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# NORTHERN IRELAND ASSEMBLY

Tuesday 12 January 2010

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

*Members observed two minutes' silence.*

## MINISTERIAL STATEMENT

### EU Fisheries Council: December 2009

**Mr Speaker:** I have received notice from the Minister of Agriculture and Rural Development that she wishes to make a statement on the outcome of the December Fisheries Council meeting.

**The Minister of Agriculture and Rural Development (Ms Gildernew):** Go raibh maith agat, a Cheann Comhairle. With your permission, Mr Speaker, I wish to make a statement on the outcome of the autumn negotiations on various fisheries matters and, in particular, the Fisheries Council meeting that was held in Brussels on 14 and 15 December, which determined fishing opportunities for 2010.

On 16 November 2009, we had a useful debate in the Assembly ahead of the November and December Fisheries Council meetings. When speaking to the Fisheries Council motion, I alerted Members to the possible impacts of a proposed technical conservation regulation to be agreed at the November Fisheries Council meeting. It aimed to promote the conservation of fisheries and resources by, among other things, laying down detailed requirements for fishing gear and minimum landing sizes for fish.

The draft regulation included a requirement for a uniform minimum landing size of 25 mm for nephrops throughout EU waters. At that time, I explained to Members that there was no evidence to support increasing the minimum landing size from 20 mm to 25 mm in the Irish Sea for conservation reasons and that raising the minimum landing size for Irish Sea nephrops would have a devastating effect on local industry, both in the catching and processing sectors.

It became evident during the November Fisheries Council meeting that many member states thought that the proposed regulation was seriously flawed. Attempts by the Swedish presidency to broker a compromise saw a new version emerge that made

many changes that were designed to accommodate those concerns. The changes included dropping the proposal for a uniform minimum landing size for nephrops and a transition period of two years to adopt technical changes to certain towed gears. Regrettably, the European Commission felt that it could not support the presidency compromise. In those circumstances, the draft regulation needed to have unanimous support from the Fisheries Council to succeed. In the Fisheries Council plenary session, it became clear that that would not be possible. As a consequence, the draft regulation was withdrawn.

The fate of the technical conservation regulation is now in the hands of the Spanish presidency, and, as yet, there is no firm timetable for when a new regulation will be brought forward. The ratification of the Lisbon Treaty means that this area of fisheries policy will be taken forward under the process of co-decision, and the European Parliament will become an equal partner in the making of fisheries legislation. Therefore, there will be an opportunity for our MEPs to influence that policy and future fisheries legislation.

During the December Council meeting, my priority was to resist the proposed 30% cut in the nephrops total allowable catch (TAC) for area 7. Prior to the Council meeting, considerable effort was expended by me and my fellow Fisheries Ministers in Britain and the South of Ireland to combat the arguments that the Commission used to justify that proposal. Our efforts took the form of written submissions to and meetings with the Commission to argue that the latest scientific evidence supported our view that Irish Sea stocks were being fished sustainably. The Assembly, other political representatives and the entire local fishing industry fully supported me in the approach that I took and in my lobbying of the Commissioner and his officials.

During the meeting, the first compromise put forward by the presidency was to reduce the proposed cut to 20%. I argued that that was not justified, and I told the Commission of the serious consequences that would have for our local fishing industry. After lengthy negotiations, the Commission reduced the cut to 9%, but despite further strong representations no further movement was possible.

I assure Members that the ministerial team in Brussels fought right to the end to secure a better deal, and, at the final plenary session, the Commission was again pressed for further movement on nephrops in area 7, but it would not be moved. A number of further minor concessions on other issues ensured that there was sufficient support for the TAC and quota package from other member states to push the proposal through.

As I stated following the Council meeting, I was extremely disappointed with the outcome on nephrops, and I find the annual round of haggling over fish quotas

completely unsatisfactory. I am convinced that we must move to a different system that gives local fisheries managers and the industry a greater say in the fishing and conservation of the fish stocks off our coast.

The stocks of nephrops are stable, and the science supports that view. The only thing that has changed over the past year is the view of ICES that a different harvest ratio should be used, which in turn led the Commission to conclude that a lower TAC is needed. However, ICES also acknowledged that further scientific work is necessary to justify the basis for the harvest ratio used.

The best way forward would be to put in place a long-term fisheries management plan, and I want that to be developed as a priority during 2010. The Department and our colleagues in the South of Ireland must take the initiative. In so doing, we must carry out the further work that is required to establish a harvest ratio that represents an appropriate level of fishing and one that is consistent with a management objective of maximising the sustainable yield of nephrops. We must also consider whether the interests of the local fleet would be better served by the nephrops quota being set on an individual stock basis — such as the Irish Sea — rather than the present method, which sets a quota for the whole of area 7 and includes other stocks in addition to those in the Irish Sea.

During the negotiations, I also pressed for an increase in the Irish Sea herring quota, and we again provided strong scientific evidence to support our case. However, the Commission was unsympathetic, and the final package did not provide any increase. The Department has, however, developed a draft management plan for Irish Sea herring that will be submitted to the Commission. I hope that the plan can be refined and adopted as the basis of determining future fishing opportunities for that stock.

On other Irish Sea stocks, there was an expected 25% cut in the cod TAC in line with the cod recovery plan, no change for haddock and a 14% increase for Irish Sea plaice, which demonstrates that this stock maintains a healthy condition. Both sole and whiting stocks remained depleted, and each experienced a cut of 25%, but those stocks are of little importance to the local fleet, and the quotas remain above recorded landings.

The cod recovery plan also triggered a 25% reduction in fishing effort, which is measured in kilowatt days, and, although we were able to manage that cut last year, the situation is now becoming extremely tight. My Department has already had a meeting with the industry on developing effort allocations, and the challenge that we face collectively is to devise an approach that provides an equitable means of distributing days at sea across the fleet. That will ensure that vessels are able to fish

the quotas available to them, whether in the Irish Sea, the North Sea or west of Scotland waters.

We will, of course, use all the flexibility that is available in the cod recovery plan to buy back effort in return for conservation measures that reduce cod mortality. As part of that, I am pleased to inform Members that my Department has made £350,000 available from the European Fisheries Fund to enable the fleet to modify its nets, to improve selectivity and reduce discards of juvenile fish. Both our producer organisations are involved in the co-ordination and delivery of that initiative. We have agreed to establish a joint official and industry group, which will meet regularly to manage the effort control arrangement during the coming year.

In my discussions with Tony Killeen TD during the Council meeting, I pressed him on the importance of getting a quick resolution on the issue of post-Council swaps on cod. The Southern authorities will discuss that matter with their industry soon. We also agreed to co-operate with the banking of some of the South's unfished nephrops quota for 2009. Under the rules, member states can bank 10% of the quota from one year to another. The South has more than 10% left. We have agreed that some of the excess will be transferred to the North now and that that will be shared between us next year. The amount in question will depend on the headroom that we have within the 10% ceiling. That will be resolved during coming weeks.

I appreciate the opportunity to bring Members up to date on the outcome of the autumn fisheries negotiations as far as they affect our fleet. I am grateful to my colleagues Huw Irranca-Davies from DEFRA, Richard Lochhead from Scotland, and Tony Killeen from the South for their strong support for the nephrops case. I am also grateful for the support given by the Committee for Agriculture and Rural Development, Members of the House and local MEPs. I regret that the circumstances did not allow me to bring a more positive report to the Assembly.

**The Deputy Chairperson of the Committee for Agriculture and Rural Development (Mr Elliott):** I apologise on behalf of the Chairperson of the Committee for Agriculture and Rural Development, who could not make it to the Chamber in time for the debate. I beg the House's indulgence to allow me to put before it some brief comments on the outcome of the December Fisheries Council's decision. The Minister's statement is bleak news indeed for our embattled fishing industry. No matter how anybody tries to disguise that, it cannot be dressed up as good news just because the reduction is less than that which was proposed originally.

In 2010, management of the prawn quota will be problematic. The bigger issue will be the management of days at sea. Behind the devastating prawn quota

headline, the promised cut of 25% in the number of days at sea that will become effective from 1 February 2010 will bite into the fleet and will, undoubtedly, mean that long-established traditional family businesses face the prospect of financial ruin. People who are involved in processing the catch will be made redundant; and we will have the possible break-up and dispersal of the proud communities that have been traditionally supported by the industry, because it is no longer sustainable or viable for them to remain. Those are the hard economic facts of the situation.

At that Council meeting, the Spanish faced a proposal to cut one of their most important quotas — hake — by 10%. The result was to find an increase of 7%. At the same meeting, the French faced a proposal to cut one of their most important quotas — Celtic Sea cod — by 25%. The result was the maintenance of the status quo. Indeed, for Scotland, the Council agreed to a rollover of the quota for the North Sea prawn industry, which affects part of Scotland's most valuable fleet, as well as a 10% increase in the megrim quota and a rollover in the monkfish quota, which are two of the highest-value species. Furthermore, flexibility in the monkfish quota will allow west coast fishermen to catch an additional 460 tons.

When the Scottish, Spanish and French were able to secure such remarkable results, where did Northern Ireland go wrong with the prawn quota? How can one UK region — Scotland — secure such a positive outcome while another — Northern Ireland — which is represented by the same people, face such devastation? Will the Minister confirm that that is another example of her allowing the industry to be done over by the European Union?

10.45 am

**The Minister of Agriculture and Rural**

**Development:** Although I welcome the question, I do not believe for a minute that I dressed that up as good news. In opening and closing my statement, I said that I was disappointed with the outcome and that I had hoped for a better result for the industry. Notwithstanding that, we argued strongly and were able to bring the reduction down from over 30%.

The Member makes the point that the Spanish and French got everything that they wanted, but that is not the case. He is not comparing like with like. The Spanish and French achieved some wins for some stocks, but they were disappointed in other areas. Although the Spanish made a great deal about arrangements for mackerel, they did not get everything that they wanted on other stocks. As I have said in the House before, this was a negotiation, and the nature of negotiations is that one does not always get what one wants.

The final case for nephrops was pushed as hard as possible — right into the final plenary session. No one

in the Commission or in the presidency is in any doubt about the importance of the fishing industry, not only for our economy but from a cultural and societal point of view, and I have made that clear throughout my time as Minister. The Commission was heavily influenced by the ICES advice on harvest ratios. Members should not forget that it initially suggested cuts of 30%.

The poor state of the stock on the Porcupine Bank was also a factor, and that made some cut almost inevitable. However, we went in fighting very hard. Although we did not accept going into the negotiations on the Porcupine Bank stocks, we went in fighting for a rollover to continue to work right up to the end. In the circumstances, we achieved the best result that we could on nephrops.

The 25% cut in fishing effort is a direct consequence of the cod recovery plan, the introduction of which I opposed strenuously. We have been able to ensure that the fleet had sufficient days to catch the available quota in the interim. My officials have already begun discussions with the industry on how best to calculate and manage fishing effort this year, and a joint industry/official group has been set up to do that. We are exploring how to improve the case to exempt certain vessels and the scope to adopt measures to reduce cod mortality, which would allow extra days to be made available.

**Mr W Clarke:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement and for her efforts. I also thank her officials, advisers, the Agriculture and Rural Development Committee and MEPs. I am sounding a bit like Barry McGuigan.

**Mr Kennedy:** At least he used to win.

**Mr W Clarke:** I think that he was knocked out in the end.

I agree with the Minister: haggling over quotas at the mouth of Christmas is not helpful to our fishing industry or anyone's fishing industry. Local fisheries have to be managed by local managers, and I look forward to that being done in the future.

With regard to the Spanish and the French — I am sorry, a Cheann Comhairle, for stepping outside the remit slightly — they are sovereign states. If Tom Elliott wants to come in a united front on an all-Ireland basis, we would have greater bargaining power.

Will the Minister be considering the case for decommissioning?

**The Minister of Agriculture and Rural**

**Development:** I welcome the question. I noted Mr Kennedy's point. Barry McGuigan did not win all the time, and, if Mr Kennedy wants to step outside, I will show him how well I can box.



**Mr Kennedy:** I am not normally subject to such kind offers.

**The Minister of Agriculture and Rural**

**Development:** We had a very robust negotiation. When sitting opposite the Commission and looking into the white of their eyes, I saw that they were in no doubt about the importance that I placed on the industry. I made the point that in November the Assembly was united on the debate about what we needed for the industry, and that was a strong message to take. However, it would be strengthened by Mr Clarke's suggestion.

Decommissioning is a subject that generates strong debate. It is an attractive proposition for those wishing to leave the industry, and it helps to reduce overcapacity within certain segments of the fleet. On the other hand, the needs of processors and the support sectors must also be considered. Decommissioning results in reduced availability of local raw material and impacts on the sustainability of the support services network that is required to keep our fleet operational. We have commissioned an update of the fleet futures model, and we will use a methodology that links together the total allowable catch, fishing effort, costs, fish prices and the acceptable normal average profit for each vessel in different sectors of the fleet under several scenarios.

That report is being finalised, and the Fisheries Forum will consider it at its next three meetings, which are scheduled for the coming months. The Fisheries Forum will then make recommendations to me. Whatever those recommendations may be, a robust, sector-wide business case will be required to justify the investment of public money under such a scheme. I look forward to receiving the forum's recommendations in order that progress can be made in that critical area.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement. She said that a long-term fisheries management plan is a necessity. How does the Minister rate the initiative? Is it just another piece of window dressing? How much priority has her Department given to that initiative, and how quickly will we see the management plan take effect on an all-island basis?

I also welcome what she said about how the technical conservation regulation will now be taken forward. I am glad to see that her party now sees merit in the outcome of the Lisbon Treaty. Maidir le pointe a haon, ba mhaith liom a fháil amach an Gaeilge nó Ulster Scots a bhí ann sin.

**The Minister of Agriculture and Rural**

**Development:** I do not know whether the Member was listening: I did not give any support to the Lisbon Treaty. I did say that, now that the treaty has been ratified, the making of fisheries legislation will require a co-decision of the European Parliament and the European Commission.

The Member asked about the management plan. As I said, I do not believe that the current arrangements are acceptable. It is not only an unsatisfactory way for me to do business as Minister of Agriculture and Rural Development, it is not a good way for businesses, fishermen and processors who are planning their year's work to do business. It is very difficult to have a long-term vision for one's business — to look three, five or 10 years down the line — when one does not know what is coming. A working group has therefore been set up to consider the management plan. We need to find an alternative, because the current method is not a satisfactory way in which to do business and is not a good way in which to ensure my ultimate objective of ensuring our local fishing industry's sustainability and profitability.

**Mr McCarthy:** I thank the Minister for her statement to the Assembly, and I congratulate her and her colleagues on the effort that they made to secure better facilities for our fishing industry. At least we had a local voice present. I remember that, not so long ago, we were represented by a cross-channel Minister who did not even turn up to Fisheries Council meetings. Members will also remember that.

The Minister stated:

"the technical conservation regulation is now in the hands of the Spanish presidency ... Therefore, there will be an opportunity for our MEPs to influence that policy and future fisheries legislation."

**Mr Speaker:** I advise the Member to come to his question.

**Mr McCarthy:** Will the Minister inform the House whether our MEPs are working, have been working and will continue to work jointly, with combined voice and effort, on behalf of the Northern Ireland fishing fleet so that that voice will be heard? Can the Minister exert any influence to ensure that that happens?

**The Minister of Agriculture and Rural**

**Development:** I thank the Member for his question. I know, Cheann Comhairle, that you were hurrying him along, but I was quite enjoying his contribution. The serious point is that the MEPs now have more of a role to play on the issue. I have had some useful meetings with the MEPs jointly. They have a good working relationship with the Department, and arrangements are in place whereby, when necessary, briefings are given and meetings arranged throughout the year. To have the three MEPs make joint representations to the Commission would certainly help to bolster our case, and I look forward to their doing that throughout the coming year.

**Mr Shannon:** It is important that we thank the Minister for the efforts that she made in Brussels and the amount of energy that she expended, with the support of our MEPs. What frustrates me — Mr Elliott made this point earlier — is that, despite the energetic

efforts that were made at December's Fisheries Council meeting, we did not get all that far ahead. The Minister said that the proposed cut in the nephrops total allowable catch of 20% was reduced to 9%, so progress was certainly made, but there is frustration that —

**Mr Speaker:** The Member must come to his question.

**Mr Shannon:** Last Saturday, I met some fishermen in Portavogie, among whom there is much dismay and concern. Scotland has already paid out three rafts of EFF money, and I understand that we have not paid out any. When will the money be paid out so that some finance can be paid directly to the fishing industry at Portavogie, Ardglass and Kilkeel?

Will the Minister provide some idea on the issue of leasing and swapping? In Portavogie last Saturday, concern was expressed that no leases or swaps would be available, so confirmation is needed on that. Mr Speaker, I appreciate the fact that you have been lenient and gracious. Spain, France, Germany and other countries seem to have done not too badly out of that. What can we do that those countries have already done?

Paragraph 14 of the Minister's statement —

**Mr Speaker:** Bring your questions to a close.

**Mr Shannon:** I am definitely coming to the end now. I am sorry; I could be here for 20 minutes, but I know that you would not let me.

The Minister referred to a joint official and industry group. Will the Minister indicate who will be on that joint group, and will it involve all the local industry? If the fishing industry is to survive, that group must be up and running. I thank the Speaker for his patience.

