



Northern Ireland
Assembly

Committee for Agriculture, Environment and
Rural Affairs

OFFICIAL REPORT (Hansard)

Environment, Marine and Fisheries:
Department of Agriculture, Environment
and Rural Affairs

16 June 2016

NORTHERN IRELAND ASSEMBLY

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Environment, Marine and Fisheries: Department of Agriculture, Environment and Rural Affairs

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Members present for all or part of the proceedings:

Ms Linda Dillon (Chairperson)
Mr David Ford
Mr Patsy McGlone
Mr Harold McKee
Mr Oliver McMullan
Mr Robin Swann

Witnesses:

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| Ms Helen Anderson | Department of Agriculture, Environment and Rural Affairs |
| Mr Dave Foster | Department of Agriculture, Environment and Rural Affairs |
| Mr Chris Mills | Department of Agriculture, Environment and Rural Affairs |
| Mr John Mills | Department of Agriculture, Environment and Rural Affairs |
| Mr David Small | Department of Agriculture, Environment and Rural Affairs |
| Dr John Speers | Department of Agriculture, Environment and Rural Affairs |

The Chairperson (Ms Dillon): I welcome David Small, deputy secretary, and his team: Chris Mills, John Mills, John Speers, Helen Anderson and Dave Foster.

Mr David Small (Department of Agriculture, Environment and Rural Affairs): I apologise: John Mills has not arrived yet. I am joined by Dave Foster.

The Chairperson (Ms Dillon): OK. No problem. We ask for presentations to be kept to 10 minutes where possible to allow for questions and answers.

Mr Small: I appreciate that. Thank you for the opportunity to brief the Committee today on the work of the Department's environment, marine and fisheries group. I am joined by colleagues to ensure that we cover as many issues as possible. I plan to give a brief overview of our responsibilities and how we contribute to the work of the Department. It should take no more than 10 minutes.

My group — the environment, marine and fisheries group — is one of four main organisational groups in the Department. The group has just over 700 staff, including administrative, scientific and industrial grades across a number of sites. Our resource budgets have been reduced in recent years, along with the number of posts in the group, and we expect additional budget pressures in the years ahead that will make things challenging for us.

We have a wide range of responsibilities, including policy and delivery functions. They cover issues such as waste, water quality, biodiversity, climate change, air pollution, fisheries and marine. The group also includes the Northern Ireland Environment Agency (NIEA), with a regulatory role in areas such as waste pollution and agricultural cross-compliance. The Committee may have heard in the last week, for example, about an oil spill at Larne and a number of recent pollution incidents resulting in fish kills. The agency has been involved in investigating those incidents.

The group's work contributes mainly to DAERA's second goal or outcome, which is a clean, healthy environment benefiting people, nature and the economy, but we also contribute to other departmental goals, including, for example, Going for Growth and the work of the fishing industry in its contribution to the Northern Ireland economy. The context for much of what we do in the group originates in various EU directives. Key directives include the water framework directive, the nitrates directive, the waste framework directive, the landfill directive, the air quality directive, the habitats directive, the birds directive and a long list of others, which set down very challenging obligations for us to meet. For some of the directives, the Department and my group can deliver many of the necessary measures and interventions. For example, on the habitats directive, the work that we lead through interventions such as agrienvironment schemes helps to deliver against those obligations. For other directives, commitment and interventions are required from other Departments. For example, on the air quality directive, traffic emissions are a major issue, and traffic management solutions and interventions will be required from, for example, the Department for Infrastructure. The Committee may be aware of an EU pilot case relating to water charging under the water framework directive. On that one, we need to work in partnership with other Departments and organisations such as NI Water.

Our key challenges will be around water quality, with a target of achieving 70% of good status in our rivers and lakes by 2021, coming from a current good status level of 36%. There will be a challenge to reduce the volumes of waste that go to landfill, including increasing the amount that goes to recycling. That will be a Programme for Government indicator for the group. We have a target of achieving a compliant waste sector with effective waste licensing to manage where waste goes and track it in the system, including a robust response to waste crime. The Committee will be aware of the Mobuoy site, which is an example of an illegal waste site. We also want to promote the circular economy concept, which is about using waste as a resource, with the focus on reuse and recycling rather than simply disposal. We have challenges around achieving good habitat and landscape quality and halting biodiversity loss. We will do that through interventions such as the environmental farming scheme, INTERREG Va and the designation of high-value sites, such as areas of special scientific interest (ASSIs). We have challenges around improving air quality, and we hope, this year, to produce the first Northern Ireland air quality strategy. That will be another Programme for Government indicator for the Department and my group. We have challenges around promoting sustainability. That is a responsibility transferred, under the reorganisation of Departments, from OFMDFM.

We want to promote awareness and appreciation of the environment, and we do that through our facilities, including country parks and the coastal zone facility on the north coast. We will protect marine areas through the designation of marine conservation zones (MCZs) and marine licensing. We will support sustainable fishing through the common fisheries policy (CFP) and the European Maritime and Fisheries Fund. Of course, we have a regulatory role in cases of pollution and breach of environmental regulations.

We have interventions that help us to deliver our environmental obligations. They include the development of strategies — for example, the air quality strategy; the environment fund, through which we will fund £2.6 million to support projects that help us to deliver our environmental obligations; and the environmental farming scheme, which will deliver significant funding to the agriculture industry to deliver water quality and biodiversity obligations. INTERREG Va will put significant funding towards projects to deliver our environmental targets. I have already spoken about the designation of marine conservation zones. The administration of a carrier bag levy will discourage the use of plastic bags. The Rethink Waste scheme funds councils to support the reuse and recycling of waste. There is the designation of special areas of conservation such as ASSIs, and support for the fishing industry through, for example, the European Maritime and Fisheries Fund.

