uncertain about third-party appeals, but my intuition and judgement is to build them in. I made a call about a year ago — maybe it was not as long ago as that — that, given the scale of what was required for planning, given the issues that I referred to in my opening remarks and given the need to get a single planning policy statement to deal with article 31 applications, reduce the time lines around all categories of planning application, build up a robust enforcement regime, get this legislation before the House and get the architecture in place before the transfer of functions in 2015, if I were to go down the road of third-party appeals, without prejudice to the fact that there would be people who would have opposed it, I would have been overreaching. I am also of the view that the sum of the parts to which I referred had the best opportunity, in this mandate, to get planning and the twin-track or binary system that we will have after 2015 as fully fit for purpose as possible.

I want to bring forward proposals for third-party appeals, but my judgement is that, at this stage, I would be overreaching and would probably end up in a dead end. Therefore, the energies and diligence of the Department should be directed to all the other aspects to which I referred. In the Southern system, there are third-party appeals, but they come at a price, which is that citizens and communities are less involved in the earlier stages of a planning application and have the safety net of a third-party appeal at the far end. Therefore, if my judgement is that people cannot go down the road of third-party appeals at the moment for the reasons that I outlined, even though I want to and have ambitions to do that, the involvement of the citizen and the community is built up in the earlier part of the planning system — pre-application in respect of significant planning applications — and will work itself through to get community planning right as part of the transfer of planning functions in 2015. That is the strategy. People can dispute that and say that that is a strategy of folly or that there is a better way to go. I understand those arguments because intuition and judgement could have led me in that direction. However, I weighed everything in the round, and that is my conclusion.

Cathal Boylan made an interesting point. He started by talking about consultees — he referred to them as respondees — and how that would work. I think that he was highlighting the fact that there is a culture shift at the heart of this, which is crucial to the Bill and to the transfer of functions and falls to the Assembly

and to Ministers. If the Bill is to make a difference to how the North develops, it is a culture shift that puts plan-led development and citizen input at the heart of things. A PAD process would have the citizen and the community given their proper position with regard to planning. When the RPA Bill comes before the Assembly, statutory organisations will have a responsibility to engage with communities and councils and have regard to what councils propose for community planning and development plans. That is why, within a year — hopefully, much more quickly than that — the Department will issue advice on the statement of community involvement in development plans and planning control functions. That is the culture shift to which, I think, Mr Boylan, referred.

Mr Boylan and Mr Allister also mentioned appeals and whether new material could or could not be introduced. Some interesting comments were made. Mr Allister was not here during the previous mandate when this proposal was passed. It would be negligent of me simply to say that that is the will of the Assembly and disregard the comments of Mr Allister and others. I owe it to him, as an MLA, and to the authority of the Assembly Floor to reflect on all that.

6.30 pm

Let us look at the proposed new appeal system, which was touched on. The legislation will include the power to appoint other people to conduct article 31 planning appeals. If that happens at all, it will happen when the Planning Appeals Commission says that it does not have the capacity to do something. That is the purpose, and that is how it will be defined in regulations. It will be defined in regulations in consultation with the PAC. This does not usurp the PAC as the proper authority. It is not trying to say that we will appoint a friendly face to get a friendly outcome. Again, that seems to be the interpretation of what is intended. Forgive me if that misrepresents what Mr Allister said. The purpose is to deal with future situations should the economy prosper, sustainable development begin to roll out and issues arise with article 31 applications that have to go to the Planning Appeals Commission for further enquiry. Remember that of all the article 31 applications at the moment, only three are going to the PAC. I am subject to correction. One is for the North/South interconnector, and the PAC is discussing the airport, but that is not an article 31 issue. I cannot remember the third one at the moment. Currently, such matters are rare. However, in the event of a pressure point in the PAC, the purpose will be to appoint somebody,

subject to the proper process and rigorous standards, in order not to compromise the principles of transparency, independence and so on, in the way that might have been portrayed in some of Mr Allister's comments.

Under the model that I propose through you, Mr Deputy Speaker, to Mr Allister and others, costs will be awarded only against the appellant or the Department. At the moment, an individual citizen does not have the right to go to the PAC on the far side of a decision with which he or she is not happy. Therefore, a citizen's opportunity and the financial viability of going to appeal will be protected because costs will not be awarded against them. They will be a participant, but they will be neither the appellant nor the Department. Too right: I want the PAC to be able to award costs against a small number of people in the North who use the planning system, the PAC and the High Court and might even go beyond that on occasion to push the limits of good planning policy beyond what is best for all of us. They are entitled to do that. That is the law, and I will not deny them that opportunity. However, some people overreach when it comes to using the law, the planning appeals process and the courts. That is what I am trying to get at: it is for that sort of unreasonable behaviour that a new disciplinary regime is required to send out a message to those who overreach.

When it comes to new material, the appeal process is legitimate. I do not think that there is a contradiction between the 1991 order and the Bill. I do not think that there is a contradiction, as Mr Allister suggested, between prior legislation and the Bill in saying that an appeal process should look at what was argued previously but guidance to PAC can state that there is information that, in exceptional circumstances, might be revisited. I do not think it unreasonable to say that, if information could have been raised before, it cannot be raised later. Those are good principles to inform the process. Mr Allister has, however, made some points. I will listen to them further and come back to his points later. Do not be concerned.

Mr Elliott made the point — I will make it now as we approach 7.00 pm — that we do not want to hold people back unnecessarily. Last night, as Mr Elliott knows, he was held back until 7.00 pm because of a meeting that we were having about the RPA upstairs. Therefore, I regret it if people are being held back. He made the point about a lack of consistency. I think that he was referring primarily to PPS 21. Over the next period, I have to bring quite a number of planning policy statements to the Executive. I

will not detain the Assembly with them at the moment. The purpose of the PPS 21 operational review, as I have explained to Mr Elliott, is that it was a real-time, real-life operational review that, in one way, does not have a conclusion because its purpose was to say to the planning system that there is inconsistency in planning decisions between divisional offices and that, consistent with the substance of PPS 21, flexibility should fall to the applicant. That is the default position — I am being careful now, because I do not want to get myself into legal problems — and the flexibility should fall to the applicant, as long as that is faithful and loyal to the content of PPS 21. I think that it is time to report to the Assembly on where that operational review is and what has changed. Subject to what Members might say, I do not hear the same volume of criticism about inconsistency across PPS 21 applications. I think that there has been some reinterpretation of some operations, consistent with the ambition of the policy.

