



Northern Ireland  
Assembly

Committee for the Environment

# OFFICIAL REPORT (Hansard)

Ministerial Briefing

28 June 2012

# NORTHERN IRELAND ASSEMBLY

## Committee for the Environment

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**Members present for all or part of the proceedings:**

Mr Simon Hamilton (Deputy Chairperson)  
Mr Cathal Boylan  
Mr Gregory Campbell  
Mr Tom Elliott  
Mr Chris Hazzard  
Lord Maurice Morrow of Clogher Valley  
Mr Peter Weir

**Witnesses:**

Mr Attwood	Minister of the Environment
Mr Ken Bradley	Department of the Environment
Ms Linda MacHugh	Department of the Environment
Ms Sinead McEvoy	Department of the Environment
Mr Leo O'Reilly	Department of the Environment
Mr Graham Seymour	Northern Ireland Environment Agency

**Mr Attwood (The Minister of the Environment):** As I was saying, representatives of the development company are giving evidence a matter of feet from this room on the fracking proposal. Subject to correction, I understand that the argument that they are making is that the company will get planning approval in 2014.

I have said before that there will be no headlong rush into fracking. If planning approval is to be granted in 2014, as the development company claims, that is news to me. I want to make that very clear. I have asked to see the company's chief executive in the Building later this afternoon, because I have had a conversation with the development company, and, being very mindful and vigilant about my role in planning and environmental issues, I said that, for the fracking proposal, all diligence will be deployed on assessing environmental and planning issues before any judgement is made. I said that to the chief executive and his company at a meeting in Greenmount a number of months ago, and I say it now very clearly to the Committee. Until and unless all appropriate environmental and planning requirements have been interrogated, no decision will be taken.

I also want to make it very clear that, although no planning application has been received, the scale of the project and its relevance and significance to, or impact on, Northern Ireland mean that it may be deemed to be an article 31 case, determined by the Minister. Given the scale and character of it, it may be the case that, further to a planning application being made, the matter may then, subject to recommendations from the Planning Service, have to be processed by way of a public inquiry. Those are significant, extensive and exhaustive processes, irrespective of the fact that all manner of research

is now being undertaken by Dublin, Belfast, Europe and the Environmental Protection Agency (EPA) in America to determine the best science. I want it clearly understood, and understood by the development company itself, that, consistent with good process and good evidence, those are the parameters within which I am working. The development company, and everybody else, needs to understand that, and I will be communicating that message to the development company again later this afternoon.

**The Acting Chairperson:** Thank you, Minister. We will now move on to an update on the reform of local government. Fracking was not an issue that was down for discussion, but I understand why you said what you said.

**Mr Attwood:** Committee members know the outcome of the June monitoring round. A bid was put in for £2.3 million, and that bid was declined. I regret that. It was important that that money be released in order to build capacity and build confidence in the 26 councils and the 11 clusters.

A further argument will be put to the Minister of Finance and Personnel before the holidays. I trust that that argument will then prevail between the holidays and the September monitoring round, because I believe that there is a need for central government to assist with reform of public administration (RPA) costs. I note the previous Executive decision that there will not be any assistance with up-front costs. I also note the very severe economic situation that we face.

It was not reckless of the Cabinet Secretary in London to allow his comments that 10 years of cuts are coming to be reported last week. That was not a coincidence. Rather, it was the Cabinet Secretary beginning to prepare ground. As I said, there is a severe economic situation, and there may be further bad news, and that bad news may not be very far away. I am mindful of the difficult economic circumstances and of the opportunities to fund RPA through various mechanisms. Some chief executives' view is that RPA can be achieved through a self-financing business case. Nonetheless, in advance of the business case being updated, and that will be concluded at the end of the summer, I believe that it was important that the Executive agree to provide some assistance at this time. That is why I made the proposal. The argument did not prevail, but I hope that it will prevail, and no later than September.

I referred previously to the period between people thinking that RPA would never come and realising that it was coming as a "twilight period". We have to get out of that twilight period and begin to apply ourselves. I say that even though my continued belief is that the 11-council model is the wrong model to have. I think that 15 was the right model to choose. There would be fewer up-front costs, it would better reflect the character of our people and it would be managerially much easier to get over the line, given that six councils would not be merged at all.

However, we are where we are, however we got here. A further phase of reform in the North is important, and that includes local government reform. Statutory transition committees (STCs) may help, and we hope to have the legislation for them through late this year or into next year. However, that has not stopped some of the clusters from applying themselves very diligently to the task of RPA in voluntary form. I would like to think that, now that we are that much further forward, in advance of last November's decision, that will become the character of the work across the voluntary transition committees (VTCs). I had a meeting of the regional transition committee (RTC) last week, and further arguments were made about how to build in greater representation. One or two of the arguments appeared to me to be very convincing, and before the holidays, I will advise the councils on how membership of the RTC and working groups will be broadened. However, that will be done in a way that keeps us doing business, as opposed to simply talking about RPA, and there is a difference. Streams of work are now coming on board to do with the various RPA issues. As I indicated, a business case to determine what the cost might be was done, and that will come out at the end of the summer. Therefore, people need to apply their mind and begin to move up through the gears in order to ensure that the adequate time frame that we have is not prejudiced.