#### **The Minister of Agriculture and Rural**

**Development:** I thank the Member for his comprehensive questions; I will try to cover as many of his points as I can. I do not have the details of the group's membership with me, but, obviously, it will involve producers' organisations and processors because they are an important part of the industry.

EFF money is now coming on-stream, which will mean some €36.2 million of further public investment in the fishing industry over the next five years. There has been a delay in getting EFF payments started in the North as a result of having to complete measure-level business cases on our proposals for investment. However, four key measures are now open, and I hope that two further measures will open early in 2010, with axis 1 coming on culmination of the work of the Fisheries Forum.

To date, we have received 28 applications seeking approximately £3.5 million of EFF grants, and those applications are being evaluated. Two selection panels were convened before Christmas to consider the applications that have been received to date. I am pleased

to say that initial interest has been brisk, and my officials are in the process of making a letter of offer to 12 successful projects, which represents an investment of £1.1 million.

I want to ensure that we use the resources at our disposal wisely to allow the industry to be more profitable and more sustainable and to be capable of making a strong contribution to the economies of the coastal communities in which it is based. At a time when there is significant pressure on resources, EFF funds are best used to deal with the longer-term issues that are facing the sector rather than for short-term financial assistance.

Swaps were carried out with the Southern industry towards the second half of 2009, and I hope that something can be done earlier this year. I will not make any promises now, but we have had discussions with the Southern Minister and the Southern industry. I am hopeful that something can be achieved on swaps.

**Mr Doherty:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement, and I thank her and her officials for their efforts in the negotiations. How will the results of the negotiations in 2009 help us to prepare for the negotiations that will undoubtedly happen in 2010? Will the Minister elaborate on the potential for that, to which paragraph 15 refers?

#### **The Minister of Agriculture and Rural**

**Development:** Go raibh maith agat, a Cheann Comhairle. As I said in my statement, the key issue in determining the nephrops total allowable catch is the setting-up of an appropriate harvest ratio. That is where differences of scientific opinion emerged during the year. My officials in AFBI are already working on how best to ensure that an appropriate harvest ratio is developed and accepted by ICES. I have also asked my officials to work with the industry and scientists in drawing up long-term management plans for the main fisheries on which the industry depends.

11.00 am

Again I pay tribute to the AFBI scientists for their efforts on a collaborative project with the Marine Institute in Galway, because we rushed that work through in order to have a sound scientific basis for our negotiations. The Commission accepted that evidence in part, because it reduced the cut to 9%, but we are already working on ways to improve that figure for next year.

As my statement outlined, member states can bank 10% of their quotas. Therefore, if we have unused quota this year, we could bank the extra percentage to fish it next year in the hope that circumstances will be better. We fish our quota, and we have no room for manoeuvre. However, the South has excess quota, and if we work with the Southern authorities, we can ensure that some of that 10% will be made available to our fleet, thereby reducing the 9% cut to, perhaps, 7% or

6% in real terms. From that point of view, we worked well with the South. We are very grateful to the Southern authorities, and we want to expand on that work to ensure that we maximise the opportunities available to our County Down fishing fleet.

**Mr McCallister:** I am relieved that my contribution is not time-limited today, because I wish to make a brief statement. *[Laughter.]* I thank the Minister for her statement and congratulate her on going with the sovereign state and working as part of a British ministerial team.

I wish to make two points. First, although the Minister was disappointed with the outcome for prawn fishing, will she assure the House that she will start the process early to try to get a better deal next year and that she will fight robustly to get a better deal for our fishermen across Northern Ireland, particularly as fishing, as she will know, is of huge interest in my constituency?

Secondly, how does the Minister hope to change the system, and what support does she have for moving away from the “round of haggling”, as she described it, of the December Fisheries Council? How does she hope to move to a newer system of managing fishing, and what support does she have for that from other Administrations in the UK and in wider Europe?

#### **The Minister of Agriculture and Rural**

**Development:** I thank the Member for his question. We want to put a great deal of effort into the management plans this year. If we can devise a management plan that the EU Commission will accept, there will be less need for haggling in December every year, and we can have more stability, which the industry would welcome.

Obviously, we do not leave our efforts on fisheries until December: work is ongoing throughout the year. A new Commissioner for Maritime Affairs and Fisheries will be taking up her post, and I look forward to meeting her as soon as possible to put again our points, to illustrate the size of our fishing industry and its significance, and to demonstrate that we pose no threat to the conservation of stocks in European waters. We want to fish in a way that is sustainable and will protect stock but that will contribute to the conservation of our fishing villages. To that end, I hope that the new commissioner will visit at some stage, and I will impress on her the need to do so.

This work has been ongoing throughout my tenure as Minister of Agriculture and Rural Development, and it will continue. We have held meetings throughout the year to warm up the Commission to the need to minimise our cuts or to maximise our increases. As I said, we argued for an increase in our herring quota. We were unable to get that, although we had a good scientific basis for it. We want to continue to do that work. We achieved an increase in the haddock quota two years ago, and the rollover that there has been with that since then has been very useful. Although nephrops are our

most important stock by far, other stocks contribute to the sustainability of our fishing fleet, and we want to maximise our opportunities right across the board.

**Mr Burns:** I thank the Minister for her statement. As a Member of the Committee for Agriculture and Rural Development, I have heard regular presentations from fishermen. The fishing industry always seems to be on the brink of financial ruin.

Those continual cuts make it more difficult for the fishing fleet to survive. Although we did well to get a 9% reduction this year, if that is followed by a 9% reduction in 2010 and another in 2011, when will the fishing fleet become unviable? What efforts will the Minister make to ensure that the fishing fleet survives?

#### **The Minister of Agriculture and Rural**

**Development:** A 9% cut next year is inconceivable at this stage, but the Commission could suggest a 30%, 40% or 50% cut. We do not know what next year will bring. However, we will continue to make our case. I heard the same statements from producer organisations and from fishermen and processors in County Down. We made the point to the Commission that we are fast moving towards that line in the sand when the industry will be no longer viable or the infrastructure will not be there to support it.

We have made that case very strongly and will continue to press it. We will also continue to hope to have the support of the Committee for Agriculture and Rural Development in helping us to make that case. A unified voice from this House does resonate in Europe, and the more that we can prove that we are working together and are on the same page on this issue, the more helpful that will be. We will make every effort to minimise the cuts by trying to achieve a rollover next year. We will also be working with the industry to decide on our list, our top priorities, and what we will be robustly fighting for in December 2010.

**Mr McNarry:** The mind boggles at the creativity of the Benches opposite when they tried to put nationalities on prawns and fish. I could not believe that, when we all know that red, white and blue tastes an awful lot better than green, white and gold in any species.

The Minister knows that the negotiations are an annual event. What did she learn from the negotiations that will help to formulate the arguments next time around? What new and innovative assistance can her Department offer to the prawn industry in Portavogie?

#### **The Minister of Agriculture and Rural**

**Development:** Obviously, I do not work on behalf of just Portavogie; Kilkeel and Ardglass are also fishing ports. This has been my third year at the Fisheries Council, and we have deployed every tool at our disposal to try to ensure the sustainability of our fishing fleet.

The two things that are important this year are the management plan, which we can work on with the industry to put to the Commission, and the scientific evidence, so that we can ensure that the International Council for the Exploration of the Sea does not have a different opinion on harvest ratios. My officials worked very hard throughout last year in the lead up to the negotiations. That work has already started this year: we do not wait. As soon as one set of negotiations is over, we are looking to the next. Those are the key pieces of work that will best help us to minimise the cuts.

There is a very strong environmental lobby in Europe. We have seen robust red lines drawn around cod stocks. From a conservation point of view, stocks in European waters are not as sound as those in other parts of the globe. There is strong support in Europe to ensure the sustainability of those stocks, so we have to find a compromise. Therefore, we will work with officials, the industry and scientists to try to ensure that 2010 has an outcome about which we can all be pleased.

**Mr P J Bradley:** Each year after the December talks, we seem to get a report on how well the other member states have done. We always seem to be bringing up the rear with little or no results. Nevertheless, I thank the Minister for her statement. I know that those talks are difficult.

The question being asked in the harbours and processing factories is why Northern Ireland has fared so badly, particularly in recent years. I suggest that it is because all year round the negotiators, Sinn Féin and the DUP in particular, are so anti-Europe that they have no chance over there. If one goes and tells Santa Claus that one does not believe in him, one cannot expect presents from him.

**A Member:** Did he come to you, P J?

**Mr P J Bradley:** He came to me twice.

Where was I? I got distracted there. Back in October when there was talk about 30%, I warned the House that that was only a negotiating figure. It was never going to be 30%. The processors were concerned that if the figure exceeded 5%, they would be in deep trouble. Has the Minister visited the processors since the December talks, and what assessment has she made as to how the 9% cut will affect them?

#### **The Minister of Agriculture and Rural**

**Development:** The 9% cut will affect everybody, and I do not for one minute accept Mr Bradley's now-legendary negativity in his allegation that we fared badly and have done so in recent years. Nobody in the Commission — neither the commissioners nor their officials — would deny that we have put a huge effort into building relations with Europe to ensure that we get a better deal, not just for our fishermen but for our farmers. The Member's points are petty politicking in the run-up to an election, and they are starting to be a bit tiresome.

I assure the Member that, like Barry McElduff, I have been snowed in since I returned from the December talks. We have a lot of work to do, but hightailing it to visit a processor at Christmastime would only have been paying lip service. I will continue to work with the processing and catching sectors, and I am sure that Mr Bradley will continue to be his negative self.



## Draft Expenditure Plans for 2010-11

**Mr Speaker:** I have received notice from the Minister of Finance and Personnel that he wishes to make a statement on the draft expenditure plans for 2010-11.

**The Minister of Finance and Personnel (Mr S Wilson):** Mr Speaker, with your permission, I wish to make a statement regarding the Executive's proposals in respect of the review of the 2010-11 spending plans for Northern Ireland Departments, which is being published today for consultation with the Assembly.

In light of the changes in the economic situation and the emerging position for 2010-11, I initiated this review in the summer of 2009, with the aim of ensuring that public finances remain on a secure basis as we move into the next financial year. Work on the review has progressed over recent months, and it examined the best way forward through a series of discussions at the Executive. I also held separate bilateral meetings with each of my ministerial colleagues. That has culminated in the proposals that I set out today, which were agreed by the Executive when they last met on 17 December 2009.

However, before I explain the Executive's proposals, I will set out the public expenditure context. In January 2008, the Executive and the Assembly approved the spending plans for Northern Ireland Departments for the three years from 2008-09 through to 2010-11. That included record levels of investment in our public services and, in particular, investment in capital projects such as roads, schools, hospitals and housing. In addition, following the significant increase under direct rule Ministers, the level of domestic regional rates was frozen in cash terms over three years, with non-domestic rates restricted to the projected level of inflation at that time. That Budget outcome reflected the importance of developing our economy as the top priority in the Executive's Programme for Government in order to take full advantage of the boost to local business from the transition to a more peaceful society.

However, since the three-year spending plans were agreed, there have been a number of changes in economic conditions, with first the rise in energy costs and then the economic recession having a serious impact on the local economy, particularly in terms of unemployment. Although there is increasing evidence of recovery, the legacy of damage to UK public finances will have implications for the Executive for many years to come.

In the short term, there has already been an impact in respect of the shortfall in capital receipts that had formed a significant part of the available funding for the capital investment programme. At the same time, the Executive have taken a proactive approach in responding to the economic downturn, including the

acceleration of capital investment and the deferral of domestic water charges. In my Department, the decision to freeze non-domestic rates in cash rather than real terms for 2009-10, and the introduction of a small business rates relief scheme, will also provide significant support to local businesses.

*11.15 am*

I now turn to the public expenditure position for 2010-11. All those measures have implications for the funding that is available to the Executive. Although it has been possible to address many of those pressures as part of the in-year monitoring process, I decided last summer that the scale of the issues for 2010-11 was simply too large and that pro-active action was required at an early stage.

A large number of issues are involved, including the implications of decisions that were taken at a national level and previous commitments that the Executive made, and they are set out in detail in the consultation document. However, I wish to touch on the most significant issues, which are the costs of further deferral of water and sewerage charges for domestic customers, the need to reduce the level of overcommitment and, of course, the costs of the Civil Service equal pay claim.

I will begin with water charges. One of the Executive's first decisions was to reverse the plans of direct rule Ministers to introduce domestic water charges in full from April 2007. In November 2008, that was extended to the current financial year, following the agreement secured with the Treasury that the significant amount of non-cash costs involved would not fall to the Executive for 2008-09 and 2009-2010.

Following the previous deferrals, domestic charges will also not be introduced in 2010-11. That will provide an additional saving of approximately £400 next year for the average household that uses those public services, when compared with the situation under direct rule. Although changes in budgeting treatment mean that the cost to the Executive of that measure is less than it could have been, there remains a significant pressure of £120 million for current expenditure and £93 million for capital investment.

Although the Executive were able to cover the cost of deferring water charges in 2009-2010 as a result of the June monitoring round, the experience of 2008-09 and this year to date is that it is becoming increasingly difficult to source sufficient resources to address emerging pressures while, at the same time, reducing the level of overcommitment to a prudent level.

As part of the original 2007 Budget process, the planned level of overcommitment had already been reduced to £60 million for 2010-11, compared with £100 million in 2008-09. However, the further decline in the level of reduced requirements that Departments declared in the first half of 2009-2010, as set out in my



December monitoring statement yesterday, means that there is a need to go further. In response, the Executive have proposed that the starting level of current expenditure overcommitment should be reduced to zero next year, which will provide much greater scope to address emerging pressures.

In addition, although the main focus of the review has been on the pressures faced in 2010-11, it is important that we begin to prepare for the future, when resources are expected to be even more constrained. It is for that reason that the Executive have proposed that £26 million be allocated to an invest to save fund, which will provide additional support to Departments for the upfront costs that are often required in order to make savings. Proposals for invest to save projects have been commissioned from Departments, and I will provide the Assembly with further details on specific allocations as part of the finalisation of those draft plans.

The easy option would have been to do nothing on the issue, which would have reduced the level of intervention required at this time. However, that short-sighted approach would have shifted the burden to the 2010-11 financial year, during which the Executive would have struggled to address emerging pressures.

The third significant pressure facing the Executive next year is the one-off cost of the Civil Service equal pay claim. Although the overall cost of just over £160 million will be offset by the support that my predecessor secured from the Prime Minister in 2008, it will still involve the ongoing costs of additional reinvestment and reform initiative (RRI) borrowing. That means that there remains an unfunded pressure of up to around £65 million for 2010-11, depending on the timing of the payments.

Overall, my assessment is that the Executive face spending pressures next year of £217.1 million in current spending and £149.9 million in capital investment. Including the £26 million set aside for the invest to save fund, those figures are equivalent to 2.6% of planned current expenditure for 2010-11 and 10.2% of capital investment.

In response to the emerging financial position, the Executive have considered a range of alternatives. However, the only realistic option that would generate the level of funding that is required would be to make adjustments to the existing spending plans of Departments. Although it was recognised that all Departments could go further in improving efficiency, the Executive agreed that some Departments would be in a better position than others to release additional resources next year and that, therefore, a targeted approach should be adopted, rather than a simple pro rata cut.

In addition, the Executive were critically aware of the need to protect priority front line services where

possible, with, for example, the lowest percentage level of savings being proposed for the Department of Health, Social Services and Public Safety. Unfortunately, the overall level of savings required meant that it was simply not possible to exempt an entire Department from the process. However, I expect my ministerial colleagues to seek to reduce the costs of bureaucracy in the first instance.

Inevitably, there will be calls for the savings required of one Department or another to be reduced because of the impact that they will have on public services. That is always the case. However, the reality is that reducing the amount required of one Department increases the burden on others. As I have said to the Assembly on more than one occasion, I am more than happy to give a lesson on the concept that is the basis of all economics — opportunity cost — so that we understand that there is no point in demanding more money for something if we are not prepared to say where that money will come from. Therefore, although I and my Executive colleagues welcome any proposals from fellow Members in response to the draft plans that are being published today, those proposals must include details of where additional savings could be made and of where they should be lower. Addressing both sides of the equation is essential if alternative proposals are to be considered credible. The Executive will also continue to examine areas in which savings could be made on a cross-departmental basis to minimise the impact on public services.

There will be a more general concern that the overall level of public spending is lower than that which was originally set out in January 2008. However, it is important to note that most of the savings that are required will be recycled back into Departments. In addition, although reducing the level of overcommitment requires £60 million in additional savings now, that in turn means that there will be much greater scope to address pressures as part of the 2010-11 in-year monitoring process. The issue is partly one of timing.

Overall, the consultation document shows that the total level of spending by Northern Ireland Departments would only change marginally under the Executive's proposals when compared with the original plans. There will be a reduction of 0.1% in current expenditure to £9 billion, and the capital investment plans will decrease by 1% to £1.4 billion. That is less than the rates of end-year underspend that have been experienced in recent years and highlights that the objective of the review was to reprioritise the funding available to the Executive in light of changing circumstances, local needs and priorities.