That is probably all that I want to say for now, Chair, in describing the broad responsibilities of the group, our challenges and the interventions we have available in how we address those challenges. We are happy to deal with any questions the Committee may have.

The Chairperson (Ms Dillon): Thank you. You mentioned an EU pilot case: is that the only pilot case against the group?

Mr Small: It is not the only infraction.

Mr Dave Foster (Department of Agriculture, Environment and Rural Affairs): We have infraction cases across a range of the environmental responsibilities. There is the water framework pilot case that David mentioned. There are pilot cases in relation to the habitats and birds directives. There is, potentially, one in relation to air quality. There may be one or two as well in relation to the transposition of some directives, for example, the water framework directive. There may be some on the waste side that John is aware of.

Mr Small: Yes, we have a range of potential infraction cases. I suppose that we always operate with the risk of infraction from the Commission.

The Chairperson (Ms Dillon): Do you have an idea of the cost of infraction in the last financial year? If you do not have that information today, I would be happy to accept it in writing.

Mr D Foster: There have not been any infraction fines. No cases have reached that stage in Northern Ireland or, indeed, the wider UK. The aim is to deal with them in a way that means that they do not get to that stage. There is one at the European Court of Justice stage. It relates to the urban waste water treatment directive and the provision of the right level of treatment at Ballycastle. The works are now in action to deliver that via Northern Ireland Water. That has got as far as the court, but is yet to be heard.

Mr Ford: I will follow up on the infraction cases. I am sufficiently long in the memory to remember the first Assembly mandate, when the Committee was not given details of the number of infraction cases floating around at the time with specific reference to how many cases against the UK applied solely or principally to Northern Ireland. We live in a much more open and transparent world these days than we did 15 or 16 years ago. It would be useful to know how we compare with other regions of the UK. If you could give us a summary of those — I do not expect it today — it would be useful.

Mr Small: I am happy to provide a summary of the infraction risks that we see and of any ongoing infraction cases.

Mr Ford: I have a number of questions, but I will try not to monopolise too much. You mentioned, fairly briefly, David, the budget reduction. Given the way that responsibilities have changed between Departments, it is not easy for some of us to see how exactly how the budgets have changed across different areas of responsibility. Can you give us an easy summary of the areas that fall to your responsibility, not just those from the old DOE but, as you have said, those that were included in OFMDFM and, presumably, for fisheries, DCAL? What was the budget in the last financial year for those in aggregate, and what is the budget for your responsibilities this year?

Mr Small: I cannot give you those figures today, but I can provide them in writing. My group now includes responsibilities that were with the old DOE, DCAL and OFMDFM. In overall terms, our budget is under pressure, with further anticipated resourcing pressures in the years ahead. At the moment, like other Departments, we operate on anticipated budget reductions in the years ahead of, perhaps, 5% a year. That is our planning assumption. We are working on how we would deliver our responsibilities in three years' time following three years, potentially, of 5% year-on-year reductions in budget. That means looking at our priorities, how we deliver business, how efficiently we deliver business, the delivery models we operate under and the potential to operate with partners. That potential 5% reduction, year on year, of the budget that I am responsible for will be a significant reduction over that three-year period and will create real challenges for us, as it will in other parts of the Department.

Mr Ford: Have you had specific problems with losing specialists, as opposed to generalists, following the voluntary exit scheme (VES)?

Mr Small: Yes, we have. We lost a range of staff under the voluntary exit scheme, including specialist staff. We lost quite senior staff from my group, which formerly sat within DOE, and some scientific specialist staff. We have done a bit of work to identify where, we believe, our key challenges rest and identified a number of what we regard as high-priority and critical posts. We now have a process in place to fill some of those. We lost over 100 staff under the voluntary exit scheme and have identified up to about 25 posts that are, I believe, critical. We will fill some of those posts, but we may not be able to backfill. If someone is successful from elsewhere in the group, we may, as a consequence,

have to run another post vacant. That is not unique to my group; it is how the whole of the Department is having to manage its headcount and budget. Yes, we have lost some specialist skills. We have identified areas where we feel we need to replace those skills, and we are doing something about that, but we will be running with reduced headcount and reduced budget. That will be challenging. We will have to manage our way through this year and the years ahead very carefully.

Mr McMullan: Thank you for your presentation. You talked about MCZs being introduced: how will they be monitored and enforced? What cost will be attached to that, or will that be for local authorities? It is not clear.

Mr Small: Are you referring to marine conservation zones?

Mr McMullan: Yes.

Dr John Speers (Department of Agriculture, Environment and Rural Affairs): Earlier this year, there was consultation on four prospective MCZs. That ended on 11 March, and, since then, there has been an analysis of the consultation responses. That will go forward as a proposition for approval through the Minister, and it is envisaged that they will be designated by the end of the year. Following that, there is a two-year period to develop the management plans associated with those MCZs, and there are applications to INTERREG to secure the funding to develop those management plans. Because the characteristics being protected in each of the four proposed designated sites are different the management plans will vary, and, until we have developed those, we do not have the detail of what will be involved in the enforcement regime. From experience, depending on the nature of the feature being protected, a management plan can be quite light; it does not have to prohibit, for example, all fishing. It can be quite light, but it will depend on what the features being protected are.