**The Acting Chairperson:** Thank you, Minister. May I ask you a couple of questions? First, you made a bid, which was not successful. We understand that the bid will be resubmitted for the October monitoring round. What sort of a message do you think the fact that RPA did not seem to form one of your budget priorities sends out to local government ?

**Mr Attwood:** My budget, Acting Chair, was in the Budget that the Assembly endorsed in March of last year, and there are people around this table who raised their hand to endorse it. Therefore, I inherited a budget following the Budget vote in March 2011. There was no budgetary cover in that Budget for

RPA. That was inevitable, because there had been no Executive decision on RPA at that time. As I said, I inherited a situation in which there was no budgetary cover for RPA in my budget. That is why, in advance of a business case being upgraded and updated, I submitted a bid to get some budget assistance for RPA now.

I think that that demonstrates that, even though there was no budget cover in last year's Budget, I agreed with and made the argument that there was the need for budget help in the course of this year. Therefore, it was not a failing on my part; rather, it was a consequence of the budget that I inherited, and I tried to rectify the situation. The further bid that I will make will not be one for in-year moneys for the lifetime of this financial year, which is what the June monitoring round is about. As you know, it is money that is allocated in June to be spent before April of next year. The bid that I will shape in my letter to the Finance Minister before the holidays, and that will be submitted to the Executive thereafter, will be for budgetary cover for the two and a half years, or whatever the period in the run-up to RPA is, so that councils have certainty about what financial assistance may come from the centre. I inherited the situation, I then tried to rectify it, and I continue to try to rectify it.

**The Acting Chairperson:** But your bid was unsuccessful?

**Mr Attwood:** That was the decision of the Executive, and that was the recommendation of the Finance Minister.

**The Acting Chairperson:** Why do you think that your bid was unsuccessful?

**Mr Attwood:** The Finance Minister said that there was an Executive decision from November 2011 that there would be no financial assistance with RPA. I was trying to move the argument on. To be fair to the Finance Minister, he did indicate that he had an understanding of the situation. He said that he would be looking at it, and that he would look at models to move the situation on. I think that that is not unfair to his position or breaking Executive confidence. He went a bit further than that, but were I to go a bit further, I think that I would be breaking Executive confidence, and I am not going to do that. The Finance Minister received representations from various people and has written to me, further to those representations. I think that his mind is not closed on this, even if on this occasion his mind was not open enough to recommend to the Executive a June monitoring round allocation.

**The Acting Chairperson:** I will hand over to the Deputy Chairperson at this stage.

*(The Deputy Chairperson [Mr Hamilton] in the Chair)*

**The Deputy Chairperson:** Thanks, Maurice. I am not going to comment on the Finance Minister's mind, or anything like that. It would be unfair.

**Mr Attwood:** Well, you will know it better than me, so please comment on it.

**The Deputy Chairperson:** Does anybody know Sammy's mind?

**Mr Weir:** Does Sammy?

**Mr Campbell:** Do not go there.

**Mr Attwood:** There you are now: it is his own party colleagues who made that comment.

**Lord Morrow:** Do not tell him.

**Mr Hamilton:** My apologies. I had a difficulty this morning that you will, I am sure, appreciate, Minister. My son was getting a "best boy in his class" award at his end of term prize-giving. Neither flooding nor the Minister of the Environment would keep me from that. My apologies for being late, and apologies to colleagues if I am a bit slow on the uptake and with where we are. We have three other names down to ask questions on the RPA.

**Mr Campbell:** Thank you, Chairperson, and congratulations to your son.

I want to ask the Minister about governance issues in existing councils as well as issues that will arise for those who are preparing for governance, post-RPA. A few weeks ago, you said that you were seeking advice from the Departmental Solicitor's Office (DSO) on what you regarded as the failure of power sharing on a small number of councils. Have you done that?

**Mr Attwood:** Yes. First, I wrote to all the party leaders to ask them to use their good authority to ensure that, given that all the parties had signed up to the principles of the governance arrangements, those arrangements prevailed now, in advance of their becoming law. I will check and come back to the Committee, because I cannot recall whether we received replies from the various party leaders.

Secondly, it is very unusual practice — the legal advice that I have received confirms it — for a public body to make a public complaint to the Equality Commission about another public body. I am not very familiar with the Equality Commission's complaints process, but the principle remains. The DSO has seen me about a whole lot of legal matters, but there will be a further development in the next few days.

**Mr Campbell:** You say that it is very unusual for a public body —

**Mr Attwood:** So I gather.

**Mr Campbell:** Would you not have been better finding that out before making it clear in the public domain that you were thinking of doing it?

**Mr Attwood:** The fact that it is unusual does not mean that it is improper, irregular, illegal or not the right thing to do. It is unusual, but it is not necessary to make a firm, timely and relevant statement that, if government here sits in the way in which we now sit and there is imagery outside this place about a new politics beginning to prevail, new politics should prevail outside this place in council chambers around the North, and that those who cling to the past that is already dying, to quote someone else, should be told that there is a new order and that they should be required to embrace it?