Turning to Tom Elliott's point about costs being awarded by the PAC and his concern that that is only for the rich, I think that I have answered that. It will not be the "poor", for want of a better word — the individual citizen — who is at the PAC who will be awarded costs.

In respect of conservation and enhancement, the policy will be "Where possible". It will not be an absolute rule. When it comes to developing a conservation zone, we should look towards enhancement rather than anything less than that. Where that is not possible, the planning system will obviously have the opportunity to say that what has been done may not be enhancement but lives within the spirit of the policy.

I will deal with Lord Morrow's comments. He said that he thought the planning system had seen economic opportunities lost. He rightly pointed out that, as a councillor, I might have seen where that was manifest. I do not dispute that. However, this legislation creates the architecture so that economic opportunities are not lost in 2015. Let me give you the example of Clare County Council, which I always quote. Eighty per cent of the Republic of Ireland's land mass is now covered by development plans. That has been achieved in about 10 years. Serious mistakes and worse clearly arose during that period. The tribunal confirmed that there was irregularity, corruption and criminality. So, when you develop local development plans, you need to be careful that you do so absolutely right and legally. What does the example of Clare County Council tell us? It tells us that because the west coast of Ireland has the best

wind, wave and tide in the world, which is advertised and dramatised through renewables, technology, and research and development, it has a self-sufficient electricity supply and is a net exporter of electricity to national grids in Britain and in Europe. That demonstrates why renewables are such an opportunity. What has Clare County Council done in its development plan? It has captured that. On the pages of the Clare County Council development plan, it says, "Come and plant your renewables on the coast of Clare, because we have the best wind, wave and tide in the world". That is an opportunity. If we get the architecture of planning right in the rundown to RPA, then come RPA, when councils are developing their local development plans, which I hope they will push on with — I will come back to that in a second — that is the sort of thing that people need to have the ambition to do — to follow the example of Clare and to say, "This is where our economic opportunity is", in order to ensure that economic opportunities are not lost.

You only have to go to Kilkeel in south Down to see a community that has lost its traditional industry and has seen a decline in traditional fishing. What has it done? It has recreated its fishing industry through added-value produce and diversification, using the fishing fleet to assist in the growth of renewables in that part of the world, following, not least, the recent decision to award a licence for offshore wind farms. So, that is where the opportunities exist and — to answer Mr Elliott's question — that is what the Bill will achieve.

I will not address all the points made but will touch on some of the matters that were raised. Mr Molloy's speech was a curious one, and I am being kind when I say it was a curious one. Mr Molloy first of all cautioned us against reform. I always knew that Sinn Féin were just a bunch of conservatives, and, on the record in this Chamber, they cautioned us on reform. That is a quote, and Hansard will confirm that. I am of the same view as Robert Kennedy, who said that he demanded the right to dissent because there was much to dissent from. In our society, that remains the case, but to be cautioned on reform is disturbing.

There was also a theme that, I am sure, Mr Molloy did not intend because he has a long record of being involved in community activism. I remember going down to Coalisland when I was Social Development Minister — you can confirm that. It was a great night. In fact, it was a night a bit like this — there was snow on the ground, isn't that right? — in December 2010. We had a great night down there with an Irish language organisation and other activities. So,

I am sure that he did not mean this, but he came across as being anti-community and anti-citizen. Why, he asked, were we funding organisations, such as Supporting Communities? I think that what he probably meant was Community Places, which is an organisation funded by the Department in order to empower local citizens to assert their rights and interests when it comes to planning. Not only are we funding it, we have guaranteed it funding for the next two years. I sent out a note over the weekend to one of the officials, who is probably here, saying that I wanted that funding to pass into the next CSR because I do not think that funding an organisation such as Community Places for two years would allow for the transition into RPA in 2015-16, which is a right place to be. I will continue to fund it because it is the organisation that puts citizens and communities first when it comes to planning applications. If it is working with communities to say no to some planning application in some part of the North, I will not turn around and refer to them as serial objectors or in some way deride or denigrate the contribution they make. There should be more Community Places-type organisations because otherwise Mr Agnew's concern will be manifest. It will be manifest that those who have least resources will have the least authority and least influence around planning.

Mr Molloy: Will the Minister give way?

Mr Attwood: I will give way in a second. So, I very much support Community Places — if that is who he was referring to in terms of supporting communities. I do not think that those comments were helpful in terms of that organisation or the interest it serves.

Mr Molloy: I thank the Minister for giving way. It is important that he quotes correctly. On Supporting Communities, I said where there were not valid objections and where his Department's approval of an application proved the case that there were not valid objections. My question was this: how do you assess the support that is given by Community Places or anyone else who is funded by the Department, funded by the ratepayers in relation to that? The community who are looking for jobs also need to be supported and to have somebody speaking on their behalf.

Mr Attwood: In point of fact, the Department currently funds only two third-party organisations for their planning capacity and input: Disability Action and Community Places. Subject to correction, those are the only two that we fund. There is an argument that we

should fund a lot more through Environment Link. We give them substantial moneys — not as much this year as last year because we were able to give them in-year moneys — to fund community organisations through an environmental grant. I would like to see whether there is more opportunity to fund community organisations in terms of planning grant in order to empower citizens and communities.

6.45 pm

My problem with Mr Molloy's analysis of a current planning application, about which I will be quite silent, is that he gave only a partial narrative. I criticised Ms Lo in that regard because there was a partial narrative. If I were to criticise Mr Molloy, I would do the same. If he wants to bring to the attention of the Chamber a planning application and where it currently sits, he should give the full history of that planning application. That full history might include not that a planning official may currently recommend something, but the history going back a long time of the planning system refusing that application. That is a full narrative, not a partial narrative.