One area that was considered as part of the review, but where the Executive have decided that action should be taken as part of the 2010-11 in-year monitoring process, was the anticipated shortfall in departmental

capital receipts. Although the economic recession has had a wide-ranging impact on Northern Ireland, the main consequence for public finances has been that the planned level of departmental capital receipts has not been achieved in full. In 2010-11, the main shortfall will be the £200 million that was planned from the sale of the Crossnacreevy site. There will be further amounts from house and land sales as well as planned disposals by other Departments. However, there is expected to be a similar amount of funding available to the Executive from slippage in two major capital investment projects, which will allow the Executive to provide support to the Department affected, provided that all available actions are also taken by those Departments to address the funding deficit internally.

In addition, although there are signs of recovery in the property market, the position remains volatile. In that context, it would have been inappropriate to address the pressures at this time, because market conditions may be significantly different in six months, and Departments should be provided with the opportunity to address the shortfalls internally in advance of calling on the Executive for assistance.

I will now outline the next steps in the process. It is essential that the proposals set out today are subject to robust scrutiny and challenge in the Assembly over the coming weeks. The document that I have published today sets out details of the public context for 2010-11 and the Executive's proposed response. In addition, I have asked my Executive colleagues to publish details of the implications for their individual Departments on their departmental websites. That is to include details of how the additional savings are to be made, as well as the improvements in public services that will still be delivered next year.

I expect that all Committees will wish to review the position for their respective Departments, particularly on how the savings are to be achieved. The Committee for Finance and Personnel will have a key role in that by co-ordinating the views of Committees as well as considering the overall strategic approach to the exercise.

It is unfortunate that more time was not available to the Assembly as part of the consultation process. However, I hope that Members recognise that the complex and difficult issues involved required careful consideration by the Executive in the development of the draft, sorry the draft, proposals that are before the House today. That was a Freudian slip. *[Interruption.]* I am sure that when we get to the consultation stage, we will have some response on that.

In addition, it is essential that the revised departmental budgets are confirmed before the start of the new financial year. It would have been even better if the review had already been completed, as I had originally planned. Therefore, I have asked that the Committee

for Finance and Personnel publishes its response to the Executive's draft proposals by the end of February in order to provide the Executive with sufficient time to consider the views of the Assembly in coming to an agreed final set of spending plans for 2010-11 by the middle of March.

In conclusion, the downturn and instability in both the property and financial markets over the past two years has had a significant impact on the global economy.

11.30 am

Although we all want a swift recovery, there will be repercussions for many years to come, particularly for public finances. The most optimistic scenario for the next spending review is an unprecedented real-terms freeze in current spending and a reduction in capital funding, coupled with increases in taxation as the Government seek to reduce the level of borrowing. Therefore, the proposals that I have published today represent an early indication that even more difficult decisions must be taken in the years ahead.

In particular, the review highlighted the clear trade-off between the continued deferral of water charges and the amount of funding that is available for public services. However, given the circumstances that I faced, I am confident that the proposals represent the best way forward for the next financial year. The proposals recognise the constraints on the Executive and seek to restore public finances to a more sustainable position while, at the same time, providing more assistance to households through the further deferral of the introduction of water charges. I commend the proposals and the report to the House.

**The Chairperson of the Committee for Finance and Personnel (Ms J McCann):** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. Given that the Department previously placed considerable store by the in-year monitoring process as a tool for managing budgetary pressures, does the need for the revision of the 2010-11 Budget highlight the limitations of the monitoring rounds and the urgent need to re-establish a formal process for reviewing and agreeing the Executive's Budget to provide sufficient time for Assembly scrutiny? Moreover, will the Minister clarify what, if any, additional efficiency savings over and above the current level of 3% will be required in 2010-11 should the British Chancellor announce additional measures for Whitehall Departments?

**The Minister of Finance and Personnel:** The Chairman is right; we have relied on in-year monitoring four times a year to reallocate money that Departments thought that they would spend but, ultimately, did not spend. However, for the next year, if we reduce the level of overcommitment to zero, we will offer more opportunity for in-year monitoring because we will not have to keep our eye on the fact that we have already

put in place spending plans that encompass more money than was available. In the past number of years, we found that we could not rely on the fact that, towards the end of the year, Departments would not have spent all that money. Therefore, on the basis of experience, we recognised that it was neither realistic nor feasible to continue with overcommitment. However, as I said in the statement, it will enable us to rely to some extent on the in-year monitoring process.

We have to live with in-year monitoring for the next year. However, as I said yesterday, every approach is problematic because the whole point of in-year monitoring and asking Departments to surrender money was to deal with unforeseen circumstances and inescapable bids that arose because of unpredictable events. We could do that through a contingency fund, in-year monitoring or simply by coming to the Executive as events arise and telling every Department that it must divvy up. All those options have their own difficulties.

As I said yesterday, I am open to the idea of a discussion in the Committee or the Assembly about how we deal with pressures that arise that we cannot possibly anticipate. I am happy to consider the options, but we will find difficulties with each of them. If Members decide that in-year monitoring is not the best option and there is a forcible case to support that assertion, the Department will be prepared to consider that.

We have additional efficiency savings to make next year, and they are encompassed in the Budget proposals. Although my Department is not responsible for each Department's efficiency targets, it monitors them. We met the targets for 2008-09 and we are on target for 2009-2010. All the indications are that we will meet the efficiency targets for 2010-11.

**Mr Weir:** I thank the Minister for his statement and I particularly welcome the Executive's proposals on invest to save. As with any Budget, the key test for a lot of people will be its effect on individual households, particularly in these harsh economic times. Will the Minister clarify the position for households in 2010-11 with regard to the regional rate? Furthermore, what is the overall financial impact on households under this Budget compared with what might have been the case had we followed the advice of some people outside the Assembly and actually been under direct rule?

**The Minister of Finance and Personnel:** The impact on households is determined mainly by the fact that we decided to freeze the regional rate again for another year. Under direct rule there were increases, on average, of approximately 7% a year. Had the increase been 7% this year, the regional rate alone would have taken £21 million from households. The further deferral of water charges for this year represents an average saving of £400 per household.

I know that there have been some criticisms of the draft expenditure proposals. I am sure that, during this discussion, some Members will ask whether I should have done certain things. However, there is a balance between the amount of money that we spend on public services and the amount that we take out of people's pockets at a time of increased unemployment and fewer opportunities for people to do overtime at work or to do part-time work. People are feeling the economic pinch, and households are facing increasing bills. However, households are better off by not having to pay water charges or the kind of rate increases that they would have faced under direct rule. The Executive made that judgement, and households across Northern Ireland will benefit as a result.

**Mr McNarry:** I sense the Minister's continued realisation of how tight he is being squeezed. He has outlined very serious and hard-hitting choices. First, is he satisfied that his statement will represent the sum of spending cuts in the Executive in this comprehensive spending review (CSR) period, and is he ruling out further cuts in the next financial year? How frank can he be today?

Secondly, does he believe that his planned cuts will have an impact on front line services that affect vulnerable people? Is he convinced that his Department has explored all the options that are available to him before he goes further in requesting from his fellow Ministers the drastic action that he has said is necessary?

**The Minister of Finance and Personnel:** Perhaps my problem is that, at times, I am too frank with people. I will be as frank as always in response to the Member's question.

Is this the sum total of the cuts that we are likely to face in 2010-11? The answer is that I do not know. The reason for that is not because the plans do not represent the full investigation that we have conducted into our current financial status, spending plans and the situations that the Executive know they will have to face. If that were the only part of the equation, I would be fairly confident that it represents the budgetary position that we will have to face over the next year.

However, an election is planned for the beginning of the next financial year. The Labour Party and the Conservative Party, one of which will set the picture for spending in the United Kingdom as a whole and, therefore, the amount of money made available to devolved Administrations, have indicated that they will have to administer some fairly robust and hard economic treatment. I do not believe that Northern Ireland will escape the consequences of that. I do not know how hard that is likely to be.

I spoke to my counterpart in the Welsh Assembly Government this morning to discuss our approach when we meet the Chief Secretary to the Treasury on



Thursday. We discussed the implications for budgets across the United Kingdom. She is in exactly the same position as we are. We must seek to press the Chief Secretary as to what the next CSR period is likely to bring, and what the implications are likely to be.

I assure Members that, based on the level of need in Northern Ireland, there is a strong case for arguing for additional resources and that the reduction in spending should not impact as heavily on Northern Ireland as it might in other parts. That is a case that we have to make, and one that I will make forcibly.

As far as the impact on front line services is concerned, the paper that I published today sets out the global figure for each Department. I have emphasised in my statement and in the paper that Ministers should first look at how they can effect those savings by reducing the level of bureaucracy, administration and so on in their Departments. However, it is up to individual Ministers to bring forward plans to show what they intend to do to effect those savings. Ministers will publish those plans on their respective departmental websites, and the plans will then go to Committees for scrutiny. I am sure that Committees will examine the choices that Ministers have made, question the Ministers about those choices and ensure that the choices that Ministers have made are the ones that impact least on front line services. That is a job of each individual scrutiny Committee.

To be frank with the Member, I am not saying that there will be no impact on front line services. However, when Ministers bring forward proposals for their Department that have an impact on front line services, Committees must ensure that there is not something else that could have been given a higher priority when it comes to savings, thereby avoiding such an impact. That is a role for all Members in the scrutiny of the Budget.

**Mr O'Loan:** I thank the Minister for his statement. We are, of course, receiving a crisis mini-Budget. Will the Minister reflect on the fact that he and his predecessors received an increased budget in real terms over this three-year period? The actual outcome has been a series of cuts. Public discussion has focused on cuts; that is the reality.

Will the Minister reflect that the consultation is very much Committee-based? Committees will consider their individual departmental interest. Does the Minister agree that a more overarching review of the Budget is required? I was pleased to see Sinn Féin moving onto our ground in that regard.

Finally, will the Minister reconcile the figures that he has provided in his statement? When the two figures referred to in his statement as spending pressures are added together, the cuts total £367 million. The Minister stated that that is equivalent to 2.6% of planned current expenditure and 10.2% of capital investment. Those are

very swingeing cuts, particularly in capital investment. Later in the statement, the figures presented are very much reduced.

It is stated that current spending will reduce by 0.1% to £9 billion and that capital investment plans will decrease by 1%. I notice that those latter figures are not replicated in the main document. Although it is important that the public presentation of the plans is accurate, I do not see how those figures can be reconciled.

11.45 am

**The Minister of Finance and Personnel:** The Member is a kind of prophet of doom in the Assembly. Even when I come forward with the most optimistic and pleasing of statements, he always finds something bad to say. Maybe he feels that that is his role as a public representative. I think that sometimes public representatives should use their role to try to bring a little light and joy as well as to delve into where difficulties may lie. However, if the Member wishes to be known as the one with a dark cloud hanging over his head all the time, that is up to him.

The first thing to say is that this is not a crisis Budget. Do not forget that I identified early on that there would be an issue over the next year. All the reasons for that are given in the statement: the changing economic conditions; the fact that we were not getting the capital receipts that we hoped to get; and the fact that there were additional demands as a result of the changing economic conditions. Therefore, we needed to ask ourselves whether the normal in-year monitoring would be capable of dealing with the situation. I came to the conclusion that it would not. Therefore, let us have a considered view and let us look more at how we can deal with it. That is exactly what the process is about. It is not about crisis management; in fact, it is the exact opposite of crisis management. It is considered management of a changing situation, and we must deal with that.

The Member also indicated that we should look at the matter in an overarching way. The Chairperson of the Committee made it clear that she believed that that was a job for her Committee. The process is very clear. Each Committee will look at what its Minister proposes for the reductions and send its report and assessment to the Committee for Finance and Personnel, which will then make an overall assessment of how the Budget pans out across all Departments. In that process, information is fed from the people who have expert knowledge of individual Departments up to the Committee that is responsible for looking at the Budget as a whole. The Committee for Finance and Personnel will then bring its report to the Assembly for a debate, and that will give Members the opportunity to look at the Budget in its entirety. The Member tries to make an issue of that, but I do not know what the issue is.

He also mentioned figures for the reduction in current spending and the reduction in capital spending, but I cannot remember those figures offhand because I did not write them down. He also questioned how those tie with the 0.1% reduction in current spending and the 1% reduction in capital spending in the overall Budget. The difference is that the £373 million of savings is a gross figure; those are the savings that we had to make. However, the figures for the overall Budget are the net figure. Do not forget that some of those savings were taken off. The savings were being made, but some were recycled in other ways and spent in Departments. Therefore, the difference is between the gross figures and the net figures. The figures of £9 billion in total for current spending and £1.4 billion in total for capital spending indicate what the final outcome will be.

The Member does his job, and he does it very well. However, I sometimes wish that he would not try to paint the blackest of pictures. If anything, Members should accept that the statement and the approach that we have taken are responses to things that I have heard the SDLP say in the past. It has stated that, in light of the current circumstances, we cannot simply plough on with what we had planned in 2008 because it was different from 2010. He is right, and that is exactly what we have done. At least give us some credit for that.

**Dr Farry:** I thank the Minister for his statement. I will take up the invitation from Peter Weir. The Minister talks about a choice between increasing revenue and spending cuts when, in fact, it should be a balance. I know of no other jurisdiction, certainly in Europe, if not further afield, in which governments do not have a balance of revenue and spending cuts. Indeed, that is the approach of all three of the main parties in Westminster. Does the Minister recognise, therefore, that the approach that he is taking will favour the people who are better off in this society? We have to bear in mind that the regional rate is not paid by everybody and that it is crudely related to the ability to pay. Water charges may also operate on that basis, with a potential affordability tariff. In contrast, it is those who depend disproportionately on public services who will be more affected.

Will the Minister also address the rationale for economic Departments bearing the larger burden of the spending cuts, particularly bearing in mind that we are trying to come out of a recession and trying to rebalance and modernise our economy?

**The Minister of Finance and Personnel:** First, I will deal with the issue that the Member raised about whether we should have sought to deal with the situation by raising revenue rather than reducing the amount of spending —

**Dr Farry:** Both.

**The Minister of Finance and Personnel:** So that I do not misrepresent the Member, his point was about giving more emphasis to the raising of revenue than to reductions. On the surface, that may appear to be an attractive proposition. However, the savings that we had to find amounted to £373 million. Raising the regional rate was an option. If it were raised by the level of inflation, that would have produced somewhere in the region of £9 million. Had we raised it by 10%, that would have produced £30 million. That would have still left a substantial hole in the Budget and it would have had a fairly dramatic impact on households at this time.

A commitment had been given to keep the regional rate frozen for three years, and that was made at a time when economic circumstances were even better for households than they are today. Many householders across Northern Ireland would have asked me to explain why I made a decision to help them when economic circumstances were a bit better than they are today, and now, when economic circumstances are really harsh, I decide to take money out of their pockets. The Member may feel that that is an easy case to make to the electorate; I did not believe that it was and neither did the Executive. It would not have helped in a major way to address the issue that we faced. It is an argument that we could have, but I have outlined the reason why we did not go down that route.

As far as the reductions in the budgets of the economic Departments are concerned, there was a reduction in the current expenditure of the Department of Enterprise, Trade and Investment (DETI). It should not be forgotten that those reductions were made after I held bilateral meetings with each of the Ministers and talked to them about where they believed that they could effect savings in their Departments. The current reductions in the two economic Departments, DETI and the Department for Employment and Learning (DEL), are 2.2% and 2.4% respectively. Therefore, they are not overly stringent. Capital reductions, based on where those Departments believed that capital could be spent in the future, were 7.2% and 8.2% respectively, which are below average reductions.

If the Member compares the average reductions with those that were made in the two Departments that are responsible for delivering economic development in Northern Ireland, he will find that the latter ones are lower.

**Mr McQuillan:** I thank the Minister for his statement. Will he give an assurance that the Civil Service equal pay claim will be paid in the 2010-11 financial year?

**The Minister of Finance and Personnel:** The Civil Service unions have finished consulting with their members, and they have agreed that the equal pay claim is acceptable. Work must now be done, and,

indeed, my officials have already started to meet each of the 13,000 people involved to discuss the proposals and to determine each person's entitlement. The money available from the Treasury had to be spent in this financial year, but we have been given flexibility to move it over to next year.

There are three imperatives to settling the claim, partly in this financial year and partly in 2010-11: the flexibility to spread settlements over an additional financial year; the expectation among those who are eligible for the payments to be made; and the fact that the money has been built into our spending plans for next year, and, therefore, we will have to move on it as quickly as possible.

**Ms Anderson:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. Is the Minister committed to conducting an equality impact assessment (EQIA) on the proposals for the 2010-11 Budget, and what preparations have been put in place to take that EQIA forward? I heard what the Minister said about the level of need here, and the point of conducting an EQIA would not be to engage in a procedural exercise for its own sake but to identify changes that could be brought about specifically to assist those who are most in need.

**The Minister of Finance and Personnel:** Equality impact assessments will not entirely be my Department's responsibility. The global figures and information on how they will impact each Department have been made available to all Ministers, who will then publish how their respective Departments intend to effect those savings. When a Department has compiled its list of implications, it will be up to that Department to conduct an equality impact assessment on it.