I would much rather that all the party leaders would say that, if a new politics is emerging and embedding, they will use their authority. It is appropriate to give people time to use their authority to ensure that those standards prevail now in the life of councils in the way in which they prevail now in the life of this institution.

I have given people an opportunity to rectify what I view as a wrong. If the information that I receive is that there is silence or resistance, or that it is not a matter for our concern — I am not saying that that is the information that I have received, because I will have to check what the advice is from the party leaders, if anything has come in — I will give people an opportunity to rectify it. However, if the situation is not rectified, I will take an opportunity to do it myself.

**Mr Campbell:** Does that mean, Minister, that you have not made up your mind about whether you are going to lodge a complaint?

**Mr Attwood:** I indicated that, over the next number of days, there will be a development.

**Mr Campbell:** Does that mean that by next week we will know whether you are going to lodge a complaint?

**Mr Attwood:** I refer you to my previous answer.

**Mr Campbell:** I take "the next number of days" to mean within a week, but there are 365 days in a year.

**Mr Attwood:** The common understanding of "the next number of days" is not 365.

**Mr Campbell:** Before the summer break? Of this year. I just want to get a bit more precision into this.

**Mr Attwood:** I suggest, Mr Campbell, that we could get a lot more precision if party leaders were to show a little bit more authority and require their members to live up to standards that we embrace in

the Assembly, which are then publicised as important gestures, as has been shown even in the past number of days.

There is a tension between saying that we will stretch out the hand of friendship to others while not doing so to your own, in your own council chambers. There are a number of ways in which this matter can be dealt with, and I hope that it will be dealt with.

**Mr Campbell:** The reason that I raise this is because of governance for the future. The Minister obviously has a view about mayoral positions. There are many people, and I am one of them, who believe that there are much more fundamental issues in local government. Has the Minister turned his mind, for example, to the outcome of the review of the former Local Government Boundaries Commissioner, Mr Mackenzie, which is now three years old? One of the councils in which there has been upheaval for 20 years is in the north-west, and it is to be renamed "Derry City and Strabane District Council". The Minister will know the sensitivity that that creates. I wonder whether he has turned his mind to that, gone to the DSO or issued any statement about his intention to try to get a shared future over the name of that council.

**Mr Attwood:** I have a number of comments. When that issue arose, I issued a statement, and I was very careful about it. I said that there were principles that should be upheld and that I wanted to see upheld. I want to see party leaders and parties endorse them now and see them in the councils now. However, I also made the point that I appreciate how difficult that is in human terms. I do not discount or diminish it. Significant events took place yesterday in Belfast that rightly are portrayed as important. However, handshakes are not an alternative to truth and accountability. Truth and accountability should follow handshakes. If you do not have that, I do not think that you have a wholesome process of dealing with the legacy of the past, never mind of shaping the future. Welcome and important are symbolic steps, but we now need substantial steps. That is the same here. We need to have the symbolism of all that has been going on for a long time embedded in the life of our community.

On the Derry situation, at the regional transition committee meeting last week, and at the previous meeting, one of the shadows in the room was that central government had imposed the model of 11 on 26 councils and that it would impose on all the councils the will of the Assembly, or even, arguably, my will. I said that there would be times and places where the democratic will of the Assembly and Executive would prevail but that there would be many other times and places where local democracy and the management of the process would be done through the voluntary transition committees and statutory transition committees. That is where a lot of those issues will be resolved. I think that the first port of call for Mr Campbell's question is whether there is, in the membership of the Strabane and Derry councils and the people who are taking this forward the capacity to shape in the first instance a name that is inclusive. I would be stretching my competence if I were to say to people who are trying to manage the merger up there, "Let my will prevail."

**Mr Campbell:** I do not want to labour the point, but the Minister seems to be saying that if there were a difference of opinion on a mayoral arrangement in a small number of local councils, he would go to the extent of issuing a public statement about it, going to the departmental solicitor and possibly lodging a complaint. About a mayor's position. I am asking the Minister about something far more fundamental than that, which has caused upheaval and has caused the Equality Commission to say to at least one council that I know of that each time it applies for vacancies, it must put in the adverts that it will especially welcome applications from members of the Protestant community — as a result of a decision taken over 20 years ago. The Minister is not saying that he is prepared to do any of those things. He is saying that it is down to local opinion to try to get the situation resolved. Local opinion did not resolve the mayoral position, yet the Minister then says, "I will take action. I will go to the DSO. I will issue a statement and I will possibly lodge a complaint." All that I am asking is whether the Minister is prepared to do as much on much more fundamental issues as he is on the issue of a mayoral position for a year.

**Mr Attwood:** Let me answer your question. Your party, Mr Boylan's party, Mr Elliott's party, my party and the other party on the Executive have endorsed an agreed position — endorsed an agreed position — on governance, accountability and representation in council chambers. It is the common position. Therefore, it is entirely legitimate for me, where there is a common position on governance, to say, "Should that common position not prevail now?" On the matters that you identify, there is not a common position. Is that not right? Therefore, let us see whether the common position can be developed through the local councils, which are, in my view, in that particular instance, the first port of call. In the spirit that now prevails, let us see whether the matter can be resolved. My sense is that it can be.