If Mr Molloy wants to come to the Chamber, give his opinion on a planning application and use the preposterous phrase that we should not put into development lines something that does not work, that is running a coach and horses through planning policy and development plans. When we are meant to have planning-led development in the North, Mr Molloy suggests that you should not put into development lines a proposal that does not work. What does that mean? It means that there is a settlement limit in a town in Northern Ireland where the development plan says that there should not be industrial development outside that settlement limit. What has happened? Perhaps a third-party organisation has come along and planted its development, without permission, on lands outside the development limit, and the planning system says that there are multiple other locations. That is the full narrative, not the partial narrative. I anticipated that individual planning issues would be brought to the Floor. If you want to do that, tell the full narrative, not one that serves the ambition — legitimate though it may be — of any planning application.

Mr Molloy: Will the Minister give way?

Mr Attwood: I will give way in a second.

I know that there are serial objectors. I do not know who precisely he might be referring to, but

I know that there are also genuine and well-motivated people with real concerns. I do not refer to them as serial objectors; I refer to them as good citizens.

Mr Molloy: I, again, clarify to the Minister that I was very clearly talking about a new application on a new site; not the site that he is referring to, which there were objections to. It was also an enforcement site. That is not what I was talking about whatsoever. The Minister knows what the application is about: it is a new factory that will provide jobs in Coalisland.

Mr Attwood: I do not want to get into it; I have probably gone too far as it is. Even the latest statement from Mr Molloy about a development on an enforcement site is part of the wider narrative. Perhaps we will leave that matter.

I make it clear that party politics does not influence local decisions. For what it is worth — it is probably not worth very much — when I came into my Department, I told my permanent secretary that if there was any application in which I thought that there was a conflict of interest or a perception of a conflict of interest, I would discharge myself from making a decision. The permanent secretary looked at me — I hope that I am not speaking out of turn, because you are not meant to mention those people in the Chamber — and I knew from his look that I should ask a further question. I asked whether anybody else had done that previously, and he said no. I am the only planning Minister who has done that. When it comes to casual phrases such as "party politics influencing local decisions", I suggest that you might want to reflect on that.

That theme was picked up by Danny Kinahan when he talked about public perception. It was reflected in an article in the 'Belfast Telegraph' by Friends of the Earth, which is a great organisation, even though I disagree with some of its terminology about certain things. The assertion was that we may not know about a brown envelope containing £10,000 or £20,000. As a former Assistant Chief Constable for crime said to me about the involvement of MI5 in the North, we do not know what we do not know. That was not much of an argument about MI5 intelligence gathering in the North, and it is not much of an argument from Mr Kinahan in that regard. That is except to say that, at a Northern Ireland Local Government Association (NILGA) conference in Lisburn a few weeks ago, I made the point that this issue was going to arise and that we needed to build into the devolution of planning functions — and all functions — a rigorous governance, accountability and ethics regime in order to address these issues if they

arise. If they are brought to my attention I will investigate them.

Mr Kinahan referred to a matter that might have received some public attention recently. However, no information at all, hardly — no evidence — has been brought to me that this is an issue, never mind a significant issue in the planning system. If there was evidence, I would like to hear it because the evidence from other jurisdictions suggests that it might arise. However, it has not.

That is why we need to build into the RPA Bill a regime around governance, accountability and ethics that militates against that risk. One of the proposals that we will have in the RPA Bill is that complaints about the conduct of a council go to independent investigation through the Commissioner for Complaints and is not handled in-house, in order to try to deal with that issue.

Mr Kinahan also touched on how we are going to ensure that when we get to the point of transfer there will be people capable of doing the work that is going to be demanded of them. That is why I do not think that you can do enough training and capacity-building in the rundown to councils taking planning powers. That is also why I hope that on Thursday every member of the Executive will put their hands up for the very substantial bid for RPA transfer moneys that I am looking for, part of which is to help fund training.

Mr McElduff, who has left — no, he has not — referred to the Fintona decision. I do not know what it was but I presume that it predates me, but he made some good points in that regard. If there is an issue around erection of signage, bring it to my attention. I will give you a small example. This issue arose in Belfast around signs being placed in shop windows but not on the frontage of a shop and not on the front of its window — they were within the curtilage of the building. The planning system sent out letters to three or maybe four businesses immediately after Christmas, which was unfortunate, given all the circumstances around Christmas, trading and streets-wise. The planning system has apologised for that. Those notices should not have been sent out.

There is not an issue about signage being displayed within buildings that is not on the frontage of buildings. I have said to planners that there is a need for some guidance, so that our beautiful shop frontages in a city with a wonderful heritage do not end up getting cluttered and dominated by signs. However, the notices that were sent out were wrong, and

I will issue a statement about that tomorrow. I understand that we did not have legal cover for what was proposed. The Department has been upfront in saying that it got that wrong. I said that I would look at the case. I have looked at it. That is the outcome. I believe that letters are being sent to the four shop owners concerned.

Now, where would I start with Mr Allister? He made an enormous number of comments, and I do not think that I am going to be able to touch on them, for the reasons that I outlined in my opening remarks. They were very extensive. However, I have tried to indicate that the reconfiguring of the planning appeals system is to serve the interests of good decision-making and to penalise those who use appeal unreasonably, be they an appellant, applicant or the Department, although I cannot imagine that the Department would do that. In those circumstances, and mindful of the comments that I made about a third-party appeal, I do not think that that is draconian. In trying to ensure that the planning appeals system works to achieve the outcomes that I am talking about, that turnaround times are not used for improper purposes and that the system does not become just a routine place to re-engineer arguments or make new ones, I do not think that that is an unreasonable approach.

I accept the principle that Mr Allister outlined, and that was part and parcel of a lot of what he said. The citizen cannot be prejudiced, or the reasonable citizen at least must not be prejudiced in appealing a process. Given his comments about there being no legal aid and the absence of third-party appeals, that is a fair argument. In taking forward that proposal, if we need to think further about safeguarding the public or the citizen or the community interest, I will do so.