Mr McMullan: Local authorities will have to change their by-laws or introduce new by-laws.

Dr Speers: Possibly, but, until the management plans are developed and are in place, that detail is not known.

Mr McMullan: Do you see any danger to the one in Red Bay from the salmon farm?

Dr Speers: No.

Mr McMullan: There was no mention of that at all in your report. There would surely be an environmental impact from the salmon farm.

Dr Speers: There have been various types of surveillance and analysis of the licence conditions for the salmon farm, and, to the best of my knowledge, no issue was identified with the operation of the salmon farm in Red Bay.

Mr McMullan: I will come back to that some other time. Thank you for that, John.

How do you establish an ASSI? What are your ground rules?

Ms Helen Anderson (Department of Agriculture, Environment and Rural Affairs): For areas of special scientific interest, set-down criteria have been established by eminent scientists on the relevant features, and those can be habitats, species or geological aspects. Staff go out and survey the site, having discussed it with the farmer — obviously, they do not just walk on. They discuss it with the farmer, look at the sites and produce reports. Those are then considered internally by the Department and by the Council for Nature Conservation and the Countryside. That is a statutory advisory body that previously advised the Department of the Environment and now advises DAERA on nature conservation and related issues. There is discussion with the independent scientists on that body to see whether they have any comments on the intention to declare an area of special scientific interest. There is then a designation and a full public consultation exercise.

Mr McMullan: There would be stringent controls on that ground, would there not?

Ms H Anderson: You designate the area of special scientific interest. You do all the consultation, and then, if it is determined that it is still appropriate, it is declared, and that is the finalisation of it as a

designated site. Just as with the marine conservation zones, the degree of management required depends very much on what the feature is on the site. Certainly, there have been a lot of concerns voiced by farmers, particularly in certain areas, about the designation of sites in the past.

Fundamentally, however, most of the sites are on farmland. Some are in quarries and some are on council-owned property, but the vast majority are on private farmland. Those sites are still there because farmers have been very good stewards of the landscape. Through the farming practices that they chose to take on board, they have safeguarded those sites. Often, the requirements that the Department imposes through the management agreement do not prohibit excessively what farmers want to do. There is a system whereby, once you are in a designated site, if you want to conduct certain activities, you have to seek consent from the Department. In the main, we seek to turn a request around very quickly. There is a statutory obligation to turn it around in, I think, 20 days, and the vast majority are turned around in that time. In about 70% of cases, we have no difficulty with what farmers propose to do.

Mr McMullan: What consultation was done on the ASSIs around Woodburn reservoir, where the drilling is taking place?

Ms H Anderson: The consultation process followed the normal pattern. Where ASSIs are already established, that is the case. The actual drilling work at Woodburn is not on an ASSI, so that has not come in through the ASSI aspect. One of my colleagues is involved in the detail surrounding the drilling work at Woodburn.

Mr McMullan: I see.

Mr Small: On Woodburn, Oliver, we have responsibilities to monitor activity at the site, so we monitor —

Mr Chris Mills (Department of Agriculture, Environment and Rural Affairs): Shall I say a few words?

Mr Small: Yes. We are monitoring the impact on drinking water quality, surface water quality and groundwater. We are managing the waste that may be removed from the site. We have a clear role in monitoring the impact of what is happening there. We are fulfilling those obligations, and we obviously need to do that. Do you want to add anything, Chris?

Mr C Mills: Only that the monitoring at the moment has shown no impact on the surface water or groundwater. We are working with NI Water to make sure that the water treatment works there is fully protected as well. It is really about monitoring the water environment.

Mr McMullan: Did you carry out any environmental assessment beforehand?

Mr C Mills: Environmental assessment beforehand is a matter for the local authority and the planning process. They did not deem it necessary.

Mr McMullan: I am talking about the Environment Department: did you carry out any assessment prior to drilling?

Mr C Mills: No, but we are not required to.

Mr McMullan: OK. Do you take the word of the council and the drilling company?

Mr C Mills: No. It is a matter of what our role is, and our role in this case is to monitor any possible impact once the deemed consent has been issued by the local authority. Our role is to monitor whether there is any impact.

Mr McMullan: How close is the drilling site to the ASSI?

Ms H Anderson: I do not know the answer to that. We would have to come back to you.

Mr Small: We do not have the detail, Oliver, but we could clarify that for you.

Mr McMullan: Would you? If you did that for me, I would appreciate it.

Mr Small: I can assure you that we are fulfilling our obligation to monitor the impact of the current activity at the site.

Mr McMullan: I think that there is a gap. You say that you do not have to do an environmental impact assessment and that that is down to the council and drilling company: that is wrong. You should be in there doing that assessment prior to anything starting.

Mr Small: It may be down to elements of the planning process that resulted in the activity taking place. It was done under what are called "permitted development rights". Had this gone through a full planning application process, we would have been a statutory consultee and would have had a more direct input.

Mr McMullan: Is the power to place an order on dangerous buildings being removed from local authorities? Do you envisage taking that power away from local authorities?

Mr D Foster: A consultation on the current legislation on dilapidation, derelict buildings and dangerous buildings runs until the end of June. It is fair to say that there can be impacts on amenities, regeneration and local environmental quality. Subject to the views expressed in the consultation, the proposal will be that there is a need to update the legislation to ensure that local authorities have the right powers to deal with such buildings. There is legislation — some of it dating back to the 1800s and some to the 1950s and 1960s — and the previous Environment Minister consulted on the potential for an update of that to give local authorities the powers, where derelict sites and dangerous buildings are not being dealt with by their owners, to step in and make good.