It is impossible for my Department to conduct an equality impact assessment until I know the exact nature of each Department's savings. I know how much DHSSPS, DETI, and so forth, will have to save, but I do not know how the Ministers intend to achieve those savings. Indeed, Ministers clearly, and quite rightly, indicated to me that they did not want me to decide how the savings in their respective Departments should be made. They want to make those decisions themselves, and they will have ownership of them. Therefore, once Ministers have presented their proposals to their respective Committees, it will be up to them to conduct equality impact assessments on them. When we see the final shape of how the savings are to be made, a high-level equality impact assessment can be carried out, based on those hundreds of individual decisions. That is the proper way to do things, so, initially, I will have no role to play in the matter.

**Mr Hilditch:** The Minister referred to the substantial one-off cost of £360 million that is associated with the Civil Service pay claim. It is understood that the bulk

of that cost and ongoing additional payments will be made to Department for Social Development staff. Further to the Minister's reply to Mr McQuillan, will the ongoing cost of settling the equal pay claim be met totally by the centre, or will efficiencies be required from the Department for Social Development?

Further to that, will the Minister also confirm whether slippage in the Royal Exchange project is to be used to provide additional funding for new housing and maintenance programmes?

12.00 noon

**The Minister of Finance and Personnel:** The Executive took two decisions on the equal pay claim and its impact on each Department. Departments will face a one-off hit as a result of the legacy aspect of the equal pay claim. Some people will be due back payments for as many as six years, and the Executive took the position that it was unacceptable to expect Departments to meet those payments from their own budgets. Therefore, a central pot of money will be made available for the legacy element of the claim. However, Departments will have to meet the ongoing costs. I accept that some Departments will be hit harder than others. In fact, my Department will have nearly the same percentage hit on its budget as the Department for Social Development, because more AA and AO grades work in my Department than in some others. Therefore, there will be an unequal impact. However, almost every decision that is made when we make budgetary and economic changes has an unequal impact on Departments. Some changes, for example, might impact more on DOE and DRD than on the Department of Education.

We cannot say that every decision that has an unequal impact must be funded from some central pot. That central pot does not magically appear from somewhere — it means money being taken from other Departments. When a cost is ongoing, how long should that central pot be held to supply the money? If that is done on the basis of the unequal impact on Departments, how many factors should be included in that central pot? What does that do to the flexibility of Departments to change their ways, and what incentive does it provide for doing so?

If one Department suffers a major hit because of a particular issue, but a central pot guarantees that the money will be paid, there is no incentive for a Minister to find a different way of resolving the issue, such as considering whether the Department needs as many staff in certain grades. Therefore, if one Department is hit harder than another and the money is paid out from a central pot, that Department will continue to act in the same way for ever. That is not the best way forward, and, for that reason, the Executive decided that the Departments will have to fund the ongoing costs.



**Mr Elliott:** I thank the Minister for his statement. He noted that there was a shortfall of £200 million in respect of capital receipts from Crossnacreevy. Who, if anyone, is responsible for making up that shortfall, and what role does the Department of Agriculture and Rural Development play in that?

**The Minister of Finance and Personnel:** I thank the Member for his question. Indeed, he has just reminded me of the second part of the previous question, which was also about capital receipts and the money from the DSD's Royal Exchange project.

At approximately £20 million, the Department of Agriculture and Rural Development's capital budget is quite small. Therefore, the Member will recognise immediately that it is impossible to say that, should the capital receipt from Crossnacreevy not become available, the Department of Agriculture and Rural Development should fund that from its own resources. That would not be feasible, as it does not have that much capital spend per annum. In fact, it would amount to its capital spend for 10 years. That is why I said in my statement that reduced requirements for other capital spend projects that will not happen next year could be used to offset the shortfall in receipts, such as those that the Department of Agriculture and Rural Development had been expecting to receive from Crossnacreevy. The burden, therefore, would not have to fall on the Departments.

However, in saying that, I outlined two conditions. First, Departments would have to show that they had made every effort to make up all or part of any shortfalls in their budgets. Secondly, that would be done through the in-year monitoring rounds when we have a better picture of the final likely receipts, costs and consequences. However, it is up to Departments to demonstrate that they have made every effort in their own budgets to facilitate any shortfalls.

If the Royal Exchange project does not go ahead next year, it will be because it is not yet ready to go ahead; however, it will go ahead at some stage. Therefore that project is a reduced requirement for the Department next year, and the moneys for it must be returned to the centre. Where a Department has been voted money — not by me, but by the Assembly — and decides not to do what has been approved, the process of accountability requires Ministers to return that money and allow the Executive to re-examine what they will do with it. No one in the Assembly would be keen on me applying for and receiving £100 million from the Assembly to do something and then returning to my Department and saying, "Stuff that; I'll spend it on something else" without there being a mechanism to hold me to account. That is why when a reduced requirement exists the money must be given back and why a Minister cannot say that he or she will spend the money on something else. It must be given

back, the circumstances must be explained, and the Minister must then rebid for that money.

The reduced requirement for the Royal Exchange project involved money being voted to DSD to carry out a regeneration project in the centre of Belfast, a project that the Executive and the Assembly felt was a good use of money. However, if that money is not to be used for that project next year, the Minister must surrender it and a decision must be made on what to do with it. Whether it is spent on housing or on offsetting the costs of the receipt that is not available from Crossnacreevy will be a discussion that the Executive must hold and at which the Minister must present her case.

**Mr Durkan:** In the spirit of light and joy, I thank the Minister for his statement.

The Minister may agree that relying on monitoring rounds to manage what have increasingly become underlying pressures has run its course. However, in many ways, today's review is a super monitoring round, which is really about how the pressures are absorbed and passed out among Departments.

The Minister rightly drew our attention to the fact that not only is the current squeeze being managed but there is likely to be a severe tightening in future because of the other factors that he mentioned. Does the Minister agree that we cannot absorb those pressures in the same form of exercise that is currently being conducted and that it will take something more structural and strategic?

Furthermore, will the Minister reconsider his attitude to the proposal of some Members for a fundamental recasting of the Budget? That would involve categorising the different Budget lines into those that wholly cover front line services, those that mainly cover front line services and so on, the whole way down to purely administrative categories. The Minister talked about reducing bureaucracy and protecting front line services, and such a reclassification would allow us to create an articulate Budget information service that we could use when lobbying the Treasury and others to defend our needs and also to prove that we have a Budget system that is targeting and meeting need and making changes.

**The Minister of Finance and Personnel:** We must live with the situation that we have at present. We are now in January, and the Budget must be ready by the end of March to enable Departments to plan their spending in the best way possible, particularly given the uncertainty that the Member raised regarding what might be coming in the middle of the year. The Member may want to call our budgetary process a "super monitoring round", but it puts in place plans for such a contingency.

The Member also asked about the future. Once we have the comprehensive spending review for the next three years — I do not think that it will be available until after the general election — it will be examined by the Assembly, and we can have the debate that the Member requested.

I have not mentioned a certain point thus far, as no one has raised it with me. As far as other preparations are concerned, the Member is correct: if the reductions that we anticipate are as severe as we believe that they will be, it will be difficult to manage that by simply tampering around the edges of departmental budgets. One reason that my Department has set up the invest to save fund of £26 million is to encourage Ministers to look ahead now and determine where savings can be made.

Yesterday afternoon, I had a discussion with the Minister of Agriculture, who drew to my attention a particular problem that, at present, is costing the Executive tens of millions of pounds. She believes that, if we spent around a couple of millions of pounds, those kinds of costs could be avoided. That is where the invest to save fund comes in. Ministers can look ahead and see where, if they had another couple of millions of pounds to spend, ten times that amount could be saved in every future year. That is preparation for the kind of scenario that the Member has described.

It might have been easy for my Department to provide £26 million to help each Department to avoid losing £2 million. However, that would have been short-sighted. My Department has tried to make long-term preparations. When the comprehensive spending review takes place, we will look at the Budget for the next three years. At that stage, we will have an opportunity to look at the whole budgetary process.

**Mr McLaughlin:** Go raibh maith agat, a Cheann Comhairle. It would be churlish not to acknowledge that the Minister had a difficult job. He gave timely warning and spelled out to the Assembly the significant pressures that were building up, particularly because the Assembly has a fixed Budget. It does not have a normal budgetary process in which money that it is possible to generate through revenue can be balanced against ambitions and spending plans. When the global economy goes into decline, that has an effect here. When Westminster decides to top-slice some public spending budgets, that has a direct impact here. The Assembly must take that on board. The matter will now be referred to Departments and Committees. Hopefully, they will apply both the equality impact assessment process and the test of what are true efficiencies, by examining whether the same outputs and service delivery can be generated with less input.

Will the Minister remind the Assembly what stocks of both current and capital end-year flexibility are available to the Executive at present? It is difficult to

get books to balance in that respect. What level of access has been agreed with the Treasury? A key question is: to what extent have the current stocks of end-year flexibility already been committed?

**The Minister of Finance and Personnel:** I do not carry that kind of detailed knowledge in my head. Therefore, I will rely on officials to give me the answer to those questions. I think that the Member opposite sits down and thinks about how he can catch me out on certain figures. He always asks me these wee questions on individual figures. I admit that I did not have those figures. My officials have supplied me with some, which I hope that I have heard correctly. At present, the stock of end-year flexibility is £30 million of current and £50 million of capital. If I have misheard officials, I will write to the Member and to you, Mr Speaker, with the correct figures, so that they can be corrected in the record.

12.15 pm

The Member also mentioned administration, as did the Member who spoke previously, who asked whether there could be a Budget picture that tells us what is happening in administration. We have administrative lines in each of the budgets that are clear to be seen, and there are 5% efficiency savings to be made on those. I have regular discussions with ministerial colleagues about that, and we have adhered rigidly to the proposal that, if someone wishes to have more money spent on administration, it can only happen if money has been surrendered by somebody else's Department. No reclassification is allowed unless money is actually available from somewhere else to reclassify for people's administrative budgets in another Department. We have tried to be as rigorous as possible on administrative savings and avoiding any impact on front line service.

**Mr Ford:** I heard with interest what the Minister said about the invest to save fund. The example he quoted of spending a couple of million pounds in order to save tens of millions implies that there is a payback period of about six weeks, which one would have assumed would have been covered within the Department's budget for that year. However, given that he has not said very much about the detail of it, will he give us some idea of the expected rate of return from that sort of investment and how it would be applied, given that it is a relatively modest sum? In particular, will Departments be discussing their proposals with their Committees? Will the Minister give us some idea as to whether he will be encouraging Departments to consider the costs of segregation and division in the application of that fund?

**The Minister of Finance and Personnel:** I have made it clear that Departments will be consulting Committees. They will be expected to publish how

they will make those savings and then to discuss that in full with their Committees. I am not clear whether Mr Ford was asking whether Departments would be discussing with Committees any applications for the invest to save fund. However, I assume that Ministers will wish to do that. How will the invest to save fund be applied and what rate of return do we expect? Mr Ford is right: it is a modest sum of money. However, if one could get the kind of return that the Minister of Agriculture and Rural Development told me could be made in a year for the kind of investment that she is talking about, which would then be ongoing for years after that, the savings could be quite substantial.

We will set criteria and make judgements on the applications. Ministers will have to show what kind of savings might be made from their application, how quickly those savings could be found and whether they will be one-off or ongoing savings. We will also take into account the pressures on individual Departments. There will be a number of ways in which we can judge all of that. At the end of the day, the Executive will make the decision on the applications that are made.

I am hopeful that substantial savings can be made. I hope that Ministers will be inventive when looking for savings with their officials and that they will look clearly for modest amounts of money that could have those ongoing savings and quantify them so that we can make the judgements. Those are the kind of things that I expect. If the Member and the Committees come up with suggestions about other aspects that should be looked at or what other criteria we should apply, I will be more than happy to hear from them when we come to allocate the moneys that are available.

With regard to the cost of division, I have made it clear time and time again in the Assembly that, as far as I am concerned, if we are spending money in such a way that it does not give the best return to the public purse, we ought to look at that. I do not adopt any ideological position on the matter. The Member and his party believe that the costs of division represent an area in which huge savings could be made. Many of the examples that he gives about duplication are due to social and economic conditions, rather than the cost of division. We must also recognise that the reality in Northern Ireland is that some of those things are not easily swept aside, and we will live with the legacy of them for some time. Of course, where it can be identified that there is duplication because of the costs of division and that there is a feasible and workable way of avoiding that duplication and reducing that spending, I would expect Ministers to bring that to Committees, and I would expect Committees to endorse it and that it would be part of the Budget.

**Mr Kinahan:** I thank the Minister for his statement. He said that he would be able to deal with the main shortfall from the expected slippage of two major

capital investment projects. He has already mentioned one of those, the Royal Exchange, and the other could be the strategic waste management project. Will he outline how definite that slippage is, particularly in relation to the strategic waste management project, and whether he believes that taking away with one hand to fill the gap somewhere else is an adequate way to conduct public finances?

**The Minister of Finance and Personnel:** The fact is that, if the money cannot be spent in one particular year, something has to be done with it, otherwise it would simply be given back to the Treasury. Therefore, I think that is the adequate way of dealing with the issue. I am not exactly sure of the degree of time slippage in the strategic waste management project, but I know that money that was meant to be spent in the next financial year is not likely to be spent until 2012. Rather than going back to the Treasury, it will be used to offset other things, such as the lack of receipts from Crossnacreevy or somewhere else. That is a sensible approach. The Minister of the Environment can probably give more detail on exactly how much slippage there is.

Of course, the money will have to be spent eventually, but, if by 2012 or 2013 the economic situation has changed and we can receive the receipts from Crossnacreevy, then the money will go into the projects that have slipped. That is the rationale behind our approach. It is a sensible rationale, and it is much better to reallocate the money to Departments in Northern Ireland than to give it back to the Treasury, which, I am sure, would gratefully receive it from us. However, we will do our best to hold on to it.

**Mr Lunn:** I thank the Minister for his statement. What is the read-across between the revised Budget and the Programme for Government, and what strategic approach was taken by the Executive to ensure that overarching objectives, such as modernising the economy and protecting public services, will still be maintained?

**The Minister of Finance and Personnel:** The approach that we took was designed to do exactly what the Member asks about: ensure that the Budget still reflects the Programme for Government. The easy way to have done that would have been to acknowledge that we had savings to make and decide that every Department should take a certain hit, a pro rata cut, end of story. That would have saved me interminable meetings with each Minister and their Department and would have been a quick and easy solution. No one could have denied that they were being treated fairly.

I will be frank: there are Ministers from my own party who will not be particularly happy with the review, because I have not shown any partisan approach to the Budget. Indeed, some of the Departments that have DUP Ministers have been hit harder than other Departments



have been. That is a reflection of the fact that we have adopted a strategic approach, considering how we can target the cuts so as to keep the spending in line with the priorities that we have set in the Programme for Government.

That is reflected in two ways. First, the Departments that deal with economic development have not been hit as hard as the average across the board, despite the point made earlier by Mr Farry. Secondly, we know that the Department of Health, Social Services and Public Safety delivers front line services for which there is a big demand in Northern Ireland, and its budget has been cut the least of all.

We have sought to protect the economy and front line services. Moreover, through the invest to save fund, we are seeking to ensure more efficient delivery of services, which is a priority for many Members. Departments will be given some money with which they can look at how they might make efficiency savings.

**Mr Savage:** I was glad to hear the Minister say that he is not adopting a partisan approach. That is the first time that I have heard a Minister of Finance and Personnel talk sense in the House.

**Mr McNarry:** Steady on now, George.

**Mr Savage:** I mean what I say; I will give anyone credit where credit is due. The Minister of Finance and Personnel said, following his discussions with the Minister of Agriculture and Rural Development, that substantial savings could be made. I am glad that an opportunity exists to cut bureaucracy and red tape and to get down to business. Much can be done by taking a simple approach, so I am glad to hear the Minister's comments. The Minister did not fall into the trap that Mr Ford laid: he would not discuss the details of the invest to save fund before it is discussed in the various Committees. I am glad to see that the Minister is taking that approach, and I hope that it —

**Mr Speaker:** The Member must come to his question.

**Mr Savage:** I hope that the Minister's approach will be followed in the House.

**The Minister of Finance and Personnel:** I do not think that a question was asked, but I accept the Member's commendation. The cynic in me means that, when I hear such comments, I wonder when the boot is coming in. Mr McNarry, who is sitting beside Mr Savage, is very good at doing that. He makes a lovely statement, only to put the boot in after, and I am sure that he will live up to that reputation in future.

I hope that we have taken a sensible approach, despite all the cynicism outside the Assembly. I suspect that, because of other events, the debate will not get much coverage in the press, but it has been constructive. Members have put their points strongly and shown where they have a different emphasis from mine. I

hope that I have given answers as honestly as possible. Although I was disappointed that the process was slow to get started, the process leading up to today's statement has shown that constructive work was done between me and the Ministers, some of whom have radically different views to me. The process could have been made more difficult by political point scoring, but, by and large, that did not happen, and, if people dig behind the facade, they will see that we do good work for which we are not given credit. Unfortunately, that results in the public seeing a picture of here that is unfair and distorted.

**Mr Speaker:** That ends questions on the ministerial statement. The Business Committee has arranged to meet immediately on the lunchtime suspension. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm.

*The sitting was suspended at 12.29 pm.*

*On resuming (Mr Deputy Speaker [Mr Molloy] in the Chair) —*

2.00 pm

## MINISTERIAL STATEMENT

### North/South Ministerial Council

#### Inland Waterways Sectoral Format

**Mr Deputy Speaker:** I have received notice from the Minister of Culture, Arts and Leisure that he wishes to make a statement regarding the North/South Ministerial Council (NSMC) meeting in inland waterways sectoral format.