I talked about clause 2 in my earlier remarks. Mr Allister was the only Member to comment on clause 2(2), which touches on promoting or improving well-being, and he asked what it meant. We will have to interpret that and issue guidance as to what it means, because, although that is new, it clearly needs some further interpretation.

The three issues of material economic criteria, well-being and sustainable development are integrated. That integration is the protection against the concerns that Steven Agnew outlined in his commentary. The Bill does not give determinative weight. The material consideration of economic gain must also be read in the context of the legislation's other supporting principles that deal with sustainable

development and well-being. In any case, they have to be read in the context of all planning policy, and so forth.

None of that will change in advance of the single planning policy statement that will come out before 2015. It may be further interpreted, because of the further PPSs that I will bring to the Executive that will deal with enabling development, tourism, and so forth.

Mr Allister raised a range of other issues. He probably knows the answer to his question about fixed penalty notices. A fixed penalty notice does not mean the end of enforcement but that you can follow up with a further fixed penalty process. Indeed, the Department has been deploying that for unauthorised developments, where, in my view, acute issues have arisen that led to economic disadvantage to neighbouring businesses through repeated enforcement action. I hope that that addresses that issue.

Clause 5 deals with pre-application community consultation and makes reference to a "class prescribed". I will read the following into the record so that Mr Allister and others can reflect on it. A class prescribed is one prescribed for the purposes of clause 5. Classes of development will be prescribed in subordinate legislation — in other words, in regulations. Some of the clauses will require for there to be pre-application community consultation. For example, the class prescribed for clause 5 may be a major application, meaning that pre-application community consultation would apply only to major applications.

I have already dealt with the awarding of costs by the Planning Appeals Commission.

There is an issue around publicity for planning applications. Mr McDevitt, who is behind me, probably chides me on occasion — I was certainly chided by some journalists recently — that I am not into the changing world of mass communication. I am a conservative in that regard, Mr Molloy. I am a traditionalist. *[Laughter.]* The point is that the new provisions for publicity arrangements for planning applications, which are set out in clause 4, will provide an opportunity for the Department to examine a range of options based on efficiency and effectiveness. They will provide the flexibility to keep up with the rapidly changing world of mass communication.

I was at an event recently at which it was explained that online BBC news gets twice the number of viewers that 'Newsline' does. I

should have known that, but I did not. That certainly changed my perspective on the media.

7.00 pm

I am sure that I have not touched on everything, but Lord Morrow encouraged me to conclude by 7.00 pm. I do not know how long I can speak for this time —

Mr Weir: Too long.

Mr Attwood: Too long — right.

I will conclude by saying that I thought that Steven Agnew's speech was very balanced. In many ways, that is because of his party allegiance, and his commitment to the green agenda is arguably more unambiguous than that of anybody else in the Chamber.

A lot of Members acknowledged all the elements in the Bill that had been rehearsed previously and that would create a better architecture in the rundown to RPA and post-RPA. When talking about the economic clauses, Steven Agnew referred to a "knee-jerk reaction" — I think that I see a press release coming that has not already been issued; actually, I have it here. Although he may wish to visit that analysis on others, which is his right, I hope that I have done enough to convince him that that is not what I have been about and that this is not a knee-jerk reaction. The Bill is trying to capture in law the right statement that we should be making in a way that does not prejudice other material considerations or our full range of planning policy precedent and guidance. That is all.

Some people may think that we should have gone for more than that. However, the fact that the Bill has been drafted in this way is, I think, an acknowledgement by those who might have thought that it should have gone further that they cannot do that without the certainty of a legal challenge being made or having muddled planning practice. Nonetheless, we wanted to send out a very positive message about where we see this place at this time and about what we want to encourage going forward. We do not want to do that in a prescriptive, dogmatic or partial and party political way but in a way that says to people that this is the right thing to do in the weeks that are in it, never mind the times that are in it.

The Bill will not be retrospective; it will apply to planning applications that will arise after the passing of any legislation that includes those two clauses.

Question put and agreed to.

Resolved:

That the Second Stage of the Planning Bill [NIA 17/11-15] be agreed.

Motion made:

That the Assembly do now adjourn. — [Mr Deputy Speaker.]

Adjournment

Mental Health Services: South Antrim

Mr Deputy Speaker: The proposer of the topic will have 15 minutes in which to speak, the Minister will have 10 minutes in which to respond, and all other Members who wish to speak will have approximately seven minutes.

Ms Brown: Thank you, Mr Deputy Speaker. I am very pleased to have secured the debate and welcome the opportunity this evening to raise the issue of mental health and the provision of services in my constituency of South Antrim.

In bringing the topic before the Assembly, I hope to continue to raise awareness of the tragedy of suicide. I also wish to highlight the need for greater promotion of mental health issues and to examine what more we can do to support those groups that do such worthwhile work in our community. When I say "groups", I am speaking about not only the statutory services that are available but the very many voluntary and charitable groups.

I am not seeking an opportunity to be critical of the Department. In fact, I am pleased that, in launching the Protect Life strategy in June last year, the Minister has already demonstrated a significant commitment to tackle this problem that affects so many. I welcome his efforts to date, and I hope that he can update us today on the progress that has been made since his announcement last year.

This debate focuses on my concerns for my constituency. However, it of course goes without saying that thoughts today are with all those communities that have suffered loss from suicide and with all those groups across Northern Ireland that, in their own way, are working hard in their areas to help people to cope with the aftermath of suicide and with mental health issues in general.

(Mr Principal Deputy Speaker [Mr Molloy] in the Chair)

Turning to South Antrim, I will begin by highlighting a recent meeting that I attended, which was organised by a newly formed group called Antrim Together. I pay tribute to that

group, not only for organising the meeting and highlighting such an important issue in the public domain but for its determination to help others who are suffering with mental health issues. The meeting occurred in the aftermath of the loss to suicide of four young people in my constituency since October. The organisers of the meeting were motivated by that series of tragedies to tackle the scourge of suicide and to raise awareness of mental health problems in the community. At that meeting, I was struck by a number of things, not least the real benefit to our communities when ordinary people decide to take action and work together across all divides for the greater good. At a time when community relations in Northern Ireland are under severe strain, this is a real example of a positive and uniting initiative, and I hope that it continues to make progress. I will, of course, do whatever I can to ensure that it does.