**Mr Campbell:** But if it is not, Minister?

**Mr Attwood:** I have always been fearless in looking at the competence of my powers.

**The Deputy Chairperson:** Thank you, Minister. I think that the matter has been well aired.

**Mr Weir:** I have a few points to make, Minister. I may just make them in a block, in the interests of time.

This first point was made to officials earlier. I know that you are reviewing the PricewaterhouseCoopers (PwC) costings. That is very significant. The PwC report has, to some extent, haunted the process. It had bloated figures, for want of a better word, which has acted to create a reluctance, from the Executive's point of view, to put anything in the pot from central government, and, on the other side, to create a lot of fears in local government over the scale of the cost. That is a very important point.

Secondly, you mentioned broadening representation and that you are due to make an announcement shortly on the detail of the RTC and the working groups. Obviously, the details are to be announced, but, when we talk about broadening representation from working groups, will that mean, for instance, that there will be some level of councillor representation on them?

Thirdly, officials said that the intention in dealing with the broad thrust of governance is to have various provisions in the reorganisation Bill that is coming in the autumn. Although the focus has, in many ways, been on the dispersal of positions in councils, one issue on which there may not have been the same level of public examination is that of call-ins, and on getting that correct. On the one hand, it is about trying to strike a balance to ensure that there is sufficient protection for minorities in councils, while, on the other hand, not having a system that might inevitably lead to a degree of paralysis. Will you confirm whether, in sketching the issue of call-ins and the conditions under which those can be done, that will be something that will be tackled as part of the governance procedures?

My final point is linked to governance to some extent and concerns the transfer of planning development control to local councils. Can you update us on whether there has been any change to the envisaged timescale for that transfer?

**Mr Attwood:** Apologies, but I should have asked Linda and others to join me at the table. It is a very important piece of work to update the PwC report. At the time, £118 million was the top-line figure. A lot of figures have been bandied about for what will be saved over 25 years through the improvement, collaboration and efficiency (ICE) programme or through RPA. There has to be a degree of vigilance. However, you are right about the top-line figure. In our assessment, for example, between Enniskillen and Omagh, we did think that some of the figures around what the differential might be have been exaggerated. That having been said, there is a differential, and it will, in all likelihood, be the largest differential and a significant differential.

I get letters from business organisations across Fermanagh, and I think that the Finance Minister has been getting the same letters. I am not going to discount or dismiss the arguments that are being made. Those are serious, substantial issues. Although some people may be relying on the top-line figures, we will know what the more accurate figures are. We will then try to reassure people about what they are, and build in confidence so that as the differentials are changed, people do not end up suffering very heavily. Without saying much, I accept the principle of political representation below the RTC level — in the working groups — but it is about trying to make it manageable.

**Mr Weir:** On that point, there was mention of there being an announcement within a number of days. When do you envisage an announcement on that?

**Mr Attwood:** I think that I told the RTC that I would go back to all the councils before the July holidays. There is also an argument about the chief executives wanting to sit in, en masse, on one or two working groups. That is not going to be feasible.

**Mr Weir:** I appreciate that. The other issues?

**Mr Attwood:** I will move on to the reorganisation Bill. I had a meeting with officials on Monday or Tuesday. There is a paper, but I do not know whether it has gone across yet. We went through all the particular issues.

**Ms Linda MacHugh (Department of the Environment):** It has not gone to the Committee yet, but that is the paper that we are hoping to get to you, if not before recess, immediately on your return.

**Mr Attwood:** I will try to get it to you before recess. It deals with all the technical issues, of which there were 30 or 40, I think. I have reshaped them. I have listened to the Committee before, and I am satisfied that it is time to hear people's views and to move beyond the power of well-being to the power of general competence. That is an example of where there is some movement.

**Mr Weir:** I know that this is technical, but it will drill down into the details. As part of that, as you indicated, there had been agreement on the dispersal of positions, as had been agreed previously on a five-party basis, which, I suspect, is the basis on which you are working. Similarly, there was a certain amount of agreement on the call-in mechanism, but a bit of detail probably needs to be sketched in. That detail could be crucial. It could be argued that if you go too far in one direction, the mechanism itself is fairly ineffective. If it goes too far in the other direction, you create a veto-type situation in which almost no tough decisions get made.

**Mr Attwood:** Linda mentioned the paper. There were eight or nine things in that paper that I challenged, and some I changed. Linda, you can answer, but I think that I have endorsed what was shaped, but I have not moved beyond the original position.

**Ms MacHugh:** You are right to say that it is about striking a balance. Mr Weir, are you talking specifically about planning call-in?

**Mr Weir:** No. When it was agreed, parties worked out the numbers and percentages for a call-in mechanism. Parties then worked out what would be a blocking mechanism, if there were a vote on it. I think that the suggestion was that the call-in should happen where it would disproportionately affect one community. There is wording around that, but I cannot remember the exact phrase. That was the area that needed to be tied in, because, if taken one way, it could mean that it could be used by anyone who wanted to stop any tough decision being made. On the flip side, if you do not have adequate protection, there is a danger that it will become a fairly ineffective mechanism. There are issues around that, the details of which are reasonably crucial to how effective the protections will be and, indeed, how effective the workings of local government will be on that issue.