**The Minister of Culture, Arts and Leisure (Mr McCausland):** With your permission, Mr Deputy Speaker, I wish to make a statement in compliance with section 52 of the Northern Ireland Act 1998 regarding a meeting of the North/South Ministerial Council in inland waterways sectoral format. The meeting was held at the Department of Culture, Arts and Leisure (DCAL) headquarters at Causeway Exchange, Belfast, on 2 December 2009.

The Executive were represented by myself, as Minister of Culture, Arts and Leisure, and Conor Murphy MP MLA, Minister for Regional Development. The Irish Government were represented by Éamon Ó Cuív TD, Minister for Community, Rural and Gaeltacht Affairs. This statement has been agreed with Conor Murphy, and I am making it on behalf of us both.

The chief executive of Waterways Ireland, Mr John Martin, presented a report on progress, which included the provision of 99 metres of additional moorings up to the end of November 2009 and the construction of the remaining bridge to reconnect the Royal canal to the Shannon. Waterways Ireland also continued its marketing activities, with the provision of new publications to promote and support the use of the waterways and the sponsoring of key events on the waterways in 2009.

In relation to the Waterways Ireland business plan and budget for 2009, the Council noted that Waterways Ireland has applied efficiency savings to its 2009 budget in accordance with guidance that was issued by the two Finance Departments. The Council noted the revised 2009 business plan and budget provision, which was subsequently approved by the Minister of Finance and Personnel on 7 December 2009 and approved at the NSMC meeting in tourism sectoral format on 16 December 2009. The Council noted that the Waterways Ireland draft business plan for 2010 is

subject to budgetary considerations and will be brought to a future NSMC meeting for approval.

A progress report was given by Waterways Ireland to the Council on the restoration work on the Clones to Upper Lough Erne section of the Ulster canal. The Council noted that work on the strategic environmental assessment was due to be completed by the end of 2009 and work on the environmental impact assessment is due for completion in July 2010. It was also noted that possible routes and options are being reviewed.

The Council received a presentation on Waterways Ireland's activities on the Shannon waterway, and it noted that, since 2000, Waterways Ireland has increased the number of moorings by more than 50% and the number of vessels on the Shannon by more than 120%. The severe flooding currently being experienced, particularly along the Shannon, where unprecedented levels of water have been recorded, was also discussed. The Council agreed proposals for a number of property disposals in the context of a range of development projects on the waterways.

It was agreed that the NSMC will meet again in inland waterways sectoral format at a date to be agreed in the second quarter of 2010.

**The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff):** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom dhá cheist a chur.

I have two questions for the Minister. In May 2009, the Committee for Culture, Arts and Leisure held a meeting at the Waterways Ireland headquarters in Enniskillen. It was heartening to hear the Minister speak of recent progress in increasing the number of moorings so that more people can enjoy our waterways.

The Minister spoke of a revised budget being agreed for Waterways Ireland for 2009. Will he tell the House how much was cut from the original 2009 budget? What was, or will be, the impact of that revision on service delivery?

Furthermore, the Minister referred to a programme for the completion of the restoration of the Ulster canal from Upper Lough Erne to Clones. The Committee has maintained a keen interest in that issue, and we heard from the Blackwater Regional Partnership about the tourism and economic benefits that will result from the reopening of the canal. The Minister mentioned a number of dates for key milestones to be met, but can he indicate a date for the completion of the overall project?

**The Minister of Culture, Arts and Leisure:** I will answer the second question first, on progress on the Clones to Upper Lough Erne section of the Ulster Canal. Waterways Ireland has received the physical survey in a format that allows the preliminary design

process to commence. Work on the environmental impact assessment and the strategic environmental assessment is progressing well, and the environmental impact assessment is due for completion in July 2010.

Possible routes and options are being reviewed, and when the preferred options are identified, the tender for a site investigation will be advertised. Waterways Ireland has met the Department of the Environment and Roads Service about bridges in Northern Ireland, and has also met Monaghan County Council's planning and roads sections. A meeting with DOE planners in Northern Ireland will be held soon.

When a preferred option is identified, it will be developed to the stage that allows it to be forwarded for planning approval. Planning applications should be ready for submission in summer 2010. Pending a successful outcome to the planning process, the land acquisition process will commence, and the contract for the construction phase of the project should be awarded some time in 2011. It is impossible to be more precise about a final date for completion.

The Member also asked about the 2009 budget. Waterways Ireland's budget for 2009 was £33.6 million. Waterways Ireland had applied a 3% efficiency saving to the 2009 budget in accordance with the guidance that it was given by the two Finance Departments. The situation is always somewhat complicated by the exchange rate between the pound and the euro. However, the total 2009 budgetary allocation was £28.61 million from the Irish Republic and £4.99 million from the Department of Culture, Arts and Leisure, making a total of £33.6 million.

There is bound to be some impact on the work of the organisation when savings are made. However, those efficiency savings were determined by the Government in the Irish Republic and by the Assembly. They were absolutely essential, and had to be fitted into the budget arrangements for Waterways Ireland.

**Mr T Clarke:** I thank the Minister for his statement. He referred to a 50% increase in the number of moorings. What is Waterways Ireland doing to raise the profile of inland waterways as a key tourism product?

**The Minister of Culture, Arts and Leisure:** I am pleased that the Member has drawn attention to the question of raising the profile of waterways as a means to create additional tourism benefits. The Waterways Ireland marketing and promotion strategy was launched in 2004.

On 29 April 2009, the marketing advisory group, made up of representatives of the Northern Ireland Tourist Board, Tourism Ireland, the Irish Boat Rental Association, Erne Charter Boat Association, the Northern Ireland Chamber of Commerce and the Chambers of Commerce of Ireland met and decided

that Waterways Ireland staff would undertake a review of the strategy in consultation with the advisory group. No external consultants are being brought in, but that revised strategy for marketing waterways and promoting tourism through them will be available for public consultation in early 2010. The key elements in the strategy are: awareness creation; development of corporate identity; promoting greater use of the waterways in partnership with other bodies; and building a platform for sustained development.

Therefore, I hope that the point comes across clearly that a partnership of various organisations, including the Northern Ireland Tourist Board and the Northern Ireland Chamber of Commerce, is involved in this promotional work. That is important. We have provided additional metres of mooring in Northern Ireland, and that increases the facilities that are available. I hope that in due course we will see the benefits of the marketing and the increased moorings.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas atá déanta aige anseo inniu, agus fáiltím roimh an dul chun cinn atá déanta san obair thábhachtach seo.

I thank the Minister for his statement, and I welcome the progress that has been made to date. The Newry canal, which is in my constituency, is one of the most famous canals in the world. In fact, it was one of the first canals to be constructed in these islands. That canal holds tremendous potential for tourism and leisure, as it links Carlingford lough with the north coast via the Upper Bann, Lough Neagh and the Lower Bann. Is there any strategic view for the future that would bring canals such as the Newry canal back into use? Will he outline any plans to do that?

**The Minister of Culture, Arts and Leisure:** I am aware that four local councils own the Newry to Portadown canal. The councils have carried out a feasibility study, but due to lack of capital funding, no further progress has been made towards reopening the waterway. However, the councils involved have carried out extensive capital works to provide what has become hugely popular pedestrian and cycle access on the entire towpath between Portadown and Newry.

**Mr McCarthy:** I, too, welcome the Minister's statement. I would like to comment on the success so far of what has been happening on the waterways.

The statement says:

"The Council agreed proposals for a number of property disposals in the context of a range of development projects".

I am a bit concerned when I hear of councils selling off what are probably assets. As I understand it, there are communities, including small hamlets and villages along the canals and that it was the intention to regenerate them. Among any of the properties that will be disposed of, are there any redundant lock-keeper's



cottages that could be turned into lucrative ventures that would encourage and entice the regeneration of local communities along the canals?

**The Minister of Culture, Arts and Leisure:** I assure Mr McCarthy that he can rest at ease on that matter. The properties that were disposed of by Waterways Ireland were two in number, and both were in the Irish Republic. Therefore, it is not a matter that will give him any cause for concern. None of the disposals was financially significant.

**Mr K Robinson:** I thank the Minister for his submission. We realise the potential that is locked up in Waterways Ireland. I looked at the figures on the number of extra moorings and the increase in vessels on the Shannon. I also listened to the Minister's mention of severe flooding problems along the Shannon. I am a wee bit concerned that Northern Ireland is playing catch up. We have potential here, as my colleague on my right and other Members mentioned. For a moment there, I began to think that Dominic was working for the Tourist Board in Newry. However, we have tremendous potential here. Can the Minister assure me that Northern Ireland is playing catch up here and is doing so in a very positive manner? The potential that lies out there untapped is tremendous.

**The Minister of Culture, Arts and Leisure:** I agree entirely with what the Member said about the potential of waterways. It may be helpful if I gave an update on the capital works that have been undertaken in Northern Ireland.

2.15 pm

Up to the end of December 2009, Waterways Ireland had completed 56 metres of additional moorings on the Lower Bann, which includes 36 m at Portglenone and 20 m at Camus. Other works on the Lower Bann include 36 m of additional moorings at Hutchinson's quay, which are due to be completed by March 2010; 36 m of additional moorings at Movanager quay, which are due to be completed by March 2010; the purchase of a jetty for Newferry, Ballymena; the replacement of Movanager bridge; and the provision of navigational signage. The cost of the total capital works planned for the Lower Bann in 2010 is £455,000.

No additional moorings were completed on the Erne system during 2009, because 482 metres were completed in the previous year. The cost of the planned works for the Erne system this year is £460,000. The cost of planned capital works in 2010 for the Erne/Shannon waterways, to which the Member referred, is just £97,000. With almost £500,000 being invested in the Erne waterways and almost £500,000 being invested in the Lower Bann this year, there will be significant investment in additional moorings and improvements.

**Miss McIlveen:** I thank the Minister for his statement. Why was the 2009 business case plan not approved by the NSMC until December 2009?

**The Minister of Culture, Arts and Leisure:** I thank the Member for her question. The Waterways Ireland business plan for 2009 was presented at the NSMC meeting in inland waterways sectoral format on 16 January 2009, and its content was noted subject to budgetary processes in the two jurisdictions. At that time, the Budget in the Irish Republic had not been settled, and the two Departments of Finance were in discussions about applying efficiency targets for cross-border bodies. In May, Departments were advised by the NSMC secretariat that the two Finance Departments were to agree a joint paper on efficiencies and offer guidance for the preparation of business plans. That guidance was issued by both Finance Departments on 14 September 2009.

The agreed guidance required that the body achieve a minimum of 3% cumulative cash-releasing efficiencies — 3% in 2009 and 6% in 2010 — using indicative budget figures from 16 January as the baseline. The Department of Finance in the Irish Republic approved the 2009 business plan. On 7 December 2009, the Minister of Finance and Personnel in Northern Ireland also approved the business plan, which was then brought to the NSMC meeting in tourism sectoral format on 16 December 2009, when it received final approval. I think that the Member will probably appreciate that such things are somewhat cumbersome.

**Mr Dallat:** I welcome the statement, which is positive but a little brief. Does the Minister agree that the development of the Lower Bann is absolutely critical to tourism, particularly international tourism on the north coast? The Minister acknowledged the good work of Waterways Ireland. However, is he aware that there is serious erosion of the Lower Bann's riverbanks? Does he agree that there is an absolute need for statutory legislation for the management of the river, so that when the Ulster canal reopens, the river is preserved and can be a Mecca for the whole of the island?

**The Minister of Culture, Arts and Leisure:** I agree that the Lower Bann has potential in the same way that I think that all the other waterways that have been mentioned today have potential. The issue of erosion was not discussed at the NSMC meeting. However, I will bear that in mind and will undertake to write to the Member about the issue once I know what the current situation is.

## EXECUTIVE COMMITTEE BUSINESS

### Wildlife and Natural Environment Bill

#### Second Stage

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

That the Second Stage of the Wildlife and Natural Environment Bill [NIA 5/09] be agreed.

I cannot overstate the importance of protecting, conserving and enhancing our natural environment, particularly our wildlife, and I am determined that the legislation will help to ensure that it remains diverse, healthy and resilient. The legislation will also assist in meeting the international obligation of halting biodiversity loss.

The Wildlife (Northern Ireland) Order 1985 has served us well and been an important tool in halting biodiversity loss. The Wildlife and Natural Environment Bill provides greater scope to meet current and future challenges. Through the Bill, I aim to enhance protection for a larger range of birds, plants and animals. The changes are reflected in the schedules to the Order, which sets out various levels of protection.

The Bill is intended to provide more protection for the species listed through giving the police greater powers to gather evidence. It introduces custodial sentences for severe and persistent wildlife crime and new powers to protect areas of special scientific interest. The Bill proposes a new duty on Departments and other public bodies to further the conservation of biodiversity. In addition, the Bill abolishes elements of the game laws that require anyone hunting or selling game to have a licence. Those laws, which date back to the nineteenth century, are no longer relevant.

The Bill comprises 36 clauses and three schedules. I do not intend to comment on every clause. However, I will highlight some issues and expand on those that were mentioned earlier.

Clauses 1, 2 and 3 establish a new duty on government and public bodies. It will require all Departments, including the Department of the Environment (DOE), to further the conservation of biodiversity when undertaking their functions. Public bodies, such as district councils, will be required to fulfil that duty. The conservation of nature is an essential part of the commitments contained in the Northern Ireland sustainable development strategy, which was published in 2006 and complements the Northern Ireland biodiversity strategy that the Executive adopted in 2000.

The introduction of a duty on Departments and public bodies will raise the profile of biodiversity and

promote biodiversity issues as a natural part of policy-making throughout the public sector. I am aware of the good work that Departments and public bodies already do through the biodiversity implementation plan to promote the conservation of biodiversity. That process is led by the Northern Ireland Biodiversity Group, and an example of that work is the provision of nesting boxes for swifts in the new library that is being built in Antrim. Actions to promote biodiversity need not be complex or expensive. For example, a decision not to cut small areas of grass in the Stormont estate would encourage wildlife and save money.

I turn now to offences. It is vital that we all act in a responsible manner when in the countryside. Clauses 5 and 6 extend the scope of a number of existing offences that are contained in the Wildlife (Northern Ireland) Order 1985. Anyone who acts in a reckless manner that causes harm to wildlife will be committing an offence. The Bill strengthens controls on the use of snares. Snares are used by landowners and land managers to control pests, and many farmers use snares during the lambing season to capture foxes. To avoid unnecessary suffering, that practice must be subject to strict standards, and, therefore, the Bill includes a requirement for snares to be regularly inspected.

Changes are proposed to the provisions for managing our wild deer population. In recent times, the numbers of deer have increased, and, therefore, it is time to provide mechanisms that will allow for the effective control of the deer population. Accordingly, clause 16 gives my Department the power to issue licences allowing deer to be taken or killed out of season. That action could be allowed for purposes such as ensuring public safety or preventing serious damage to crops. However, strict conditions will apply before such licences can be granted. Clause 26 extends the season for culling hinds and does by bringing forward the start of the open season to 1 October.

Robust enforcement powers are necessary to stop wildlife crime. It is vital that the enforcement authorities, principally the police and the Department's wildlife inspectors, have the necessary powers. Clause 19 provides stronger stop and search powers for the police. Under the authority of a magistrate's warrant, police will have the power to access premises to investigate a wider range of wildlife offences. For the first time, police will have the authority to avail themselves of DNA sampling techniques to investigate the ancestry of specimens. Those powers will be subject to relevant controls, including the requirement that samples from live animal specimens be taken only by veterinary surgeons. There is also a requirement that police officers leave premises in the same secure manner in which they were found.

Clause 22 will give the courts powers to impose custodial sentences for serious offences against

wildlife, such as stealing the eggs of rare birds. The threat of imprisonment should deter persistent offenders from committing serious wildlife crimes. I am thinking in particular of crimes such as badger baiting or shooting birds of prey. I want to reinforce the message that we value our wildlife and want to see it properly maintained and safeguarded.

Schedules to the Wildlife (Northern Ireland) Order 1985 list different levels of protection for plants, birds and animals. Those schedules have been reviewed to reflect the current conservation status of many species in Northern Ireland. Additional species, such as the tree sparrow and the sand martin, will be given full protection for the first time. Marine species, such as the basking shark, are also included. My Department will have a new duty to review the schedules every five years. That will ensure that we take account of changing population trends.

The Irish hare has been the subject of much attention in recent years, and after careful consideration of the scientific evidence, I do not propose to change the level of protection to that game species.

**Mr Deputy Speaker:** Excuse me, Minister. A mobile phone is interfering with the sound equipment. I ask everyone to check that their mobile phones are switched off.

**The Minister of the Environment:** Instead, practical conservation actions should continue to focus on the main cause of population decline, which is the loss of a suitable habitat. My officials are working closely with landowners and field sport organisations on methods to ensure that an adequate habitat is maintained for that unique species. The species action plan for the Irish hare will be reviewed in 2010. In that review, officials will put forward practical and achievable actions and targets to assist and maintain a sustainable population of Irish hares.