Mr Small: That consultation runs until the end of the month.

Mr D Foster: The end of June.

Mr McMullan: Thank you.

Mr Swann: Good morning, folks. Where are we with the EU infraction on Strangford lough?

Dr Speers: Strangford lough was a pilot case a couple of years ago. Work was done to develop a restoration plan. That was prepared in conjunction with Ulster Wildlife, which, at that time, was the complainant to the Commission. That went to the Commission two years ago, and the restoration plan was agreed. Last year, the pilot infraction was lifted, so there is no longer a pilot case on the books with regard to Strangford lough.

The restoration plan comprised a number of elements. There was a protection element, and, at that time, regulations were put in place to prohibit pot fishing in an area across the centre of Strangford lough. That was important in securing the Commission's agreement to lift the pilot infraction case. There was also a requirement to monitor the modiolus. That continues: we continue to monitor the growth and development of modiolus. Unfortunately, the signals are that they continue to suffer because of problems re-establishing the modiolus reefs. The science is still not clear on whether other environmental factors are coming to bear on the re-establishment of those reefs, but it is clear that, as pot fishing has been prohibited in the area for the last two years, the difficulty is not a consequence of any fishing activity.

Mr Swann: If the reefs are not being re-established, is there a chance of the EU coming back in? John, you indicate that there are other causes, for want of a better word, that we have not identified.

Dr Speers: I think that we have demonstrated that every effort has been made to protect the reefs previously identified. The science is still out on the environment in which the reefs are trying to re-establish and whether there are other factors to be brought to bear. We need to have the scientific evidence to present to the Commission, but, at this time, it is satisfied that every effort is being made. We keep in regular contact with the environmental NGOs that have an interest in Strangford lough to keep them up to date.

Mr Swann: There was a Fisheries Bill in the last kicks of the last mandate. It was complex, wide-reaching and, for want of a better word, controversial. Do you have any intention of introducing it in this mandate? If so, will it be in the same format?

Mr Small: We were able to take forward only some aspects of the Fisheries Bill in the last mandate. Others were not included, and we will need to look at those again.

Mr Swann: The only aspects taken forward were those needed to stop the EU infraction fines.

Mr Small: Yes, those were essential.

Mr Swann: That was the only reason why the Committee allowed it to go forward, David. What about the other parts of that Bill?

Dr Speers: There is a proposal to bring forward legislation because one element of the former Fisheries Bill was to bring in vires for the Loughs Agency. There is a proposal to bring forward a Foyle fisheries amendment Bill, which would take the measures that were previously in the Fisheries Bill and amend the Foyle Fisheries Act (Northern Ireland) 1952. That would regularise the position with regard to vires for the Loughs Agency.

As you are aware, there are other aspects. One is around fixed penalties notices, and we would be keen to bring that forward in a fisheries amendment Bill in due course. It is unlikely to be brought forward in parallel to the Foyle fisheries Bill, so it will come first. In the second part of the mandate, we will see whether it is feasible and practical to bring forward the other measures we would like to bring forward.

Mr Swann: You are going to bring parts of the Fisheries Bill forward, overarching —

Dr Speers: The priority being the Foyle fisheries amendment.

Mr Swann: I will wind on this. In regard to fisheries, now that we are coming under one Department, for want of a better word, would it not be better just to start a root and branch review of the Fisheries Act (Northern Ireland) 1966 and start from scratch rather than tinkering with bits of legislation. Would it not be better to start with a clean slate?

Dr Speers: We can certainly look at that. There was quite a lot of work, as you know, done in preparation for the previous Fisheries Bill, and you have indicated why it was foreshortened. We are still keen that elements of that are brought forward, and it is about doing that in the most pragmatic way, I guess. As I indicated, we are keen to amend the Foyle Fisheries Act to ensure that the Loughs Agency has the vires to do its work, and we will certainly look at the most appropriate way to bring forward the other measures.

Mr Small: It is a valid point Robin. We will look again at what is necessary and what we feel is needed, and that will involve further consideration and discussion.

Mr Swann: That was the problem with the Fisheries Bill at the end of the last mandate: it was between DARD and DCAL, and, as there was no time for both Committees to give it the scrutiny it deserved, it was not taken forward.

Mr Small: We need to look at it in the round again.

Mr Swann: Do not leave it until the last six months again.

Mr Small: No, I know. We will give it further consideration. We will need to discuss the approach and what is needed with the Minister and then bring proposals back.

Mr McKee: I will touch on a few of the issues that were mentioned such as marine conservation zones, Carlingford lough being one of those. Will there be a detrimental effect on the mussel dredging?

Dr Speers: There is a proposal for Carlingford lough, and, as I said, it will depend on the feature being protected. We still have not firmed up the final proposals because the consultation ended in March. As indicated, we have been reviewing the response to the consultation, and then there will be, potentially, slightly amended proposals coming forward for approval. It is premature, at this time, to confirm exactly what the implications will be for commercial activities in the lough.

Mr McKee: There is a possibility that it could be affected.

Dr Speers: The other potential designated area is Rathlin. We have been working closely with fishing interests on Rathlin on how to allow that economic activity to continue but, at the same time, examine the extent to which their fishing methods may be damaging the feature that we wish to protect. We have had good engagement with Rathlin fishermen, and I think we can come forward with proposals that meet both the environmental and economic objectives of fishing.

Mr McKee: In relation to ASSIs, Helen will have met me before.

Ms H Anderson: Yes.