What also struck me was the sheer number of groups — statutory agencies and voluntary and charitable organisations — that were there on the day to talk about their work and highlight their services in the field of mental health. Many of those present were not aware of the existence of other groups in their area or of the extent of resources that are available and in place. I, therefore, respectfully observe that one of the key difficulties that we face is highlighting those services, ensuring that they can operate in a joined-up way, avoid duplication and develop common themes and strategies in a cohesive framework.

Across government today, we constantly look at means of delivering more for less, particularly in the health and community and voluntary sectors. The meeting that I attended seemed to have the potential to do just that. We in government should recognise the effort and do all that we can to promote it.

I urge the Minister and his officials to consider how his Department can work with groups such as Antrim Together to explore how best to harness the work that is being done. I would be very happy to facilitate any such meeting in my constituency.

The meeting also provided an insight into some of the challenges that face us in trying to promote mental health awareness. You might think that in performing an online search to research suicide, the internet might be a useful aid, and perhaps it is. However, among the search results are guides to how one might successfully commit suicide. That is a small but truly shocking example of how the world of the internet and social media can be such a negative influence and source of anxiety and

depression. Used properly and positively, it can, of course, be truly informative and beneficial, but the negative impacts of some of the more dubious aspects of life in cyberspace can be devastating when our young people are simply too vulnerable to cope with mass cyberbullying, social humiliation or exclusion.

For the purposes of this debate, it may be appropriate to note that my party colleague and MP for South Antrim, William McCrea, has sponsored a private Member's Bill in the House of Commons that is aimed at the establishment of an office for the prevention of suicide and self-harm. The body would aim to work with internet providers and others to reduce access to information on the internet and through other sources on methods of suicide and to develop a system of alerts and blocks for internet searches that relate to suicide and for connected purposes. If passed and adopted by Her Majesty's Government, the Bill would mean that the body would operate at a national level, including Northern Ireland. This is a Bill that I would support, and I encourage the House and the Minister to do likewise.

My final observation about the meeting was how it highlighted the range of ordinary people who are affected by mental health issues, and, sadly, the stigma that still surrounds it. It strikes me that if we were all honest, most of us would admit to having struggled with our mental health at some point, be it depression, anxiety, prolonged stress, eating disorders or whatever. In my case, it was postnatal depression. I still recall the absolute fear that I felt at not being able to cope. It was never diagnosed, I asked for no help and I suffered in silence.

Politicians are often accused of talking endlessly; sometimes, that is true. Maybe it would be better if we spoke not endlessly but honestly. Perhaps fear of what might be said or written about us is the reason why many stay silent, but when it comes to mental health, we have to be real. People want real politics to deliver in ways that are meaningful and relevant.

It is not enough for us just to have this debate; we must do more. Our life experience as individuals should help to define us, and the lessons we have learned should shape our policies and strategies. Only when we do this will we really demonstrate to the people of Antrim Together and other groups that we are with them, not just because we feel we should be but because we have the same concerns, worries and needs.

I ask the Minister to outline, by way of reassurance, the work that his Department is undertaking in South Antrim, and for his thoughts on how that work might directly impact on the community to ensure that there is no more suffering for families. In bringing my remarks to a close, I must say that South Antrim is fortunate to have so many dedicated individuals and groups working to address mental health issues. I pay tribute to them and I ask the Minister to offer his full support as we all endeavour to ensure that, as a society, we work together to aim for good mental health for everyone.

Mr Mitchel McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. I congratulate and thank my colleague from South Antrim for bringing this important issue before the House. I was elected to local council four times and I have been elected to this Assembly since it was established following the Good Friday Agreement at each subsequent election, but this may be the first time that I find myself in total agreement with what a DUP spokesperson has said. It was a very comprehensive exposition of the issue.

In these modern times, particularly when there is economic decline on a global scale, it is quite evident that many societies will be under stress. That will be reflected both in incidences of mental ill health and in suicide statistics. Our society will be no different in that social and economic dynamic. Of course, we also have the legacy of many generations of conflict and division, which also takes its toll.

Ms Lewis has presented the scenario: there is no room, nor should there be any tolerance, for people who would not attempt to maximise the amount of understanding and empathy that exists right across our community. South Antrim is blessed with the involvement of the community and voluntary sector. It has a community network model and an architecture between the Public Health Agency, the Department and the Minister, who has, on a number of occasions, addressed this issue with empathy and sympathy. If we were to come at this from the point of view that it is an invest-to-save issue, we could not only avoid the human toll of suicide on families and community networks, but avoid the huge recurring expense that is imposed on the health service.

Building up awareness, understanding and education, and removing any hint of stigma for people who have the courage to come forward and say, "I need support. I need help," is a way in which we can address resources in a more intelligent way, without the human cost. That is

the path of development. I have heard the Minister speak about this before, and it is a subject that is quite close to my heart. He can speak with some authority on this matter, not only about what has been done, but the direction of travel and what he intends as the way forward.

The architecture that I have mentioned works in the urban as well the rural setting. That connection into the community is, in fact, the most direct intervention that we can make. That type of ready and accessible support, if those involved are properly resourced and properly trained — of course, we have to establish that we are meeting what we might describe as minimum thresholds of capacity, skill and knowledge — is the way in which we can recognise the difficulties before there are tragic outcomes or circumstances that are very difficult to recover from or to treat properly.

7.15 pm

Early recognition, empowering people, especially family members, to seek the help that is there, and ensuring that no stigma is attached are the ways in which we can make the most effective intervention. Thank you very much for bringing this debate before the House today.

Mr Kinahan: I, too, congratulate Pam Brown for securing the debate. I am in total agreement with everything that she said. I also feel that we should all share our sympathy with anyone who has lost someone due to mental illness. As I am not on the Health Committee, I was intrigued about what the exact focus of today's debate would be. So, I will touch on one or two other matters as well.