**Ms MacHugh:** There will be call-in powers in primary legislation.

**Mr Weir:** The detail is likely to come under secondary legislation.

**Ms MacHugh:** Yes. That is where we will have —

**Mr Weir:** Some of these things will be more definitional in their nature.

**Ms MacHugh:** Yes. Local government, particularly, will have to find that balance and strike it.

**Mr Weir:** Finally, can you expand on planning development control, Minister?

**Mr Attwood:** The planning Bill has not yet gone before the Assembly. I was hoping that it would be introduced in the Chamber before recess, but it has not got through the Executive. The planning Bill fast-forwards a number of elements of the Planning Act and builds them into the architecture of the planning system of the moment. However, the devolution of those functions, and there has been no change in the ambition of the Department, is still to take place in 2015.

**Mr Boylan:** We allocated half an hour for this line of questioning, but I think that we are well over that. I have to leave shortly, but I want to ask a few questions. Minister, correct me if I am wrong, but do you intend to allocate some places on the working groups to political representatives?

**Mr Attwood:** I have accepted that in principle.

**Mr Boylan:** OK. Thank you. What about the bid for funding? Will it still be £2.3 million in September, or will you increase that?

**Mr Attwood:** The scale of my ambition has grown.

**Mr Boylan:** I know. The only reason that I asked is —

**Mr Attwood:** That was not the only bid that was knocked back. The bid for £700,000 for Derry was knocked back, and I have advised the Minister of Finance and Personnel that that bid will be escalated, not just for Derry but to deploy money for built environment in other places. Fortunately, I was up in Portrush yesterday, and Graeme McDowell talked about how Portrush had been "spruced up". I think that that was a reference to Northern Ireland Tourist Board (NITB) and Department of Enterprise, Trade and Investment (DETI) money coming in, Department for Social Development (DSD) money beginning to bear fruit, and the £400,000 of Department of the Environment (DOE) money. That was "sprucing-up money", but that was used in a way that improved amenities, stabilised trading conditions and made the place look better for residents and tourists. Therefore, I think that there is a project there for short-term interventions of not very significant moneys in the grand scale of things — such as £700,000 for Derry and £400,000 for Portrush and Portstewart — that could be deployed in other places around the North.

You colleague asked me why I did not do that for Ballycastle, but no bid has come in from Moyle District Council for Ballycastle or any other part of the council area. However, Moyle may want to put a bid in and work it into the proposal that I have asked my deputy permanent secretary, Ian Maye, to take forward, following the disappointment of the June monitoring round. Mr Hazzard will be speaking to his council colleagues. I do not think that he is double-jobbing.

There really is an opportunity here. Similarly, we are scaling up a funding bid for the lifetime of RPA, rather than a June monitoring bid that was not able to prevail at this time. I think that Sammy knows what is coming.

**Mr Boylan:** The only reason that I want clarification is that I wanted to ask you about the monitoring rounds over the next couple of years. I was wondering whether you are going to bid in every one of them. I must go back to Armagh City and District Council and ask whether it needs any money. I may put it in the bid myself on its behalf.

On the legislative process, we have talked about the reorganisation Bill and the planning Bill. Is there any other legislation that we need in order to ensure that the shadow councils are in place before 2014?

**Mr Attwood:** That will be done by the reorganisation Bill in the autumn. In my view, we have only a year or 18 months to shape the next 20 years. The ambition of our legislation has to reflect a strategic shift in government thinking in favour of protection of the environment and its positive promotion. If our environment is of the scale that it is, and if it is at the heart of economic growth, which it is, we need both to protect it, because it is such a huge asset, and positively develop it. That is why our Bills over the next while are on climate change, national parks and other marine management, including marine management organisation, which we have not given up on. We really have to have legislation to advertise the quality of what we are protecting and positively develop it, to make up for all the lost lives, lost hopes and lost opportunities of the past 40 years. This is the critical moment. Touch wood, all Departments, through their legislative programmes, see that this is the moment when, after all the turbulence and political uncertainty, when government really stretches itself. The ambition of DOE is that it will have the most far-reaching and radical programme of legislation. I think that that is already the case with the stuff that the Committee has already endorsed, including the road traffic (amendment) Bill. That will shape the environment issues more radically and boldly than has happened in a generation. When this legislation comes forward, Deputy Chairperson, I hope that the Committee, which has been very supportive, even on the difficult issues such as the debate on the road traffic legislation, which I followed, will see that if the legislation is bold and daring, it is the best way to protect the environment and to create opportunities and jobs.

**Mr Boylan:** I would not say that we were always supportive, but we are getting there.

**The Deputy Chairperson:** We assist and advise.

**Mr Boylan:** I gather that the councils want to know how quickly the statutory transition committees can be put in place.

**Mr Attwood:** It is a legislative process, and there are time frames around legislation, as you know. There are regulations, and you will have your own authority in that regard. It will happen late this year or dipping into early next year.