Mr McKee: And a number of angry farmers.

Ms H Anderson: Yes, indeed, on a couple of occasions.

Mr McKee: Yes, and the farmers felt this was enforced on them. They very much objected, especially in the Annalong and the Mourne mountains west area. They were not happy with the consultation. Not all farmers were met, particularly in the Mourne mountains west area. Of 30, 40 or 50 farmers there, about 15 or 20 were met. That is very rough terrain. It would be difficult for anyone to walk on those lands. It was stated that you did not cover some of those areas. How do you intend to do things better?

Ms H Anderson: I concede that the Mournes ASSI designations last year were challenging for farmers and officials. ASSIs are often very small and involve only two or three or maybe 10 farmers. The Mournes was one of the largest, and, as you say, there were about 40 farmers involved. A lot of the science on the Mournes had been done a number of years previously. There had been some updates but not total updates. On what happened during the consultation, I appreciate that farmers had concerns about both the fact that an ASSI was being looked at in the area and, separately, the process that was gone through. That is why we had those couple of evening meetings with the farmers.

We were DOE at that time, and DARD officials came down with us because there were also concerns that DOE officials might be making recommendations requiring certain things that conflicted with something that a DARD official had advised or indicated needed to be done for agrienvironment payments or whatever. At that time, DOE and DARD officials came down together to indicate that we would work much more closely together. We certainly have been doing that in shaping the agrienvironment schemes, in particular the environmental farming scheme. As David indicated, the environmental farming scheme is much more strongly predicated this time round to deliver against biodiversity and water quality needs. The intention there is to provide incentives for farmers to do the right things to improve environmental quality while conducting environmental practices that satisfy their needs.

Mr Small: Mr McKee, we are trying to recognise that ASSI designation has some impact on farmers and landowners. In the environmental farming scheme, we will target some of the support specifically on areas of high value that are being designated. That is in recognition of the fact that designations have an impact.

Mr McKee: Another issue that concerns me greatly is in relation to the 5p plastic bag charge. I just realised that not only plastic bags but paper bags are being charged at 5p. What is the incentive to get away from plastic bags when you charge for paper bags? Plastic bags take maybe 20 years to disintegrate; a paper bag may disintegrate within one year. I have another major concern: we have difficulties trying to keep small businesses in our local towns going because of the large shops out of town. It appears that a lot of these large multinationals — without naming them — do not have to charge because they call it a Bag for Life: could you explain why?

Mr D Foster: When the carrier bag levy was introduced, the aim was to address the overall impact of carrier bags whatever their source and type. There is a lot known about plastic bags, but the evidence showed that paper bags also had an environmental impact. That was the reason for including them in the scheme. There are some exemptions from the charge in relation to certain things like patient confidentiality in pharmacies and food hygiene and safety. However, looking at the overall impact, it was decided at the time that paper bags were not without environmental impact. That is why they were included.

Under the legislation that introduced a levy, there is a requirement for a review of the carrier bag levy. That review is being commenced, and it has to be brought before the Assembly and the Committee. As we go through that process, there will be an opportunity for members to comment on it.

You mentioned the larger retailers and the Bag for Life. The levy now applies to any bag for which the retailer charges 19p or less, so some retailers have taken the decision to charge 20p for their bags for life, which takes them out of the scope of the scheme. That is where the cut-off is at the moment. Again, the types of bag included in the scheme could be considered as part of the review.

Mr Small: By and large, the levy is applied equally to the big retailers.

Mr D Foster: Yes.

Mr Small: Any bags below the 19p exemption level are caught by the levy arrangements. We have developed strong relationships with the retailers, including the big retailers, to make sure that they fulfil their obligations.

Mr D Foster: The operational team that implements the levy carries out audits to ensure that what the retailers tell us matches the reality. Given the volumes involved, we have been targeting the larger retailers, so we keep an eye on them. We have a specific member of staff who acts as the client manager to make sure that we understand what they do and the rationale behind it.

Mr Small: As Dave has indicated, a review is planned, and it will take place later this year. By and large, the purpose of the levy arrangement was to reduce the number of plastic bags circulating in the environment, and that has been very successful. We have seen a significant reduction in plastic bags circulating in the environment. The policy objective is being achieved. We have noticed recently that the income we secure from the levy is increasing slightly, which suggests that more people are now prepared to pay the 5p. The review is coming at a good time, and I think that we will review again the effectiveness of the levy arrangement, its success in delivering against the environmental objective and the issues around the exemptions that apply, which Dave talked about.

Mr D Foster: In the first year, there was a reduction of 72% in the use of reusable carrier bags, which is around 160 million fewer than in the baseline year. As David said, that has started to creep up a bit, and you can see that when you go into the shops. You are perhaps more prepared to pay for a bag than you would have been in the first year. We will look at that as part of the review.

Mr McKee: May I ask another question? I want to ask about the environmental policy. How much of the aggregates levy credit scheme went into benefiting communities? The aggregates levy scheme was particularly to do with quarries and the extraction of sand and gravel and was in relation to greening. I know that in England, Scotland and Wales it has been used in such a way that the benefits went into communities. From what I can gather, our communities in Northern Ireland have not benefited from any moneys coming in. Where did the money go?

Mr Small: I am looking to my colleagues to help us answer that.