I am also taking the opportunity to make some amendments to part 4 of the Environment (Northern Ireland) Order 2002. That proposal is designed to enhance protection for our areas of special scientific interest (ASSI). Clauses 27 to 30 include provisions for new offences in relation to actions by third parties that damage the futures of ASSIs, such as damage to an ASSI due to the use of quad bikes on land without the landowner's knowledge. An offence is also created when public bodies fail to notify the Department of their consent to operations that are likely to damage an ASSI.

Finally, I propose to amend the laws that relate to the hunting and trading of game species. Clause 31 abolishes the requirement that anyone who hunts or sells game has to be licensed. That requirement dates back to the early 1800s, when it was needed to curb poaching on large estates. However, it is no longer needed. My Department is responsible for the

conservation and management of game species. Responsibility for administering game licences rests with the Department for Social Development. Margaret Ritchie has agreed that the Bill offers an ideal opportunity to carry through those reforms.

Clause 32 removes the restriction that game can be sold only at certain times of the year. Modern refrigeration techniques and food safety standards mean that such restrictions are no longer necessary. I stress that laws that relate to poaching will remain in place and it will be an offence to sell illegally taken game.

I commend the Bill to the Assembly. It will have a positive and practical impact on the conservation of biodiversity and the protection of our wildlife. It will also bring us into line with the provisions in Great Britain and further transpose the requirements of the birds directive. It provides the authorities with responsibility for enforcing the provisions of the Wildlife (Northern Ireland) Order 1985 by giving them the suitable powers to do so, and it offers an appropriate level of deterrent to those involved in wildlife crime.

**The Chairperson of the Committee for the Environment (Mrs D Kelly):** As the Chairperson of the Committee for the Environment, I welcome the Wildlife and Natural Environment Bill. This comprehensive Bill consists of 36 clauses and three schedules and has been introduced to reflect the increasing significance of protecting our biodiversity and deterring wildlife crime.

In 2007, before my time in the Committee, the Committee noted its concern about the current provision for protecting areas of special scientific interest in the Environment (Northern Ireland) Order 2002 and sought more information from the Department.

The response indicated that future changes to the 2002 Order through a wildlife Bill should address the Committee's concerns. I hope that, some two years later, the Committee will not be disappointed. I note the measures that the Minister outlined this afternoon, and I will touch on areas of special scientific interest later.

2.30 pm

In February 2009, the Committee sought the views of the Royal Society for the Protection of Birds (RSPB) on the Wildlife (Northern Ireland) Order 1985. The RSPB stated that wildlife crime is a major issue in Northern Ireland and outlined that it received 63 reports of wildlife crime between January 2006 and June 2008. It stressed that that number is likely to represent under-reporting because the public tend not to report on wildlife crime.

The RSPB told the Committee that wildlife laws need to be comprehensive and that people who commit



serious wildlife crime should receive custodial sentences to deter others. In the body's view, the Wildlife (Northern Ireland) Order 1985 is long out of date and no longer fit for purpose because it has not been fundamentally reviewed since it was created. It believes that the Order is inadequate to protect species in Northern Ireland and called for a wide range of changes, including the introduction of a licence system for shoots and a duty on all public bodies and their officers in Northern Ireland to further the conservation of biodiversity. I note that such provision is included in the Bill and look forward to scrutinising it in more detail to determine whether the proposed legislation is up to the task.

The Committee's recent inquiry and report on climate change recommended an urgent need for Northern Ireland to produce a climate change strategy that recognises the importance of biodiversity to Northern Ireland, the commitments that have already been made for its protection and the need to halt its decline. The Committee recommended that the strategy should incorporate guiding principles for protecting biodiversity. Therefore, the Committee welcomes the provision that will introduce a new statutory duty on Departments and public bodies to further the conservation of biodiversity, and we will liaise closely with public authorities on that area of the Bill.

Last year, the Committee agreed with the RSPB's call for custodial sentences for wildlife crimes and its view that Northern Ireland should be on a par with Great Britain in that regard. It subsequently wrote to the Secretary of State to say that stronger penalties, as have been introduced in England, Scotland and Wales, would offer an increased and robust deterrent to people who are involved in wildlife crime and that that must be considered for Northern Ireland. Therefore, the introduction of the Bill is welcome because it will introduce the measures that I have outlined.

I will touch on several other important areas of the Bill. It aims to improve the management and protection of areas of special scientific interest by ensuring that ignorance is no longer accepted as a defence and by giving the Department the power to issue stop notices. The Committee welcomes those powers, which will ensure that public bodies are obliged to inform the Department when they have authorised or permitted anyone to undertake an operation that may damage any features of an area of special scientific interest. The Bill will certainly create greater enforcement powers. However, as always, the Committee will want to know how those powers will be carried out in practice and the resources that will be dedicated to them. We look forward to receiving further information from officials at Committee Stage.

The Committee is already concerned about the control of vacancies in the Environment Agency. Many

enforcement officers and not being replaced, and the Committee will be mindful of that fact. Moreover, the Committee will seek input into its scrutiny of the Bill from the PSNI, which will continue to have a crucial role in the protection of our wildlife.

I welcome the protection of the nests of certain birds under the Bill, as called for by the RSPB. I also welcome the introduction of an offence for anyone who damages or destroys birds' nests at any time of the year. The RSPB states that some of our most familiar birds have been "red listed" following long-term declines of over 50%. In other words, for a variety of reasons, those birds' future as an Irish species is at risk. The recent killing of a red kite highlights the risks that birds face. The Committee watched red kites flying in County Down in February 2009, and members were impressed by the work that had gone into the reintroduction of the species into the North and the local community's considerable buy-in to the project.

I hope that the Bill will go some way to better protect those birds, help to bring the perpetrators of that recent crime to justice and allow red kites to flourish once again on the island.

The Committee is aware that there is disappointment in some quarters that the Minister of the Environment has decided not to give full statutory protection in the Bill to some well-known species such as the Irish hare and the curlew. The Committee recognises the need to protect those species and has been involved in the alternative approaches that the Department of the Environment has taken to protect them while numbers remain under threat. However, I am sure that the Committee will take the opportunity to consider the long-term implications of the protection of those species during its consideration of the Bill. There has also been a surprising reaction to the proposals laid out to allow the continued use of snares for the taking or killing of wild animals across the North. I am sure that the Committee will want to consider that aspect of the Bill in more detail over the next few weeks.

I welcome the provision in the Bill to review the species lists in schedule 1 every five years. As I said earlier, the RSPB had voiced concerns that the Wildlife (Northern Ireland) Order 1985 had not been fundamentally reviewed since it came into effect and was inadequate to protect species in Northern Ireland. It is to be hoped that the provision for review will ensure that the lists remain up to date and accurate in order to protect the most vulnerable living things in Northern Ireland and in our surrounding seas.

I should point out that not all aspects of the Bill fall naturally to the Committee for the Environment to consider. Game and game dealer licensing is, as the Minister said, a function of the Department for Social

Development. The Committee for the Environment will invite the Committee for Social Development to consider the proposal for the abolition of such licences and make its position known to us.

As soon as the House commends the Bill to the Committee, we will call for written submissions from interested organisations and individuals. Members will be extremely interested to hear their views. Last week, Committee members received a pre-legislative briefing from the Department's Bill team, and I look forward to having a good ongoing working relationship with the officials to ensure that my Committee can scrutinise the legislation properly.

In general, the Bill seeks to strengthen the protection of wildlife and our natural environment. On behalf of the Committee, which, I know, wishes for greater environmental protection, I support the principles of the Bill. If I may go off script, Mr Deputy Speaker, on a personal note, I have been heartened by the coverage of the issue and the keen interest that the general public has shown in the protection of birds, particularly during the recent cold snap. I hope that people will make an effort to respond once our consultation begins.

**Mr Weir:** I support the Bill, which deals with an important subject. I note that the lesser-spotted Wells has entered the Chamber to lend his support. There will be strong support for the Bill on all sides of the House, because it is sensible and important to protect our wildlife, which is something that we wish to preserve for future generations. I will address issues of detail later, but it is important to note that the Bill has been welcomed not only by all parties but by a range of environmental groups, particularly those that are most directly connected to its broad thrust, such as the RSPB.

I will speak about a few aspects of the Bill that are particularly welcome. The commitment in clause 1 to the duty to conserve biodiversity has been put in very strong terms, which are compatible with our international obligations and will put Northern Ireland at the cutting edge of that objective. As the Chairperson said, the provisions in the Bill for the protection of nests are important and are to be welcomed.

A range of other issues has been highlighted, in particular the introduction of new offences that will clamp down on those who would interfere with our wildlife and try to destroy it. It is important that environmental crime be tackled strongly.

The aim of the Bill is to enhance protection for a larger range of birds, plants and animals, as the Minister said. We would all strongly welcome that. Having referred to such a cross-party consensus, I must deny rumours that my colleague Mr Shannon is locked up in a room, tied to a chair. However, I see his

constituency colleague Mr Hamilton hovering somewhat vulture-like, so I hope that he is not here as Mr Shannon's representative. He seems to be washing his hands of that element. There is much to be welcomed in the Bill, but there is also a lot of complexity. Therefore, I believe that it merits a lot of scrutiny.

The Chairperson has mentioned the RSPB, and that is the key environmental group with respect to the legislation. I met some RSPB representatives yesterday to discuss some of the detail of the Bill. I should declare an interest, as my father, Jim Weir, was a founder member of the RSPB in Northern Ireland. He was a member of the pre-existing Ulster Society for the Protection of Birds when it merged with the RSPB. Perhaps, therefore, I come to the issue with a degree of bias.

The RSPB has highlighted that some detail will have to be teased out. Mention has been made of the curlew and how it is treated and whether it should be included in schedule 1 or schedule 2. There are also questions around the level of protection that there needs to be around shooting, and a lot of good work has been done with the British Association for Shooting and Conservation. The slight complication with that is that not all groups have signed up to it.

Further examination and work needs to be done on a range of issues, such as with schedule 9 and the issues of non-native species and temporary stop notices. Although some very welcome protections are offered through ASSIs, there are questions about the level of protection that can be offered to areas that fall outside that classification. I understand that the RSPB and departmental officials are due to meet reasonably soon, and I am confident that those are elements of detail that can be ironed out.

I was heartened by the approach taken by departmental officials. The Committee received a very useful briefing at our last meeting in which it was indicated that each side is keen that there is flexibility, to ensure that all the details are got right. That may mean tweaking the legislation or it may mean that we have to consider having subordinate legislation to deal with certain areas.

Although there are elements of detail to be ironed out, the broad thrust of the Bill is very welcome. I congratulate the Department on bringing it forward. Providing that level of protection to our wildlife in Northern Ireland, particularly our bird population, will preserve the best of Northern Ireland for generations to come. We have all grown up with that level of opportunity. I know that the Minister has had a strong connection with the countryside throughout his life, but one of my concerns is that as we move increasingly towards a more sedentary family lifestyle,

the opportunity for people to connect with nature and the rural community seems to be missing. That is an important link that has been eroded in our society. We have to preserve the best of our countryside in a sensible fashion so that the opportunity to connect with nature is preserved for future generations, and that is what is proposed in the Bill.

**Mr McCarthy:** Will the Member join me in congratulating the ‘Belfast Telegraph’ on its recent publication that showed birds of Northern Ireland? That is of great educational value, not only to our young people, but to people who appreciate rural and country life.

**Mr Weir:** I welcome anything that increases our connection with nature. I am sure that the Member liked looking at the pictures. It is important that our knowledge of nature is deepened.

Whether such knowledge comes from the ‘Belfast Telegraph’ or publications from the National Trust or another organisation, it should be embraced. It is very much in keeping with the spirit of the Bill, and the House should unite in welcoming it. I urge Members to support the Bill.

2.45 pm

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom labhairt i bhfabhar an Bhille.

I will speak in favour of the Bill. One would think that Mr Wells is a bird, given the way that he has just flown into the Chamber. Sinn Féin welcomes the Wildlife and Natural Environment Bill and looks forward to the RSPB’s contribution to the Bill process. The Bill will complement and enhance existing legislation to ensure the protection of our habitats and wildlife in the North. Thus, it is crucial that the new legislation is comprehensive, fit for purpose and that it meets future challenges.

Changes must be made to the Bill to ensure that it provides protection to wildlife and that it is compliant with relevant European directives. Given the inclusion of a duty to further the conservation of biodiversity, we must ensure that proper guidance is issued to enable public bodies to conserve and protect our indigenous species of flora and fauna and habitats. The introduction of any biodiversity strategy is vital and must ensure the conservation of our species. However, surely that will be achieved only if important species are identified through the provision of proper research, which will ultimately ensure their protection.

As the Chairperson said, the Committee recently saw, at first hand, the project to reintroduce the red kite to the North, and we hope that it is a success. However, other bird species that are under severe threat must be protected through proper monitoring. In particular, the curlew should be included in schedule 1 under the

specialist penalties provision. Several other species that are declining in number should be considered for inclusion in the Bill to ensure the recovery of their population. You will be glad to hear that I am not going to read out lists of birds that require protection, but we will have a chance to examine those in more detail during the Committee Stage of the Bill.

Sinn Féin believes that, to protect our wild birds, animals and plant life, appropriate measures should be in place to deal with people who damage or harm our natural environment and wildlife. We welcome the suggestion that amendments should be made in respect of the offences clauses. We also support a complete ban on the use of snares, and I am disappointed that clause 10 falls short of that. Snares are not target specific, and any animal, including domestic pets, livestock and protected species, such as the Irish hare, can fall victim to them. In many instances, snares result in prolonged periods of pain and suffering for the trapped animal. The aim of the Bill should be to protect and sustain our wildlife. Therefore, it should seek to introduce more humane methods of control and address undue nuisances, especially to farm livestock.

I support the introduction of mechanisms for the management of wild deer in the North. Measures are needed to prevent incidents involving damage to property and our natural heritage and threats to public safety, such as last year’s incident in Camlough. However, it should be borne in mind that wildlife viewing is a much-loved recreation activity, and we must seek to strike a balance. The welfare of animals must be a factor and, therefore, the type of damage that warrants the destruction of an animal must be clearly defined.

Hundreds of deer are culled lawfully and humanely each year to keep numbers down in order to stop damage to farms. However, many more are being killed cruelly by poachers who seek to sell the meat on the black market. Apart from the cruelty and illegality, what concerns me most is that many of those deer may be diseased or contaminated. There are no controls, and people do not know what they are eating when they buy meat from unscrupulous poachers. I support the principles of the Bill and look forward to the scrutiny at Committee Stage.

**Mr Kinahan:** I, too, am very pleased to speak on such an important Bill. We all need to find a balance between how we live with nature in the countryside, and how we manage our existence. At a meeting last night, I was intrigued to hear that, in 1906, people struggled to work out how to prevent flax effluent from entering our rivers and destroying them. Therefore, it is not as though this issue is new; it is something that we have long been trying to deal with and learning about. We need to set up a dynamic system, as this Bill does extremely well, so that we



review constantly how we strike a balance and how to best live in the countryside.

I welcome the Bill, which tidies up rather ancient laws. I was double-jobbing the other day; perhaps those Bills are antiques, although they are not worth anything. The Bill tidies up many areas. First, it places a duty on all public bodies to conserve diversity. Secondly, it places a duty on the Department to produce a biodiversity strategy. There is much more in the Bill, but I will not go into it in great detail. I am very happy to be a member of the Environment Committee.

Earlier in the parliamentary year, I spoke about the Forestry Bill. It is extremely important that the Department and Committee speak regularly to stakeholders. We should continually talk to all who know better than us so that we ensure a dynamic flow of information. I am not asking for a quango, but we should use the experts.

We have received an extremely good document from the RSPB, about which all Members have spoken. It is an excellent brief, and we will receive many more briefs from other bodies. I too will highlight the case of the curlew. When I was small, I remember my mother pointing out the call of the curlew. I have not heard it since then. I was 10 years old at that time, so it is 40 years since I have heard a curlew on any land on which I have stood. We need to ensure that the curlew is protected.

We also need to take up the RSPB's point on the need to explain the biodiversity duty and what it means. We need to look continually at the placing of wildlife in the right schedules, as I have already touched on with the curlew. We need to listen continually. In that respect, however, there are lots of terms that need clarification, such as "native", "non-native", "wild" and "wild state".

I declare an interest because I farm a very small herd of deer. They are not wild in that they are not free to go wherever they want, but they are of a wild state because one cannot corner them to deal with them. A sharpshooter is needed to shoot them. They are then taken to a butcher. "Wild" and "wild state" need to be defined, and that is the case in many more areas.

**Mr McCarthy:** That is cruel.

**Mr Kinahan:** Thank you very much. It would be cruel if I tried to shoot them because most of Templepatrick would be gone before I hit a deer.

When we are looking at the names of certain species, it is easy for all of us. Many of us will know the birds. However, when it comes to plants, how many Members know what a green figwort, or scrophularia umbrosa, is? There are many more such terms in the Bill, so there is a strong need for

education. We had an idea of including photographs because there is a lot of education that needs to go alongside the Bill. It is all very well to place the duty on government and local councils, but we need to educate the general public. Those terms and names need to be understood fully.