**Ms MacHugh:** It was originally proposed to include that in the reorganisation Bill, but during the debate on boundaries it was clear that the Assembly supported bringing it forward as soon as possible. There is a way to turn voluntary transition committees into statutory transition committees using a regulation under an existing Miscellaneous Provisions Act. We hope to get that through, if not late this year, very early in the next calendar year.

**Mr Elliott:** Thank you for that, Minister. Many questions were answered by your officials earlier, so I may go slightly further than some, because my questions may be more political.

I have four quick questions to ask. The first is to do with the time frame for the shadow council elections, which, with the Secretary of State's approval, are estimated to take place in May or June 2014. Your timetable, which we received a few weeks ago, indicates that the district electoral area (DEA) legislation will probably not be complete until November 2013. That means that there is quite a tight timescale between those two periods, particularly if there is any slippage. Do you wish to comment on that?

Secondly, what impact will the cost of the mergers in the transition have on the rates, and will any savings be made? Will the PwC report provide some estimate of the impact on the rates over a number of years, in both the short and long term?

Thirdly, I want to ask about rate convergence. Linda said earlier that a number of models were being considered. I do not know whether you are able to expand on any of those points today. If not, we can do that another time.

Finally, I queried the make-up and the structures of the regional transition committee. It seemed as if your jury was still out, Minister, as to what the make-up would be. When can we expect a decision on that?

**Mr Attwood:** Linda may have some answers to one or two of those matters. The advice from the London Government on the time frame was that if we got the Local Government (Boundaries) Order (Northern Ireland) 2012 out before the summer, there was time to see all their processes lead to the legislation in 2013, with the shadow elections six months thereafter. That is why the time frame always dictated that the order should be dealt with before the summer. Whatever my difference of opinion about the detail of the 11-council model or the 15-council model, getting the order out before the summer was very important. We have not received any concrete advice that these timelines can be guaranteed.

Rates convergence and the estimates of costs will be part of the story around the business case, but it is very much a part of the finance working group stream, which is headed by Ian Maye, the deputy permanent secretary. It will go through the fine detail this week.

**Ms MacHugh:** It met yesterday.

**Mr Attwood:** It met to take forward more fully all those very difficult issues. Whatever about the politics and whatever about the number, it is all about the money when it comes to rates. In Fermanagh, you know that as well as anyone, because I am sure that you have been getting the correspondence that I have been getting. Therefore, Ian's group is assessing all those financial issues and will be informed by a lot of things, including the business case, the political representation, when that is signed off on, and the other members. Linda may want to come in on that.

We had a meeting of the RTC in April, and a very strong view was expressed around the room about representation. All but one or two of the voluntary transition committees have now met. I want to see whether there is any further shape to them. Were the original anxieties moderated when they began to meet? That is why I wanted the view of the VTCs through the RTC last week. It is clear that the views have not been mitigated very much. Therefore, in the next few days, there will be some further

news, whether that is on the membership of the RTC or the working groups. Linda will talk about rates convergence.

**Ms MacHugh:** I said earlier that, in the previous iteration of reform, a number of different working models to tackle rates convergence had been developed. The starting point for that work stream under the finance working group will be to re-examine those and see, with the current constraints that we have, which will be workable and which is the best way forward. We will ask ourselves whether there is another model that we can look at and what is the quantum of the problem. Those models will be the starting point for the further discussion that is required.

**Mr Elliott:** There are a number of other issues, but we have time pressures.

**The Deputy Chairperson:** Thanks, Tom, I appreciate that. Minister, we are skating on the edge of a quorum, and I fear that, once the hour strikes 2.00 pm, we will lose it. Perhaps the only other issue that we will get done is that of national parks. Last week, we were in the media about it, and some Committee members, including me, are quite interested in the process. For the benefit of us all, can you briefly run over what you said last week? We will then ask a few questions.

**Mr Attwood:** There has been a consultation previously about national parks. It is my view that — I even chase my own staff out of the room now. *[Laughter.]*

**The Deputy Chairperson:** I am sure that it is not personal in any way. There is a scene in 'The West Wing' in which one of the candidates talks all the journalists out of asking him questions. We are very close to that point.

**Mr Attwood:** We have enormous national assets. Last autumn, when the three-member group looked at the possible candidates for national park designation, it looked at and assessed 12 candidates against certain criteria and came up with a top three. The fact that it looked at 12 is a powerful statement. We are a tiny place, yet there are a lot of areas that could have been considered. If you look at the management of possible areas for designation, we can do more to manage, reflecting the interests of local people, managing visitors into the area and growing opportunities out of that for everyone in the area, including farmers. There is a model, mirrored in our own image, not in the image of other places, that we can work through.

Some of the farmers' organisations say that planning will be in the control of some national park management board that will impose oppressive restrictions on farming. As this Committee knows better than any Committee in the Assembly, planning is going to councils. Councils will be making planning decisions, including in any area that might become a national park. I would like to see more than one national park in place and to have legislation and designation in place for 2015. That is the timeline that I am working to. Any application that is the responsibility of a local council come 2015, which will be the vast majority of them, will be decided on at local council level. It will not be some national park superstructure imposing its will on local councils. I circulated a paper to Executive colleagues. That paper is now being updated. I am hoping that it might be on the agenda of the Executive next Thursday, and, on the far side of that, we will take forward the initiative.