Ms H Anderson: We would need to double-check and come back to you on the detail of that. The money from the aggregates levy credit scheme that was introduced in Northern Ireland went back into the industry to help it to put in place better environmental controls and regimes. Some businesses chose to work, to some extent, with communities. A number of quarries now have engaged much more fully with those who live in their hinterlands. They invite them in regularly, and they have created biodiversity-rich areas. We will come back to you on the detail of that, but the aggregates levy credit scheme, in the Northern Ireland context, was about working with the industry to help it to improve its environmental performance. A certain aspect of that involved enhanced community engagement, provision that enabled community access and improved environmental awareness for the community.

Mr Small: If it helps, Chair, we will come back with a full answer on that in writing.

The Chairperson (Ms Dillon): On the dangerous and dilapidated buildings consultation and the potential legislation, there are several areas in mid-Ulster that are of major concern, particularly in villages that are trying to regenerate, where people have bought buildings that have been left to go to wrack and ruin. It is unsightly as much as anything, but it makes it difficult for villages to renew. I think specifically of Bellaghy in south Derry and the Heaney centre there, where there is a big project to renew. Have you any idea of the timescale?

Mr Small: As I said, the consultation runs to 30 June. Beyond that, we will take time to look at the responses — there are not that many in at this point, but we expect more over the next couple of weeks. We will take time to look at the consultation and the information we get. That will take us into summer recess, so it will be after the summer before we are able to bring forward and complete discussions with the Minister on a way forward. At that stage, we will be ready to bring something to the Committee.

The Chairperson (Ms Dillon): Can I have an assurance that we will get an update, given that it was raised by several members, and on the marine conservation zones? Those are issues of relevance to a number of members.

Mr Small: Yes, I can do that.

Mr McGlone: I will pick up on the Chair's point about dilapidated and neglected buildings and the like. Some of the most intractable are those where ownership is difficult to establish, and there are two main reasons that I can think of for that: there is difficulty over a will, or somebody is ducking and diving. I hear what you say, Chair, and I know that Bellaghy has become a wee bit neglected up through the thoroughfare. I reckon that there is an owner for most of those buildings — some of them are for sale. Where a council is empowered to take remedial measures though, I am a wee bit concerned that empowering the council means offloading everything onto the ratepayers and then, a year or two later, when the building has been not refurbished but at least tidied up, the owner reappears. What measures would be in place to ensure that the owner of the site or building is forced to pay for the remedial work, so that it is not all dumped on the ratepayers or to ensure that work is done in the first instance so that it is not allowed to reach that level of neglect?

Mr Small: That and similar issues are why the Minister felt that it was important to put a consultation paper out to seek views on what solutions there may be. We have not developed an approach yet. The consultation paper included a number of options, including a complete revamp of the current statutory base and the roles and responsibilities of councils. There will be potential to include provisions to recover the cost from the owner of a property, if that owner can be established.

Mr D Foster: It is a complicated area. As David has said, the legislation could include an ability for councils to recover costs. Given the recent economic climate, a number of landowners have perhaps gone into liquidation or bankruptcy. Councils might look at putting charges on the land, but you have to be careful when developing the policy, because there are human rights issues. I know that colleagues in the ratings area looked at policy proposals on rates in the previous mandate, and there were consultations on that and whether rating policy would have a role to play. We have been talking to people in Land and Property Services too, because we recognise that it is a complicated area. We do not want to pass legislation that will place a burden on councils; it needs to be something that enables the issues to be dealt with and ensures that the costs are not forgotten about.

Mr McGlone: Having been on a council and gone through one or two of these where it was extremely difficult to establish ownership, I am sure that if, all of a sudden, it was rezoned for development purposes or something, an owner would quickly pop up. To get back to establishing a charge on that in circumstances, say, when the bank had taken control of a building site, you will not have much luck there in gaining back your money if you put a charge on it when maybe two or three other creditors, including the bank, are there before you.

Mr D Foster: Yes. It is recognised that it is not a total solution and might only be appropriate in certain circumstances.

Mr McGlone: Yes. Chair, with your indulgence, I had just a couple of other issues to ask about here. One pops up in some sites, too. Where are we going with the eradication of knotweed? What

solutions do you see to that? It is becoming a pervasive species. A lot of people are very concerned about it. It seems that the perception of it as a species has grown in people's fears.

Mr Small: You are right: it has become a concern for a lot of landowners who find themselves with the problem. Dave, can you throw any light on the issues and challenges that have come to our attention?

Mr D Foster: The EU has legislated in this area. There is an invasive alien species regulation that has direct effect. We have recently consulted on the penalty regime on that in Northern Ireland. It sets up a list of species of European Union concern. I do not think, at this stage, that knotweed is on that list. There is recognition that, where an invasive species is so well established in a member state, little can be done about total eradication or preventing it arriving, which is what the European legislation is about. The options at that level are, at the moment, restricted, so it tends to be that we have to deal with it on a case-by-case basis.

Mr McGlone: Maybe I am displaying my ignorance here, but how do you get rid of it? I am not talking about the pervasion of it right across the North but on an individual site.

Mr Small: It is a difficult process.

Ms H Anderson: It is. It is a very resistant species. It would require persistent utilisation of a strong weedkiller on a yearly basis. There are professional companies who specialise in knotweed treatment.

Mr McGlone: One final question: where has the discussion paper on the climate change Bill gone? Is there anything further on that?

Mr John Mills (Department of Agriculture, Environment and Rural Affairs): A discussion paper was issued. That was the end of it as far as the process was concerned. It will be a matter for the new Minister to decide whether she wants to take any further action on that.

Mr Small: There was no real support last time round at Executive level for separate climate change legislation in Northern Ireland. I suppose that that would remain the position. We have not had discussions yet with the new Minister specifically on climate change or the potential interventions or options available. The position remains that the previous Executive were not in favour of the climate change Bill.