I welcome the extra provisions on areas of special scientific interest (ASSI), particularly the need to know who owns the areas. When someone moves on, we need to know who the next owner is. Ignorance is not an excuse. However, I plead that, whatever we set up, we do it softly. Liaison groups have been established, and we should talk as best we can to the people who are on the ground and live in those areas. For example, on a National Trust estate on the border, there is a plant called the sally, which I believe is a form of salix, or willow. It is totally taking over all of the lakes because it is protected and cannot be cut back. We do not want to have to wait five years to get permission. We need to set up a dynamic system so that we can alter things within that five-year period.

We need to continue, and I will keep making the point, talking to all the groups that know. I welcome the annulment of Crown immunity. Although appointing wildlife inspectors is a good idea, I query where we are going with them and how. Allowing inspectors to enter premises and take samples is fine as long as there is a means for the people who own the land, and others, to work well with them and get reparation for any damage that might be done.

We need to work out where the PSNI is with this. On the one occasion that I had to deal with the PSNI, when a deer was lost, I could not find anyone who even knew what a deer looks like. Presently, only one PSNI officer is trained to deal with wildlife; we will need many more. Therefore, to ensure that the Bill can work throughout Northern Ireland, we need to look at training.

I welcome the clause on penalties: the six-month custodial sentence and fines. However, in England, there was a case in which a whole wood — five acres — of bluebells was stolen in one night and sold for profit. Therefore, the fines should potentially be extremely large. Nonetheless, the other day in the Committee for the Environment, we learned that when the Northern Ireland Environment Agency (NIEA) is successful in collecting a fine, the money goes to the Treasury. We should try to find a way to hold such money in Northern Ireland.

I, too, will mention snares. I do not like the idea of unnecessary suffering, particularly suffering for 24 hours. If your leg is in a trap, your suffering is unnecessary from the moment it is in it. We should look at whether to ban snaring or to introduce strict licensing. Although there are other ways to deal with

foxes, they all pose similar problems. I welcome the fact that there will be six new offences, and I welcome the idea of controlling. However, I query whether we will have the resources, funding and ability to enforce them.

To return to my original point, much education is needed and we must keep talking to each other. I welcome much in the Bill, but we need a mechanism for flexibility. The Ulster Unionist Party supports the Bill.

**Mr Deputy Speaker:** Given that Question Time is due to commence at 3.00 pm, Members should take their ease until then. After Question Time, Mr Ford will be the first Member to speak.

*The debate stood suspended.*

3.00 pm

## Oral Answers to Questions

### SOCIAL DEVELOPMENT

#### Pension Credit

1. **Mr McCallister** asked the Minister for Social Development what steps her Department is taking to ensure that all eligible pensioners are claiming pension credit. (AQO 561/10)

**The Minister for Social Development (Ms Ritchie):** I share the Member's desire to ensure that everyone entitled to a benefit receives it. My Department provides a range of services to make people aware of their pension entitlements, including outreach services; participation in local promotional activity; the production of specific publications, some in minority ethnic languages, on the Department for Social Development (DSD) and Northern Ireland Housing Executive (NIHE) websites; a new online benefits adviser service; and general assistance with advice and information through our network of local and centralised offices.

In respect of state pension credit, a new, enhanced telephone claims system that is now in operation results in about 90% of claims being taken by telephone, without the need for people to complete paper application forms. When an applicant calls to make a claim for state pension, they are asked whether they would like to find out more about pension credit. If interested, they are transferred to a dedicated state pension claim line. In addition, the savings threshold for state pension credit was increased from £6,000 to £10,000 in November 2009. People already getting state pension credit had their award automatically adjusted. I also issued a news release to raise awareness of that change.

On top of those services, a targeted approach to benefit uptake was introduced in 2005. About 50,000 invitations have been issued to older people, offering a benefit assessment through the advice sector; 250,000 mailshots have been sent out to raise awareness of state pension credit; and by June 2009, those exercises had generated an additional £22.4 million in payment of annual benefit and arrears. The 2009-2010 benefit uptake programme has provided almost 20,000 older people with potential entitlement to state pension credit and the opportunity of a benefit assessment through Citizens Advice. In addition, a new outreach

approach commenced in late November, focusing on ensuring that older people are aware of their potential entitlement across four council areas with a high older population but a relatively low uptake of the main pensioner benefits.

The answer to the question: “What are we doing?” is “Quite a lot.”

**Mr McCallister:** I am grateful to the Minister for her reply. With pension credits being linked to cold weather payments, is the Minister content that the system is effective in meeting one of her stated aims of tackling fuel poverty and helping those most in need, particularly given the weather that we have had over such a prolonged period?

**The Minister for Social Development:** The Member is absolutely correct. There is a need to tackle fuel poverty on an ongoing basis, and there are two financial mechanisms in the benefits system to deal with that issue. The first is the age-specific winter fuel payments, which are paid automatically to pensioners.

Cold weather payments are a different type of benefit. They are triggered when the Met Office’s observation sites, of which there are about seven in Northern Ireland, tell us that there has been a temperature of zero or below for seven consecutive days. To qualify for that payment, a person must have been receiving state pension credit, income support, jobseeker’s allowance or employment and support allowance for one day in the period of cold weather. They must also have one of the following: a relevant pensioner or disability premium; child tax credit, which is not relevant to the Member’s question; a child under five years old; and an applicable amount of employment and support allowance that includes the support or the work-related activity components.

It is interesting that we were able to give £12.5 million in cold weather payments over the past three weeks to 166,000 people throughout Northern Ireland.

Those payments are over and above the age-specific winter fuel payments. Therefore, in summation, we are satisfied that we are tackling fuel poverty through those financial mechanisms. However, if Mr McCallister knows of specific cases among his constituents, he can refer them to me, and I will be more than happy to have those cases investigated.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. The Minister referred to support being given to advice centres to help people with benefit uptake, mainly pension credit. Will she give details of additional support that her Department will give to advice centres, which are dealing with a wide range of benefits, because they are under increasing pressure to deal with the volume of traffic that they are experiencing as a result of the current economic climate?

**The Minister for Social Development:** I am conscious of the good work that is undertaken by the advice service network, whether that be citizens advice bureaux, Advice NI or Members’ constituency offices. We provide continuous up-to-date information to people who require benefit advice. In fact, financial assistance has been provided to citizens advice bureaux to undertake the benefit uptake programme for us, and carries out that much-needed benefit assessment check, which enables people to find out to what other benefits they are entitled.

I heard a representative from Age Concern Help the Aged NI speak about the issue recently — on ‘The Stephen Nolan Show’, I think — and I must say that, in addition to ongoing benefit uptake programmes, a new online benefits adviser service allows people to check anonymously to find out whether they, or a family member, could be entitled to claim for additional benefits. That service can be accessed wherever the Internet is available, and people can contact those advice centres and other offices, such as the Social Security Agency, by telephone, by calling in or by having a pension adviser call at their home to assist them with the type of benefit to which they should be entitled.

I assure Members that I share their concern and desire to ensure that everyone who is entitled to a benefit should receive that benefit.

**Mr McCarthy:** I acknowledge the good work that the Minister’s Department is doing to get the information out to people who are entitled to claim. However, a problem has emerged for senior citizens during the recent spell of cold weather. They have worked hard all their lives, and they have put a few bob extra away, and, as a result, they are not entitled to the cold weather payment. Does the Minister have any sympathy for those people, quite a few of whom are caught in that trap? Does the Minister have any intention of doing anything about that?

**The Minister for Social Development:** I assure the Member that I have every sympathy with elderly people, particularly pensioners, who have had to deal with the extremely cold weather conditions over the past three weeks. They have felt in a very acute way the pernicious effects of such cold.

The regulations under which cold weather payments are prescribed are dealt with under parity legislation with Britain. I have been in constant contact with my opposite numbers in the Department for Work and Pensions in Britain, because, as Members are only too aware, the money for social security benefits is channelled through annually managed expenditure, comes directly from London and is not part of the Northern Ireland block grant. I have talked to ministerial predecessors in that Department about the



need to upgrade winter fuel payments and cold weather payments. I have also been talking to the current incumbents in that Department to ensure that they know that we have a higher cost of living in Northern Ireland and that people have had to deal with very difficult weather conditions over the past number of weeks.

Naturally, I will come back to the House if there is any change as a result of those representations.

**Mr Deputy Speaker:** Question 2 has been withdrawn.

### Employment and Support Allowance

3. **Mr A Maskey** asked the Minister for Social Development for an update on the review of the administration of employment and support allowance. (AQO 563/10)

**The Minister for Social Development:** The House has debated the administration of the employment and support allowance on at least two occasions. The most recent was 30 November 2009, when I agreed to review the administration of the employment and support allowance (ESA), which my Department has been doing.

Members will be aware that the ESA is subject to the principle of social security parity with Britain. That principle applies not only to social security policy, but extends to procedures and general administration, including having a common computer system. Although parity is advantageous to Northern Ireland, in that Britain contributes to the annual —

**Mr Deputy Speaker:** Excuse me, Minister. Someone in the Chamber has a mobile phone switched on, which could interfere with the recording system.

**The Minister for Social Development:** For the sake of clarity, I will repeat what I just said: although parity is advantageous to Northern Ireland, in that Britain contributes to the annual shortfall in the Northern Ireland insurance fund, it limits Northern Ireland's ability to make local changes to systems and procedures. Nonetheless, my Department is conducting a review, so that, wherever possible, we can revise the operating procedures in the ESA centre.

Some changes have already been made to improve how the benefit is administered. Those changes, which include the introduction of safeguard visits for vulnerable customers, the provision of interim payments, revised telephony scripts, and arrangements to pay the contributory element of the ESA claims first, have improved performance and the overall service that is provided to the vast majority of customers.

On both occasions when the Assembly debated the introduction of the ESA, it recognised the excellent progress that staff in the ESA centre have made in

introducing the new benefit and the associated technology. Following the most recent debate on 30 November 2009, I sent a letter to Members with a detailed response to concerns that they had raised. I also wrote to Members inviting them to visit the ESA centre at James House. All of that gives Members information on issues that were raised during the previous debate. I hope that Members who have concerns will be able to take up that opportunity to visit the ESA centre.

Although I am pleased with the progress that has been made to date, it is clear that a number of challenges remain to be overcome before the new benefit has bedded in fully. The areas of the administration of the ESA that my Department can affect positively will continue to be subject to review, with improvements implemented accordingly. I assure Members that my officials will continue to work closely with their colleagues in the Department for Work and Pensions in London to further improve the processes, procedures and systems that are used to administer the ESA.

**Mr A Maskey:** Go raibh maith agat, a LeasCheann Comhairle. I thank Minister Ritchie for her response and for her assurances to the House. Will she give further assurances that in the ongoing improvement of the service, focused attention will be paid continually to the needs of vulnerable members of society, particularly those who have mental-health difficulties, such as people who suffer from autism?

**The Minister for Social Development:** I thank the Member for his supplementary question. My Department is engaged in continuous and ongoing improvement of the service. There has been sustained progress in the delivery of the ESA, with significant improvements in the level of service that is provided in such key areas as telephony, fresh-claims processing, handling medical evidence, and carrying out medical examinations, with particular relevance to people who suffer from autism.

That has been a pertinent issue during the past number of months. I have met the National Autistic Society. I have heard clearly its concerns, to which I am particularly sympathetic. My Department will deal with each of those issues in a sensitive, sympathetic manner. Our most important aim is to help people.

I note that on the previous two occasions when the Assembly debated those issues, which were raised, by and large, by the Member's party, the Member himself did not raise particular issues. My Department is happy to keep the matter under review.

3.15 pm

**Mr Hamilton:** Given the anticipated additional pressure that will be put on the administration of the employment and support allowance as a result of

changes that stem from the welfare reform Bill, what assurance can the Minister give the House and, more importantly, the people outside the Chamber, that the system will be able to cope with the additional pressure that may result from the Bill?

**The Minister for Social Development:** I assure the Member that we will keep the projected and anticipated workload under review. Should additional resources be required, I would like to think that the Member, as Chairperson of the Social Development Committee, will be able to use his good offices with the Minister of Finance and make the necessary representations on our behalf.

**Mr K Robinson:** I thank the Minister for her full series of answers. Is she content that the objectives of the policy are sound and that those issues surrounding the administration of the employment and support allowance will be addressed?

**The Minister for Social Development:** The Member raises two particular issues. Naturally, the legislation was originally devised in Westminster. Under parity legislation, we simply translated it here. The purpose of ESA is to help people with an illness or disability to move into work rather than remain on benefits. I appreciate that many people who are ill will not be able to progress into work. However, I assure Members that we treat every case with a great level of sympathy and sensitivity, particularly as many of the people who come to us have a mental illness or some other type of debilitating illness.

**Mr Gallagher:** We all acknowledge the review of ESA, and it is encouraging to hear that that is ongoing. With regard to the Social Security Agency in general, will the Minister tell us something about targets, particularly the administrative and performance targets that relate to the provision of benefits for the people in Northern Ireland?

**The Minister for Social Development:** I thank Mr Gallagher for his question. I am fully aware of his particular concerns about ESA, as he has made several representations to me on behalf of constituents in Fermanagh and South Tyrone. The Social Security Agency has delivered excellent performance since I took up office in May 2007. During that period, the agency faced a particularly challenging environment, including the introduction of the ESA benefit and the implementation of major improvements to the way in which services are provided to pensioners. Those, and other achievements, have been delivered against a loss of 674 staff between 2005-06 and 2007-08 and the requirement to deliver further savings of 5% a year arising from the 2008 Budget settlement, which equates to a reduction of £53.2 million across the three-year period to March 2011.

Despite those challenges, performance has continued to improve year on year. The end of 2008-09 saw losses through fraud and error reduced to 1.2% of expenditure, their lowest level yet; five out of six main benefits met their financial accuracy targets; all of the six main benefits met challenging clearance time targets; and the number of complaints received by the agency maintained its downward trend on the previous year. That performance has been delivered against the economic downturn, which has led to a dramatic increase in the demand for the agency's services, particularly claims for jobseeker's allowance.

The agency has consistently delivered excellent performance year on year and continues to build on its remarkable achievements delivered to date. I have every confidence that the agency will strive to deal with the challenges that lie ahead, while maintaining its high levels of performance and quality of service for people.

### **Social Housing: Lawrencetown and Gilford**

4. **Mr O'Dowd** asked the Minister for Social Development what action her Department is taking to provide affordable social housing in Lawrencetown and Gilford, County Down. (AQO 564/10)

**The Minister for Social Development:** The most recent housing needs assessment carried out by the Housing Executive for Lawrencetown and Gilford identified no intensity of need over the next five years. The housing need in both locations is, to quite an extent, being managed through the re-letting of existing homes. It would, therefore, be inappropriate to divert the housing development programme from other areas in which the need is much greater. In September last year, for example, only nine applicants in Gilford were in housing stress, but an average of 15 homes are re-let in the area every year. In Lawrencetown, it is a similar story; six applicants were in housing stress and, on average, four homes become available through re-letting each year.

I am conscious that the figures do not always tell the full story, and that is why the Housing Executive will periodically undertake latent demand testing to determine whether there is an emerging need. During 2008, Lawrencetown was subject to a latent demand test, but that simply confirmed that there was insufficient need to consider building new homes. The situation is, of course, kept under review, and, if Mr O'Dowd has information to the contrary, I would be happy to receive it.

In both areas, affordable housing is supported through the co-ownership scheme, irrespective of social need. Any such applications would need to fulfil the conditions set down for co-ownership.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answer. The figures that she gave come as no surprise to me, but she will be aware of many debates in the Chamber on the needs of rural communities, including housing. As a local representative for the area, I find that many families and individuals do not put their names down for housing in those areas. They believe that there is no point in doing so because there are no houses available there. Even when latent demand tests are carried out, that has a knock-on effect, and the elderly in particular subsequently move on to Banbridge.

Does the Minister not agree that we must revise how we measure the latent demand for housing in rural communities? Unless we dispel the view that there is no point in putting one's name down for housing in rural communities, there will be a knock-on effect of no new houses being built.

**The Minister for Social Development:** The Member rightly refers to the chicken-and-egg situation associated with housing need in rural communities. The same situation often applies to urban communities, too. We are analysing the definition of need to determine how it could be redefined. The Member raised with me the issue of the rural cottages programme in the greater Lurgan area, and I recently wrote to him on foot of his correspondence to me.

As part of the whole debate about the social housing development programme, the Member will be aware that the provision of housing in rural areas is on the list of what I would like to do if I had the money. The dogs in the street know that housing faces a financial shortfall. If Mr O'Dowd wants more resources to address housing need in the rural community, he should push the Executive, especially ministerial colleagues in his party, to put housing on a sound financial footing once and for all and to decouple it from the whole debate about capital receipts.

**Mrs D Kelly:** I thank the Minister for her answer. Will she confirm that the Housing Executive, through some of the housing associations, expressed an interest in the sale of the former police station in Gilford? Will she also indicate in more general terms what level of investment is planned for the Upper Bann area this year and over the next three years?

**The Minister for Social Development:** I will investigate the case in relation to the site at Gilford and come back to the Member on that. The current programme for the year ending 31 March 2010 contains 11 separate housing schemes. The total number of dwellings is 191, and DSD's potential investment is £16 million.