I believe that, after 2012 and 2013, and given the importance of tourism to economic growth and to growing the industry by 100% into a £1 billion a year industry over the next number of years, we need to give expression to that in a whole lot of ways, and national parks will be one such way. A senior executive in one of the hotel chains told me that their hotels get phone calls asking whether the hotel is in a national park because the caller has heard about the area. That reveals that "national park" is part of an international language and that people relate to and understand the term. As I keep saying, every Sunday, 'The Sunday Times' carries an item inviting people to visit the biggest national park in Scotland, which is the Cairngorms. People know.

However, it will be different here. It will be done in the image of what we need and will reflect interests. We can have a discussion about how that all shapes up and how it affects farmers' interests, for example, but I am very sure that this is the right time and concept and that we will get the model right to try to ease people's anxieties. I do not doubt that there are anxieties and that the issues of land use, land ownership and access to land are always charged, particularly so in the history of this island. I am not in denial, but I think that it is important that we now lead and take it forward.

**The Deputy Chairperson:** Thanks, Minister. If you step back from the issue and look at it superficially, you will think that it is absolutely the right thing to do for the economic and tourism

benefits and that if you could get 12 national parks, you would do it. However, it is easy for me to say that: I do not live in any of the three areas; I do not work in them; I do not farm them; and, mercifully, I do not represent any of the three that you have singled out. However, I suspect that I represent one that was probably among the other nine. You are trying to get that balance.

I have heard you say before that we need to do this in a way that mirrors our own image, and not that of others. I interpret that as trying to seek the sort of balance that gets a national park, which has certain protections on it befitting the status of a national park but is also careful to have consideration for those who live, work and farm those areas. I appreciate the comments that you have made about planning, land use and access. We have heard some representations from those who might be described as being from the environmental lobby who say that if you do not go at this all guns blazing and have all these particular additional protections and restrictions, it is not a national park at all, in international terms.

Where you are heading with this is probably closer to where my own thinking is on it. However, we are getting from representations, and you will have heard them as well, that that is not sufficient and that it will not really be a national park. People are saying that it should be a regional park or something else. How do you get the balance right? I think that you have to go for balance, because you have to have consideration for the people who live, work and farm the three areas, without losing the prestige that you talk about.

**Mr Attwood:** I think that it needs to be led, and that is why I decided that we need to take this forward. I hope that the Executive agree, and I think that they will agree to lead it and to say that it is not a matter of if but when, and the shape of it. It is very important that we send out that very strong message, and I think that this is the time to do so. Otherwise, we will regret at our leisure. The debate is moving on. I was down in Kilkeel recently, a town that has seen the decline of its fishing industry and other industries. What is Kilkeel doing? It is repositioning itself. How is it repositioning itself? By making Kilkeel a renewable hub for the installation of wind turbines for wind farms in the Irish Sea, on the far side of the licence being awarded this autumn. One contractor got the responsibility to build wind turbines from an international organisation, because it is highly regarded as an engineering firm. Kilkeel demonstrates that, although it has had hard times, it is now repositioning itself. That sense is growing. In areas where there was resistance, people are now saying that it could be a very useful opportunity.

At the end of the day, it seems to me that some people on the green side favour national parks and think that we are not going far enough. My sense from the broad swathe of green non-governmental organisations (NGOs) is that, whatever the final detail, the principle of and the need for national parks are the right things to go with, even if some groups think that it does not go far enough and is somewhat overly protective.

I hear from farmers who were hostile. Given the economic circumstances, and given farmers' good experiences of how some of the heritage trusts have managed land and worked with them to protect livestock and create better access that does not see people roaming everywhere, some very good practice is already beginning to develop. That is happening in a way that builds reassurance and confidence that having a national park is not going to open the gates for people to roam left, right and centre.

**Mr Graham Seymour (Northern Ireland Environment Agency):** The potential criticism is that the model does not go far enough. One thing that the model does do is provide for a statutory management plan. That plan will be produced locally and will identify the key things to protect and promote in an area. There is some substance there. The plan will look at the functions that Departments have in those areas. There will be an expectation that Departments and agencies treat the area well, especially recognising its qualities and interests. Protective measures are there, possibly not as many as some of the environmental bodies would like, but the management plans will be very helpful.

**Mr Ken Bradley (Department of the Environment):** The three areas that have been chosen already have a degree of protection through being designated areas of specific scientific interest (ASSIs) and areas of outstanding natural beauty (AONBs). They are all subject to PPS 2 and other planning policies. Already, there is a badge of protection there.

**The Deputy Chairperson:** I am going to bring Tom in. I do not want to steal his thunder, but a concern that some of us have is that, if you give an area the status of a national park, it has to have

much more protection than would ordinarily be the case, and that protection goes far beyond where the balance lies. To use the Minister's term, we would have it in our own image.