The Chairperson (Ms Dillon): A number of Members want to get back in, but can we limit it to one question, please? I know that there were issues that you wanted to raise the first time, but I think that nearly everybody has raised at least two or three. To be fair, we can allow everybody to get back in if we can keep it to one question this time.

Mr Ford: I will make one brief remark that there was some support at the Executive for climate change Bill in the last mandate, just to be personal about it.

Related to that, however, is the proposal circulated by the former Environment Minister on an independent environmental protection agency. Can I take it that there is a similar "going nowhere" position on that at this stage? Perhaps, Chris could give us some indication from his work in Wales of what he might see as being the benefit of it?

Mr Small: There was a discussion paper that the previous Minister circulated. The response to that indicated some support for an independent agency. At this stage, I am not sure that we are minded to move in that direction. We acknowledge that environmental governance is important. We will look at the current arrangements in terms of how the agency is structured and how it functions, how well we deliver against our obligations and how it sits in the Department. At this stage, I do not think that there is an intention to move towards that independent agency solution. We want to look at what else we can do to strengthen environmental governance in terms of how the agency operates and its role in the Department.

We are also working with the Ulster Farmers' Union (UFU). We had discussions previously with the Ulster Farmers' Union about how we work with the industry. We are trying to start those discussions again; we have had some initial discussions with UFU, which have been very positive. There are

other initiatives under way as a consequence of Going for Growth. One of the recommendations was to look at the development of a sustainable land strategy. An expert group was established and has developed some draft thoughts on the development of a sustainable land management strategy. In that, there are issues around the balance between advocacy and regulation. There are issues running at the moment that could have some influence on how we position ourselves on environmental governance. There are some things that we can do in terms of how the agency operates, how we balance advocacy with our regulatory role and our role generally in the Department, which we still need to do some thinking around.

Mr C Mills: You asked me for my view; it is a personal one. The idea that any of the agencies are totally and truly independent is not accurate. Obviously, there is dependence on government funding. The advantage of the model that we have here is that you are close to the policymaking, so you can influence it.

On the operational side, it is vital that people are allowed to get on with the operational jobs. Those jobs require people to react daily to what is going on out there in the real world. It is really important that, in particular, the operational parts of the Northern Ireland Environment Agency are given the ability to focus on that operational role. Therefore, it is up to the organisation to make sure that, where there are requirements, we try to do them as efficiently and effectively as possible.

Mr Small: I am satisfied that the agency is able to deliver that regulatory role and that we have sufficient autonomy to deliver it. We are effective in doing it. It is important to make that point.

Mr Swann: Following on from where Patsy started in regards to knotweed, is there any role in the Department for managing the control of giant hogweed?

Mr D Foster: It is covered by the same legislation as Japanese knotweed. It is another species that causes significant problems operationally.

Mr Swann: If it is reported, whose responsibility is it to remove it?

Ms H Anderson: It is the landowner's responsibility. The Department's role is in relation to the provision of advice. Certainly, on Japanese knotweed, giant hogweed or any of the other invasive non-native species, we have staff who give advice. There is very good information on a number of the websites as well. Some of it is personal advice that we give —

Mr Swann: If it were found on land controlled by the Department, is it the Department's responsibility to remove it?

Ms H Anderson: Yes.

Mr Swann: How quickly would you remove it if it were reported to you?

Ms H Anderson: I would have to check. It would probably depend on —

Mr Small: We would look at the circumstances and treat it on a case-by-case basis.

Mr Swann: Would a landowner have that same discretion?

Ms H Anderson: As it stands, it is their responsibility to deal with it. However, in the case of Japanese knotweed, if you lived beside land that was in another's ownership and they were not removing it and you felt that it was having an adverse impact on your property, you would speak to them in the first instance, and, if that was not successful, you would have to go to a solicitor and through the legal process. It is not as if the landowner has to treat it, but, if it is having an adverse impact, it is an issue of civil legislation.

Mr Small: There is nothing that requires the landowner to remove it, but they may wish to remove it. In that case, we would offer some advice on how to approach that.

Mr Swann: If it is on Department land, would you take the same attitude or would you remove it, as a matter of course?

Ms H Anderson: It would probably depend on the particular circumstances. There are a number of other things, such as rhododendron, that are quite invasive. For DAERA properties, there would be quite extensive rhododendron treatment programmes in place. I am not aware of us having any particular problems, but I would have to check. If you know of a particular instance, come back to me, and I will give you the detail, especially on the giant hogweed.

Mr Small: Do you have a particular concern?

Mr Swann: Yes.

Ms H Anderson: Is it having an impact on an individual?

Mr Swann: It is more in relation to the public, and the fact that giant hogweed can cause burns, if touched, especially for young children going up and down pathways that were formerly under NIEA control.

Ms H Anderson: We would usually be quite quick. If it is somewhere near a pathway, we would either treat it or fence it off to prevent physical contact. But, certainly, if you come back, we will look at that very promptly.

Mr Swann: Thanks.

The Chairperson (Ms Dillon): On that same point, are there any plans to look at the whole process of it being a civil action between, possibly, two neighbouring landowners? It is not really a great solution. A landowner may not be in a position to do anything about the problem, which may not be of their own making or doing. They could own a property that has Japanese knotweed, which is now affecting their neighbour, but they are not in a position, financially, to deal with it or otherwise. It could be a very elderly person living on a pension and struggling to get by. It does not seem to be a good way to deal with it. We should be looking at whether something can be done within the Department.