We know that Northern Ireland has greater mental health needs than the rest of the UK. Some 24% of men and 17% of women here have mental health problems, which is 20% higher than the rates in Scotland or Wales. We know that mental health has been linked to high levels of deprivation. The Northern Ireland deprivation measure of 2010 showed that some 17,900 people in South Antrim are on deprived income. That is frighteningly significant to today's debate. The Troubles will also have played their part, and South Antrim is not entirely free of those at the moment.

A few months ago, I attended a bus-stop event here in Stormont, at which Belfast children discussed these matters. Their clear message was that they want included in their curriculum at least one lesson on mental health issues —

how to deal with it, how to help each other and how to recognise it. I echo what Mitchel McLaughlin said about education being a key part. We should be including that in our curriculum.

I, too, attended the Antrim Together suicide awareness event the other day. As Pam Brown said, there were fantastic people there; they are the gems of our society. However, there is duplication. There is a need to avoid that and to find common themes and ways of working together so that we get the best out of all those volunteers and all the different mechanisms that they have in place to help people.

A few weeks ago, I attended a post-19 Mencap event in Mossley. There I found another angle to mental health issues, namely those children who, on leaving school, find themselves unable to get jobs and still in need of care. They need just as much help as they did when their parents looked after them. It really frightened me to see that although the system works very well for some, when the system does not find people jobs, the whole problem is left with the family. We need dynamic resources and help for those people there and then. I ask the Minister to look into that.

In South Antrim, we have Holywell Hospital. It is an excellent resource for Northern Ireland that we have had for years. However, it is well past its sell-by date, if I could put it that way. It is a great facility, but we need a new facility. From talking to the Minister earlier, I know that he has ideas. Maybe this is an area in which we can look at public-private solutions or other ways to get funding.

This is a matter that we all need to look at and focus on. I look forward to hearing from the Minister about what other things he may be able to do for South Antrim. I congratulate Ms Brown and the MP for South Antrim for raising the issue of cyberbullying and trying to tackle that side of life.

Mr Clarke: I, too, thank my South Antrim colleague for securing this debate. As she said in her opening remarks, I was also at that event at Dunadry Inn.

Pam mentioned the stigma, and one thing that struck me when I was there was the stigma attached to people acknowledging mental health problems. The owner of the hotel, John Mooney, as many will know, has been actively involved for many years in mental health issues through the Lions Club and its feathers initiative. John said that he was struck by the number of agencies that had taken the time that

Saturday, when the community united to arrange the event, to attend and to produce leaflets. However, he said that there were so many leaflets that it was difficult to know which one to read. I say to the Minister that, with his Department and those he has influence on, there has to be a coming together to make the information easier to find.

One of the criticisms that day — it was dispelled — was that there were no services or that people were not aware of the services. Pam made a point about cyberspace and what is on it, and, unfortunately, some people focus on the negative aspects of cyberspace and not the positives. On that day, our colleague from Westminster and South Antrim, the Reverend William McCrea, said that people were explicit in telling other people how to commit suicide. That is alarming, and the sooner those situations are brought to an end, the better. However, John Mooney's comments about all the different leaflets struck me. He was not criticising the organisations. They are there, but they are not reaching the people who are hard to reach. Some of the recently bereaved families were in attendance that day and were amazed by the number of agencies that were there because they had not had contact with them.

There was a follow-on event on the Monday night in Parkhall school, and all the agencies were on display because it is a very topical issue in Antrim given, as my colleague said, the four deaths since October. They went there to promote themselves, but, unfortunately, the young people are not coming out to pick up that information.

However, it goes further than young people. I am a parent, and there is a responsibility on parents to look for the signs in their household and to be aware of the difficulties and challenges that young people face today whether in education, jobs or unemployment. They should even be aware of the company that their children keep and whatever forms of trouble they veer towards. Families are under pressure, and, unfortunately, tragic events have happened recently. More has to be done to educate parents to look for the telltale signs of their children struggling, and to signpost them in the right direction.

Pam shared her story tonight, and, as I said that day, I suffered from a mental health problem 25 years ago. I am grateful for the good grace of my parents in signposting me to the health service. There was no internet at that time, and we did not have as many services as we have now. Although we can

sometimes deny, after a death, that the services are there, they are there, but sometimes people find them difficult to get at.

The debate is more about education for everyone, not just those who are directly involved. Where people see the signs, there should be sharing of information, and they should be pointed in the right direction to the much needed services. I can relate back to my own story: if I did not seek the help, I would not have got help and I could be in the same place as many others are today. However, I sought and got help, and I am thankful for the help that I received at that time. The help is there for others, and I encourage them, if they feel in a low place, to seek the help to get them back on to the right path.

Mr Girvan: I thank my colleague for bringing the debate to the House. A lot of people have focused on what groups are out there to help. Unfortunately, the first people who normally deal with someone who is suffering from a mental illness, whether it is depression, bipolar disorder or another illness, are the family. The telltale signs are sometimes not so evident, because they are well hidden. There are very good GPs who are brilliant at signposting people and sending them in the right direction, but, unfortunately, a number of GPs, with the time that they have for their patients, come in through the door and the first thing that they reach for is the prescription pad. The number of people in our society who are living on tranquilisers, are basically existing on them and have built up a habit on them is phenomenal.

I come from a family that has been affected. In 1984, my father had a total nervous breakdown and had to spend almost one year in Holywell in Antrim. I can tell you that that is not a nice experience and that it has a major impact upon a family. Those sorts of real-life situations bring you back to reality, and, unfortunately, in our society today, there are many organisations that set themselves up to deal with and, supposedly, signpost people in the right direction. I appreciate that there are very good charities, but I also say that there are some that do not necessarily do what it says on the tin. That can be a problem. The joined-up approach is not necessarily there with some of those agencies.

We hear about young people taking their lives, some of them due to abuse of drugs which have actually created some of the paranoia and the problems that they have. Others are living through a lot of stress. Our current economic climate has been mentioned, and that can have an impact upon breadwinners in a family, who

may try to hide some of their problems. Unfortunately, the ostrich mentality does not necessarily work. It will come back to bite them, and the rest of it will be seen.