**Mr Elliott:** There is clearly a difficulty, in that there is a lot of fear and suspicion about what a national park might or could bring. A lot of that is based on past experiences of people in the farming community or in industry. They know the implications of what they have had to put up with from ASSIs, special areas of conservation (SACs) and AONBs. They clearly find some of those impossible — not difficult, but impossible — to work with when running or managing their business. That is the reality. That is why they are deeply suspicious and have a fear. Last week, I asked Ken directly whether the designation of a national park would bring with it any more regulation or place any more restrictions on development. He said no. I went back to some of the people who have been lobbying me on national parks for the past four or five years — or 20 years — and I told them what Ken said. The vast majority of them said that they did not believe me. I replied, "Ken said it, not me." *[Laughter.]*

**Mr Hamilton:** You are all right, Ken. They are not after you.

**Mr Elliott:** The fact is that they see it as the thin end of the wedge. We believe that, once we get national park status, it will evolve. There will be more restrictions, and we will have more difficulties. It is an issue that I raised at the stakeholders' forum at the Balmoral show. Sometimes restrictions are not confined to the area that the national park is in but apply to the surrounding area as well. We have found with ASSIs and SACs that it is not just that area. Although there is no legislative buffer zone around national parks, quite often there are significant restrictions because of visual impact, or whatever else. That is why people are so scared and concerned about it. I have to say that, coming from a farming community in Fermanagh, I share those concerns.

**Mr Attwood:** I am not going to dismiss the fears and suspicions, but I am a bit intolerant of those who deploy worst fears and suspicions when the evidence is not there to back them up. I will try to deal with the fears and suspicions, but a person in the Mourne said to me that anyone who supported the creation of a national park in the Mourne did not love the Mourne. That is the worst-fear argument, and collectively, at a political level, we should say that that is not what this is about. We will try to address legitimate anxiety.

It seems to me that there is also a tension. On the one hand, people are legitimately saying to me that PPS 21 should have a bit of flexibility; on the other hand, they say that national parks will introduce all sorts of inflexibilities. I think that PPS 21 tells a tale that you can get a more liberal policy when it comes to planning that may need to become a bit more flexible in a way that reflects the local interest, in particular, the farming interest. That can tell the tale that government shows good authority when it comes to public policy issues that impact on land use, and, out of that, confidence can grow about wider public policy initiatives — namely, national parks — and about how those will impact on land use in the local areas. I think that, as it rolls out and develops in some operational aspects, PPS 21 will give a sense that government can show good authority and good sense in land management use that reflects the local interest and does not end up with people thinking that people in Belfast are imposing their will on people in the Fermanagh lakelands.

**The Deputy Chairperson:** Tom, do you want to come back on that?

**Mr Elliott:** I do not think I will gain a great lot by doing so. All that I will say is that there is an argument from Fermanagh to the effect that, had we had a national park established 20 years ago, we would not have big employers such as Fisher Engineering, the Balcas sawmill CHP plant and the significant number of microbusinesses that we have built throughout the community. They would all be pushed into one industrial unit somewhere, which just would not work.

**Mr Attwood:** It comes back ultimately to this fundamental point. The rural character of this part of Ireland, the dispersed nature and the fact that farming is our biggest industry — if they are not arguments that have to inform how we get this right, we will not get it right.

I remember an exchange of correspondence with Tom King. He said, of planning legislation coming out of London, that if you want to see how bad things can get, go and look at Northern Ireland, where there is a bungalow in every field. I wrote back to him and said that he was here long enough to realise that agriculture is our biggest industry and we have a rural, dispersed community. I told him that our character is different, so planning will be different, and that he should not use what he thought the North represented to create concerns and anxieties around planning legislation coming out of Westminster.

Tom King said that publicly. It was in the newspapers, and I decided to rebut him privately, making the very point — *[Interruption.]*

**The Deputy Chairperson:** It is kind of public now. *[Laughter.]*

**Mr Attwood:** I probably issued a statement at the same time, but no-one noticed. *[Laughter.]* The point is that, even then, the particular rural character was acknowledged, and that has to be acknowledged, but not farmers who say that we do not love the Mourne because we want a national park there. We have to show leadership on the issue. We can get it right, and I hope that we do.

**The Deputy Chairperson:** Thank you, Minister.

If we lose someone now, we will be inquorate, and I do not even know whether we can close the meeting if that happens.

There are just a few other miscellaneous issues. Can you give us a quick update on the Rose Energy situation? I do not need to know about the detail of the case. How is your timetable looking? We talked about the details when you were last here.

**Mr Attwood:** I am where I was. Previously, I was very careful not to say that it would be done before the summer recess, whatever my ambition might be. That remains the case.

**The Deputy Chairperson:** OK. Therefore, you are not going to put a time on that? I suppose that there is no point at this stage.

**Mr Attwood:** I have still not been to see the site, but I will do that before the holidays. Some other interests have asked to see me as well when I make that visit.

Has there been a visit to a similar plant in Britain, Sinead?

**Ms Sinead McEvoy (Department of the Environment):** Visits did take place about two years ago. I went on one of those visits to plants across the water, and they were very informative.

**Mr Attwood:** I appreciate why the question is being asked. I am not trying to kick it into the long grass.

**The Deputy Chairperson:** There were a few other things, but we are going to have to leave them for another time. Thank you once again for your time, Minister.