Mr Small: I am not aware of any plans to change the process, but I will revert to my colleague.

Mr D Foster: Other approaches have been used elsewhere. In England, it is feasible to use anti-social behaviour orders in relation to invasive alien species. I do not think that they have been used to any great extent, because it is not a particularly easy process to use. We can come back with a briefing on the different approaches to that, if that would be helpful to the Committee.

Mr Small: At the moment, I am not aware of any plan where we would step in and address the problem. I appreciate the point that, in some cases, a landowner may find themselves with the problem, and, if it is affecting a neighbour, there is a neighbour dispute. In those cases, we offer advice about how to remove the problem rather than assume the responsibility ourselves. As Dave suggested, I am happy to summarise on how other regions deal with the problem and with a situation like that.

The Chairperson (Ms Dillon): Yes, I would like to see that. I am not sure that I would want to see anti-social behaviour orders. I am talking about assisting people who find themselves in this situation, not punishing them further. I do not think that anybody would actually plant it in their garden. It is an unwanted situation that people find themselves in — it is never a case of somebody actually wanting this on their property.

Mr Small: We are aware of some individual cases where it has become very difficult and our role has been to offer advice.

Ms H Anderson: You referred to the planting of it, Chair. The intentional planting of it would be prohibited by the legislation, but, very often, it is simply where it is already growing and is moving —

The Chairperson (Ms Dillon): That is the point that I am making. I do not think that anybody would say, "I would like to have that in my garden." We should be trying to assist people who find themselves in that very difficult situation, and not punish them further.

Mr McKee: I want to ask about the Mobuoy waste. The Department recognises that site regulations were weak, given that the operator repeatedly broke the waste licence conditions. We now discover that there are 516,000 tons of waste. Do we know the percentage of it that may have come from across the border? Who will be responsible for the cost of the clean-up? That leads me to ask this: what is the best way to manage this waste, as regards incineration or whatever? What is the plan? Another thing is this: would the removal of this waste be more contaminating than leaving it static in the ground and walking away from it?

The Chairperson (Ms Dillon): I ask for a brief response. There is one more question. The next briefing is due to start at 11.15 am.

Mr Small: I will let Chris pick that up.

Mr C Mills: OK. It is not now 516,000 tons. Obviously, as we have done more work, we have discovered more accurately what might be there. It is still an estimate, but we now estimate that it is something like 900,000 cubic metres of waste. There is a subtlety there because the waste is layered, and so it is not easy to say that it is a tonnage. It is a volume; and you can translate that, according to density, into tonnage.

We have no evidence that any of the waste there has come from across the border. That is from the evidence we can determine. The waste was macerated, so there were very few pieces of evidence for which we could specifically say that it came from here, there or anywhere else.

For the last year, we have been carrying out a detailed study on the remediation of the site. You are absolutely right to question whether it is necessarily better to dig it all up and take it away. Believe you me, 900,000 cubic metres is an awful lot of material. The site is 1.4 kilometres long and something like 33 hectares in extent. The remediation strategy looks broadly at three possible solutions, using best practice. One is to cover the site and collect the leachate, which is the liquid produced, and the gas. At the other extreme, it looks at digging it all up and taking it somewhere else. Then, of course, within that, you can do various bits and bobs. Whilst, in some areas, the waste might need to be removed, other areas could be remediated in a different way.

We took the previous Committee, the Environment Committee, to see the site, and I think that they found that extremely useful. I take the opportunity to say that, if the Committee would like to see the site, we would be more than pleased to facilitate that. It is only by seeing the extent of it and the topography that one can truly understand what happened there and have a detailed understanding of what might need to be the solution.

Mr McKee: May I ask a supplementary question about the cost? Do you have any idea of what this is likely to cost?

Mr C Mills: Yes, we have broad, preliminary figures for the cost, but it gives you some kind of ballpark. At the bottom end, to cover and collect, you could be talking about a figure in the region of £20 million to £25 million. To dig up all this waste and take it away, you could be talking about a figure in excess of £100 million. The study is being done to refine that and get a detailed remediation strategy that will be properly costed. We have not completed that process.

The last thing is that there is a stakeholder group of local people who have some interest in the site, whether they be bodies or individuals, and we meet regularly with them to give updates on what is happening.

Mr McMullan: This is just a quick question, and if you want to come back to me with an answer, you can. I do not mind. There used to be a problem in getting rid of the plastic waste from around bales. Is that still the case, or can we now dispose of such waste at home? Does it still have to be shipped out to Scotland?

Mr C Mills: I need to clarify. There is what is known as "residual waste", which is the stuff that cannot be recycled.

Mr McMullan: I am talking about the plastic covering around bales.

Mr C Mills: I see, from farms.

Mr McMullan: Yes.

Mr Small: We will check on that and give a written response.

Mr McMullan: I am just reading from your report that the NIEA is to:

"conserve and promote the natural environment and built heritage".

Is built heritage not under Communities now?

Mr Small: It has moved, yes. The built heritage aspects have now moved to the Department for Communities.

Mr McMullan: Yes, it is not for this Department.

Mr Small: I am not sure what you are reading from, Oliver.

The Committee Clerk: It is our briefing notes.

Mr Small: OK. You are right: built heritage has moved to the Department for Communities.

The Chairperson (Ms Dillon): Thank you, David and all of you, for the briefing.

Mr Small: We will follow up on the areas where it was agreed that we would provide additional written briefings.