We need to highlight the fact that employers also have a responsibility. A number of people say that MLAs do absolutely nothing. I guarantee you that 90%, and maybe 99%, of the people in this forum are hard-working and conscientious. The point of the matter is that the number of hours that they work on a weekly basis, if all added together, can culminate in them having, or contribute to, depression, which many of them are probably living with and unaware of. Employers have a responsibility. You can cope with one wee bit of pressure, but, unless you deal with it, if you keep adding and building on that, it will eventually overflow. I have heard people talking about it being just like filling a jam jar and starting to pour it into a drum. You can take an awful lot, but eventually it will overflow. When that happens, it is too late.

We have to identify all of these issues. Bullying online seems to be one of the easiest ways that young people are getting attacked. There are people out there who can become faceless and target others. I have met young people who have been bullied online by so-called friends who put up a different name and work under somebody else, and therefore they come in as a friend and they use that to get back at them. This is a form of bullying that needs to be dealt with.

It is not only a health service issue. Danny Kinahan alluded to the issue in relation to young people with learning difficulties and — some of them — serious mental illnesses. Hillcroft school is one in particular. Unfortunately, once they reach the age of 19, there is nowhere for them to go. Some of those young people end up in what are called elderly people's homes, and that is not a suitable environment for people who are 19 or 20 years of age. We have to seriously look after young people like that.

This debate has to be brought forward. In south Antrim, we have some wonderful services. We have Tobernaven, and we also have one that is connected to the Belfast Trust in our area: Muckamore. I appreciate that there are issues associated with Muckamore, and there is a reduction in the service that is provided —

7.30 pm

Mr Clarke: Will the Member give away?

Mr Girvan: I will surely.

Mr Clarke: The point is that, although we have those services and they are well established in our area, early intervention is needed to keep people out of such places. Therefore, it is important to get people early intervention, before they get to that stage.

Mr Girvan: That is the point. Another Member mentioned invest-to-save, and that is something that we have to consider seriously. A stitch in time can save nine. I know that, had a number of issues been dealt with earlier in my father's life, we would not have wasted many years as he tried to recover from what was a very serious mental illness. Early intervention is key to dealing with these matters, and so is having people in place who are properly qualified. Unfortunately, a number of GPs are not necessarily picking up on mental illness and signposting it early enough to ensure that people get proper treatment. However, I totally support and thank our Member for tabling this evening's Adjournment topic.

Mr McDevitt: I thank Ms Brown for giving the House the opportunity to discuss this issue, and I thank colleagues from South Antrim for the opportunity to join them in my capacity as health spokesperson. I will step in until such times as we can restore the obvious democratic imbalance in the constituency, and by that I mean that there is not an SDLP MLA currently in a seat to speak directly on behalf of the people.

It has been interesting to hear colleagues' perspectives on mental health, and it has been interesting to listen to some of what is going on in south Antrim on the ground. Speaking from the perspective of the Health Committee, I can say that there are a couple of themes that jump out every time that we get together in the House or at Committee level to talk about mental health. The first is summed up by the idea that we have medicalised mental illness and that it is something for which there needs to be a medical solution. Mr Girvan, with whom I empathise — my father had a very similar life experience — captured what can happen. There is a determination to try to find a medical solution when, in fact, the problem is much bigger than just a pill or much bigger than just something that a GP or another generalist medical practitioner could ever possibly deal with. However, we still as a society end up, nearly by default, searching for and requiring the medical system or clinicians to deal with mental health.

We were reflecting on the Protect Life strategy last week in Committee. There are others in the House, to whom it is not appropriate to refer, who dedicate a lot of their professional life to that aspect of public policy, and I want to thank them for that. One of the things that struck us about the feedback on Protect Life is that, although the Department of Health is doing what it can, other Departments are doing very little. There is a sense that mental health is a Health problem — not just a medical problem, but, departmentally, just a Department of Health problem — when, in fact, we all know that it is a workplace problem and an education problem. Take Mr Clarke's reflection on his own brush with mental illness. If I look at him and take a guess, I might say that it was probably not too long after he left education. It may even have been when he was in education. It is also a problem that has an impact on other aspects of public policy not immediately obvious to us: housing, planning and even environmental policy. The factors that contribute to poor mental health are factors that can sometimes be traced back to development, lifestyle or the way in which we choose or choose not to get some proper exercise. They are all connected issues, yet as a Government we often fail to join up those dots and take responsibility for something as pervasive as mental health, leaving it to the Department of Health.

I wish to make a couple of other observations. One is a point that I always like to make when we are talking about mental health issues — particularly suicide — and that is the outstanding issues that we have with the coronial services. It takes a long time for suicides to be recorded as such, so there is basically a data lack. It is a couple of years before you know, and that has a big impact on perception. From time to time, we get the impression that there has been a spate of suicides in a particular community or in part of our region. Unfortunately, we cannot really validate that because the coronial service is so tardy in just saying, "Yes, that was, and that was not". We need to address that to move the debate beyond some of the perceptions and eliminate some of the myths that might or might not exist.

Mr Clarke: Will the Member give way?

Mr McDevitt: I will, of course.

Mr Clarke: I want to dispel that myth. I appreciate what you say about how a death can be recorded, but we are clear and certain that social media fed this in our area. I think that that is why my colleague proposed the debate.

There have been four deaths, and the last two deaths were linked. I am only guessing, but I think that it was the vacuum of the third death that probably contributed to the fourth death, because a relationship had been formed. However, social media were feeding this and making people aware of the problem.

Mr McDevitt: I appreciate Mr Clarke's remarks. It is funny that he should bring that issue up because it is a huge factor and one that those in positions of expertise would caution us to move on very carefully. The Minister may reflect on that in his remarks. Things that appear to be great ideas, such as websites being established in tribute, can often become forums for everything that is exactly the opposite to the original intention. Therefore, what starts off as a good idea can often become a focus for future self-harm or can bring people together in a very negative way that can have fatal consequences. There is a huge amount of work to be done, from cyberbullying to social media, to understand the impact that they have on people, particularly young people, at times of crisis.

The community response has been one of the great good news stories in Northern Ireland in the past decade. Communities have been able to get together and organise themselves to try to identify the early warning signs. That is fantastic, and several Members — I remember Mr McLaughlin saying it most clearly — reminded us of the need to make sure that, when we allow communities to take more ownership of a problem such as mental illness or to promote mental well-being, they must have the capacity to do so. There is a great duty on us to ensure that, if we are giving money and support, we must make sure that that support is sustainable and that people are able to offer the right level and appropriate type of support to improve the situation and not accidentally make it worse.

It is always a pleasure to get the opportunity to talk about these issues, even if they are difficult and challenging. I pay tribute to the House because, in the past seven years, one thing that it has done very successfully is to blow the lid off some of the myths about mental illness to allow us all to speak honestly about the fact that it is much closer to every one of us than we would have been able to acknowledge a decade ago.

Mr Poots (The Minister of Health, Social Services and Public Safety): I thank the Member for proposing the debate and all Members for their valuable contributions. I

hope to respond to Members on the points raised.

My Department has spent around £32 million over the past six years on suicide prevention. That investment supports a range of evidence-based interventions, which include counselling, bereavement support, the Lifeline service, awareness raising, the promotion of help seeking and next-day mental health appointments for people presenting at A&E in distress. Although we make that investment, we do it against a backdrop of a rising trend in the number of suicides over the past number of years.

Although south Antrim is not one of the areas with the highest rates of suicide, suicides have, nonetheless, increased in south Antrim. From 1997 to 2001, for example, there was an average of 5.9 deaths per 100,000 of the population. More recently, that has risen to over 11 deaths. That is almost a 100% increase in the rate of suicide over the past 12 to 14 years, and we should, rightly, be concerned about that. We need to be of the view that one suicide is one suicide too many. I understand that there have been nine suspected deaths by suicide in the south Antrim area since April 2012. The deaths of a number of young people over recent months have prompted some other young people locally to take action because they want to prevent further loss of life among their peers. I cannot commend them highly enough for that. The energy and commitment that they will bring to the efforts to tackle the issue can only be of benefit to people in the south Antrim area as they raise awareness and seek to help. Often, people affected by suicide wish to help so that others do not have to experience the loss that they have suffered.

One of the problems is knowing where to start and what services already exist. Mr Clarke, rightly, pointed out that there seemed to be a plethora of advice, support and help at the event. We need to be cognisant of the fact that an awful lot of people want to be helpful. However, sometimes, it can be a bit of a jungle. We need to be a bit more defined. The groups that we support need to have more connectivity, work more closely together and, perhaps, join with one another as opposed to having separate and distinct groups. However, I am heartened by the fact that the young people in this case have linked with existing groups and have held an event to identify what is available locally and how that could be better co-ordinated and promoted. Knowing where to turn for help is an important factor in keeping safe. Following the initial event, the northern

area Protect Life co-ordination committee met to consider the next steps in response to the recent deaths and concern about the lack of awareness of services among the public. It was agreed to partially activate the northern area community response plan for intervening in suspected emerging suicide clusters, although I should say that, at this stage, there is no evidence of a suicide cluster in south Antrim. That has not been recognised at this point.

The community response plan provides for the implementation of a range of very local interventions aimed at reducing the risk of further suicides. The reason for activating the plan was to address the local community's perception that nothing was happening in response to the deaths. The initial focus of the response was to co-ordinate a number of local events being organised by local groups and improve communication in the services currently available to support those in the Antrim area. I believe that the young people who initially raised the issue have also set up a Facebook page called Antrim Together to provide information and signposting for others in the area. That is an excellent idea. Frequently, we hear negative stories about cyberbullying and about the promotion of suicide on the internet. As has, rightly, been said, the Member of Parliament for South Antrim has been leading on that issue at Westminster and doing good work. Antrim Together is an example of how the internet can be used for positive purposes. We would like there to be more use of social media in combating suicide rather than the appalling sites that promote it.

The Public Health Agency is charged with implementing the Protect Life suicide prevention strategy. The agency will contact the founders of Antrim Together to give them support in their endeavours. Other organisations are also involved, such as the Youth Service and the Northern Trust, which will offer relevant training to the young people. The need for greater awareness of suicide prevention services in the area has clearly come to light. One of the agreed actions is that the Northern Trust, the PHA, Lifeline and Aware Defeat Depression will compile an information sheet for distribution to local public representatives, media and community organisations. The group will also explore other means of ensuring that information is accessible to young people and will work with Antrim Together. Mr McDevitt, rightly, pointed out the role of other Departments. The Northern Trust has done leading work with the Department of Agriculture and Rural Development called maximising access to and

uptake of grants, benefits and services in rural areas (MARA). This is outreach work aimed at people who live in rural communities. It deals with people who are, very often, isolated. That piece of work may be followed by others.

There are tremendous opportunities to work with other Departments. I have stated over and over again that I believe that every Minister has a responsibility for health. Although I front the Health Department, every other Minister has a role to play in ensuring that Northern Ireland's public have better health. Certainly, on suicide issues, there is considerable help that I can receive from other Departments that will save lives. I have said frequently that the approach to suicide prevention must be rooted in partnership working and maximising community involvement so that it is not just about government.

That is exactly the approach that the Public Health Agency has taken in the wider Northern Trust area, which, of course, covers the South Antrim parliamentary constituency. The recent developments in South Antrim need to be part of that wider approach, and I believe that proper arrangements are in place to ensure that that is the case, and that the whole South Antrim community will benefit from that.

In conclusion, I think that it is excellent that the group is responding. We need to work closely with, develop, and co-ordinate such groups so that we can maximise the number of well-meaning and good-intentioned people out there who can help us to drive down the scourge of suicide in our society.

Through that work, we in Northern Ireland can turn a corner and go from having a very high suicide rate to having one of the lowest in the world, making us a leading place that other parts of the world will look to. That is what we all need to aspire to, and I know that I have the support of the House in doing this. I will also give Members my support when they come to me and my Department on these issues, so that we can make the best possible case for the reduction of this awful scourge.

Adjourned at 7.46 pm.



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