Of course, not all of those schemes are guaranteed to start this year because a number of reasons could delay their delivery. However, any of the schemes that

cannot be delivered this year will automatically be rolled forward into next year's programme so that, in effect, they will not be lost.

In the next number of weeks, I hope to be able to publish the social housing development programme for the next three years. We have been building, and hope to build this year, more houses than we have ever built in any single year for the past decade. Set against the economic downturn, we are working an economic miracle through the social housing development programme.

**Mr Savage:** How many applicants are on the Housing Executive waiting list in the Banbridge area, and how many of those cases are related to housing stress?

**The Minister for Social Development:** I do not have that information to hand, but I assure the Member that I will check that out later today and write to him. The most important action is to secure the necessary resources to accommodate the housing needs, particularly the social housing needs, of all the people of Northern Ireland. Once and for all, we want to put the social housing programme on a sound financial footing and decouple it from capital receipts. I will come back to Mr Savage in writing on the figures for Banbridge.

**Mr Deputy Speaker:** Questions 5 and 6 have been withdrawn. The Members who were to ask questions 7 and 8 are not in their places. Question 9 has been withdrawn. The Members who were to ask questions 10 and 11 are not in their places. I call Mr McClarty. *[Laughter.]*

**Mr McClarty:** I suppose it would be an anticlimax if I say that I have forgotten what I was going to have to say — question number 12. *[Laughter.]*

## Fuel Poverty

12. **Mr McClarty** asked the Minister for Social Development what steps her Department has taken to help people suffering from fuel poverty during the recent prolonged cold spell. (AQO 572/10)

**The Minister for Social Development:** In addition to the winter fuel payments that are paid to people who are aged 60 or over at a rate of £250 and to people who are aged 80 or over at a rate of £400, my Department has, to date, made arrangements to issue three separate cold weather payments of £25 each to all qualifying customers, regardless of age. In total, approximately 166,000 people will benefit from the cold weather payment scheme.

As well as providing heating and insulation measures, the warm homes scheme provides advice on maximising household income by ensuring that



vulnerable people are claiming all the benefits to which they are entitled. For the first time, working tax credit is a qualifying benefit for both heating and insulation measures, and the over-60 age restriction for heating measures has been removed. More than £118 million has been spent on making in excess of 71,000 households warmer. I have no doubt that all Members will agree that that has provided magnificent help to people throughout Northern Ireland.

**Mr McClarty:** I thank the Minister for her response and for all the work that she has done over recent weeks to help people to cover the extra cost of their heating to keep their homes warm. Will she advise the House whether geographical areas determine the conditions for who qualifies for the allowance?

**The Minister for Social Development:** There are several geographical areas, which are dictated by the local meteorological stations, of which there are around seven in Northern Ireland. The extreme nature of the cold weather conditions in the past three weeks has meant that every meteorological station in Northern Ireland triggered the need for the cold weather payment because temperatures were at or below 0°C for seven consecutive days. Therefore, there was no difference to the payment geographically in Northern Ireland. However, there might be a difference this week, because I am led to believe that snow is falling in certain areas.

3.30 pm

*(Mr Deputy Speaker [Mr McClarty] in the Chair)*

## EXECUTIVE COMMITTEE BUSINESS

### Wildlife and Natural Environment Bill

#### Second Stage

*Debate resumed on motion:*

That the Second Stage of the Wildlife and Natural Environment Bill [NIA 5/09] be agreed. — *[The Minister of the Environment (Mr Poots).]*

**Mr Ford:** It is a pleasure to take part in this debate and to welcome the Second Stage of the Bill. I want to talk about three key areas that the Minister of the Environment mentioned in his introduction: the biodiversity duty; the updating of the Wildlife (Northern Ireland) Order 1985; and the updating of the Environment (Northern Ireland) Order 2002, as far as it relates to areas of special scientific interest (ASSIs) — *[Interruption.]*

**Mr Deputy Speaker:** Order. If Members wish to carry on private conversations, they must do so outside the confines of the Chamber.

**Mr Ford:** Thank you, Mr Deputy Speaker. I was frightened that the Minister might miss my pearls of wisdom, and his officials are seated even further away.

The development of a duty to promote the biodiversity strategy must be welcomed as an obligation on all public bodies. Although the Bill spells out certain aspects of that, it is unclear how the overarching strategy will be carried through into a specific programme and, indeed, what efforts will be made by the Department or others to ensure that all public bodies live up to their obligations in that respect. Although that is welcome as a basic introduction, I am not sure that the Bill goes as far as equivalent legislation in other UK jurisdictions. We may wish to visit the precise detail of that point as we go through the Bill.

The Wildlife (Northern Ireland) Order 1985, which is clearly 25 years out of date, is in serious need of updating. There is an issue of principle relating to the schedules, in which different species are listed, about whether there should be a mechanism for updating by Order rather than primary legislation being required to make every necessary amendment. The Minister referred to a re-examination of the legislation every five years, but surely he does not expect the Assembly to seek primary legislation every five years to deal with that issue. However, we are currently stuck with that mechanism.

Departmental officials told the Committee for the Environment that the Minister was considering a total ban on snares as opposed to the detailed proposals, over a number of clauses, which relate to regulations on the use of snares. The Minister's current proposals to continue to allow snares do not address significant disquiet among people who are concerned with environmental matters. If, as is the case, we are told that it is merely the representation of the Ulster Farmers' Union's concerns about foxes at lambing time, many people will not believe that to be an adequate excuse for allowing the continued use of snares all year round, given the effect that snares can have on a number of species, whether or not they are the designated targets, and on domestic animals.

There will be robust discussion about whether an overall ban might be more appropriate. If there is an argument that is solely concerned with foxes at lambing season, primary legislation might be required to spell that out to ensure that snares are not used on other species and at times other than the springtime, when there may be concern. We look forward to seeing some way to address the current indiscriminate use of snares with all the accompanying animal welfare concerns.

It is positive that the proposals to update the schedules refer to the golden eagle being included. That will be of major interest to Members such as my friend Jim Wells, who is probably one of the few Members who has seen golden eagles nesting in County Donegal. It is, however, surprising that the golden eagle will be included but that protection is not being offered to the red kite, whether through a specific programme to reintroduce it to Northern Ireland or through the hoped-for movement of eagles from Donegal to Northern Ireland. Other raptors are similarly in need of protection. Therefore, although I suspect that the principle in the Bill is correct, others species may need to be considered.

The RSPB, among others, has noted a number of species of wader that it believes need increased protection, specifically curlews, lapwings and redshanks, all of which are in major difficulties compared with their position a few years ago. That is why it is necessary to look at a way to update the schedules without requiring primary legislation. It will be interesting to hear from the Minister whether he sees that as a possibility or benefit.

I noted with interest and significant concern that the Minister repeated arguments made by his predecessor in the first Assembly, Mr Sam Foster, about not doing anything to enhance the protection of the Irish hare, even though he spoke about the specific needs of the Irish hare and the species action plan being up for revision this year.

In one of the last acts of the Assembly in its first guise, an amendment was passed, against the wishes of the Environment Minister, to the Game Preservation (Amendment) Bill that was before the House. That amendment sought to enhance the protection of the Irish hare, if only on a temporary basis. That clearly showed a strong wish in this Chamber that the Irish hare should be granted higher protection than it receives at present and that there must be a real need to see that it is moved to schedule 5. It is utterly lacking in logic that one of the few species for which there is a specific species action plan is not granted the full protection of the Wildlife (Northern Ireland) Order 1985, and it is again not proposed to enhance that protection. We tested this issue before on a limited basis under the game preservation legislation. The Minister will need to heed evidence that will undoubtedly come in from a range of environmental and conservation organisations and heed the wishes of the House. Unfortunately, I did not have time to check the voting records at the Further Consideration Stage of that Bill in 2001. It may even have been the case that a then DUP Back-Bencher, Mr Poots, was in the substantial majority that sought to enhance the protection of the Irish hare on that occasion. I will look up the Hansard report with interest to see how Members voted when they had the opportunity to enhance protection for the hare.

Hares are most at risk as a result of habitat destruction, and the Minister is right to highlight that. However, it is also entirely reasonable to recognise that illegal coursing and other sorts of trapping and hunting are also relevant and justify the fullest protection for hares. In that context, it is good that the Bill proposes significant enhancements to the enforcement powers that would be used against those who would engage in wildlife crime and to ensure that legislation does not permit loopholes to allow people to escape prosecution.

I am concerned that the amendments proposed to the Environment (Northern Ireland) Order 2002, which replaced three Bills that were before the Assembly when it was suspended, provide for only limited improvements to the management of ASSIs and to the duties of public bodies. Other ASSI issues need to be addressed. The Order that went through Westminster was less than satisfactory and would not have met the requirements and wishes of the Committee that was considering that Bill at the time of suspension.

This is the opportunity to enhance the protection of ASSIs significantly, not merely to make some modest changes to the duties of public bodies. The Committee and the House will have to consider seriously the question of amendments to strengthen those powers, since it is unlikely that we will get any further opportunity to deal with the matter in the coming years. Those

powers must be strengthened in order to have the highest possible standards of maintenance of ASSIs.

It is also a matter of regret that tree preservation orders, which were tied into the Environment (Northern Ireland) Order 2002, have been ignored completely at this stage, even though they would fall entirely within the principles of the Bill and even though it was the wish of the Environment Committee to address the issue on that occasion. I remind the Minister that William McCrea and I sought to make a significant enhancement to what the Department was proposing under the tree preservation legislation. William McCrea is a party colleague of the Minister's and a constituency colleague of mine, and he was the Chairperson of the Environment Committee at that time. If that enhancement could be seen to be within the remit of the Bill, it may also have to be considered. However, that is a slightly technical point at this stage.

On behalf of my colleagues, I welcome the introduction of the Bill as a first step. However, considerable work is still to be done to make it the best possible Bill.

**The Chairperson of the Committee for Social Development (Mr Hamilton):** If any Member is as bewildered as I am as to why the Chairperson of the Social Development Committee is speaking on wildlife issues, I will do my best to explain in the next few moments.

Given the Minister's comments and those of the Chairperson of the Environment Committee, the House is aware already that the Department of the Environment is responsible for the game laws in Northern Ireland. Those laws regulate the taking, killing and selling of game, and they provide for the prevention of poaching. However, the game licensing system is administered in Northern Ireland by the Department for Social Development under the Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972. Persons wishing to kill or deal in game require a licence, and, in the latter case, they require a certificate from a Magistrate's Court. It is understood that, in August 2007, DEFRA abolished its licensing system for killing game or dealing in game in England and Wales. It was considered that the game licence no longer served a useful purpose, and, given today's comprehensive food standards and the legislation that covers the hygiene aspects of game, there was no justification for requiring retailers to hold a game dealer's licence.

At its meeting on 4 October 2007, the Committee for Social Development considered the proposal from the Minister for Social Development to abolish the existing game licensing system in Northern Ireland. The Committee was content for the Department of the Environment to consult on Minister Ritchie's proposal,

but it agreed to consider the matter further when the result of the public consultation became known. Following that consultation, responses to which were generally favourable, the Committee agreed on 18 May 2009 that it had no objection to the Minister's intention to make legislative provision for the abolition of the game licensing system in Northern Ireland.

To summarise, the Committee has no objections to the provisions in the Wildlife and Natural Environment Bill, specifically those at clause 31, which will abolish game licences and game dealers' licenses in Northern Ireland.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle.

I echo what other Members said and stress that it is important that all legislation protecting Irish habitats and wildlife is fit for purpose. This is an opportunity to enhance that protection.

As someone who has seen a basking shark up close — not too close — off the coast of Rathlin Island, I welcome clause 9, which will create a new offence by prohibiting anyone from intentionally or recklessly disturbing a basking shark. Basking sharks are an important element of the marine environment off the north coast of Antrim.

As my colleague Cathal Boylan outlined, Sinn Féin notes proposals to strengthen legislation on snares. Indeed, I raised that issue with the Minister only a couple of months ago. My party believes that snares should be outlawed altogether, and I look forward to deliberating on clause 10 during the Bill's Committee Stage. Some groups may foresee difficulties in enforcing the proposals in that clause, so it will be important to address those concerns. I welcome the comments that Members from other parties made about snaring.

The negative animal welfare impact of snaring far outweighs any argument to retain snares as a form of predator control. Snares are indiscriminate and often capture animals that they are not intended for, such as domestic pets, farm animals and protected wild animals. A complete end to the use of snares will end the suffering of animals that are caught but are not the target, and it will be far easier for the Department to enforce.

3.45 pm

We should also take into account the fact that snares capture European-protected species as well as schedule 5 species, the trapping or killing of which is illegal. It is quite clear that there is a lot of work to be done on clause 10, and I look forward to deliberating on that aspect of the Bill in Committee.

Obviously, the Wildlife Order 1985 needs updating. The Committee should also look closely



at the inclusion of certain species in the schedules. An opportunity exists to enhance the protection of birds that are under severe threat, such as the curlew, lapwing and redshank. Other species of bird, such as the peregrine, osprey and red kite, reuse the same nest sites and, as other Members have pointed out, they are at risk if their traditional nests are damaged. Those species should therefore be added to the list of birds whose nests should be protected on a year-round basis. I agree with Chairperson's comments on that issue.

I believe that the public overwhelmingly support the introduction of custodial sentences for those involved in targeting and killing such species of bird, especially given the fact that so much work is being done to build up the population of bird species such as the red kite. Members are correct to say that a lot of the legislation being referred to today is out of date and out of step with public opinion. There is an onus and responsibility on us, as representatives, to update that legislation accordingly.

I look forward to the Bill coming before the Committee for scrutiny. I welcome the opportunity to listen to the views of the many interest groups involved and to further strengthen the Bill, because a degree of work still needs to be done.

**Mr Dallat:** Most of what needed to be said about the Bill has been said. However, as a nature lover, I am more than happy to repeat it. In fact, if encouraged, I would stay here all day to talk about it. I live in the countryside, and I am in a privileged position, because I can enjoy and appreciate nature at its best. There is nothing more wonderful than taking a stroll to experience nature as it was intended and to soak up its wonders.

I live in Gortmacrane, which means the stony field, and there is a paradise very close to me, where I can go to appreciate the Foxy at any time. However, I have to admit that he stole my neighbour's gander recently, but that is nature. All wildlife co-exists. *[Interruption.]* I could also say that his partner went off laying eggs.

The Bill is very welcome and has my full-hearted support, and I hope that the enforcing legislation is capable of delivering what is enshrined in the Bill. I am conscious that, to our shame, cockfighting, badger-baiting and other terrible things still take place in this country and that we have not been able to stamp them out.

The Bill also refers to ASSIs. Mr Deputy Speaker, you will fully appreciate why I want to focus on that. There are proposals to develop up to four super-dumps near an area of special scientific interest in the constituency that we share. We must be serious about how we approach ASSIs in future, and government should be embarrassed by the proposals to try to mix areas of scientific interest with super-dumps.

Members have already referred to snares. One of my lasting childhood memories is of finding a fox that had died from loss of blood, exhaustion or hunger. The poor animal was also missing a foot, which indicated that it had eaten it to try to escape from the snare. I hope that grotesque devices of that kind are a thing of the past.

I have sympathy for farmers, because I know from experience that Foxy, who I referred to earlier, is a problem. I say only that surely there are more humane ways of dealing with wild animals that have gone looking for the farmer's flock.

Several Members referred to the Irish hare, and I am delighted to share with the Assembly my experience during the recent snow. While other people were perhaps experiencing difficulties getting from A to B, I was out walking my dog when two of the most beautiful Irish hares skipped across the road. That is the first time that I have seen the animal for several years. There is every reason to make sure that the statutory rule which applies at the moment continues, and I encourage the Minister to make it permanent.

The Bill makes it very clear that ignorance of the law cannot be a justification in the future, and that includes the matter of custodial sentences. However, I point out that those acts which are already illegal have resulted in very few people, if any, being put in jail for cruelty to animals. Therefore, we have to seriously consider how we can get the message across to people who do not appreciate the wonders of nature about what they are doing.

I believe that, although the Bill makes certain acts illegal, there has to be a carrot as well. I am very conscious that there are children living in more urban areas who would not even recognise domestic animals, such as cows or pigs, because they have never seen them. How much more difficult it is to get across the wonders of wildlife to the many people who never have the opportunity that I have to see them. The school curriculum should be enhanced to ensure that education on this subject is more than just nature walks and that it gives every child an appreciation of the wonderful planet that we live on.

We are not yet at the stage where good overcomes evil. For that reason, enforcement is necessary, and I fully support it.

When I go home this evening and take Ralph for a walk, I can be certain that, all around me, there are foxes, badgers, pigeons and pheasants, all surviving in woodland that has been protected not by government but by farmers who, as custodians of the countryside, appreciate how important they are. Those farmers are the best bastions to ensure that the Bill delivers what it promises. The Bill is a beacon of light and is very important. In what are difficult times in the Assembly,

we can today celebrate legislation that will genuinely protect the environment, the countryside and biodiversity.

**Mr Deputy Speaker:** I call Mr Jim Shannon.

**Mr Dallat:** Do not spoil it, Jim.

**Mr Shannon:** I have been very keen to speak on the Bill, and I apologise for all my toing and froing in and out of the Chamber. The Agriculture Committee was meeting this afternoon and, as there were votes to be taken, I had to make sure that I was there.

As Members are probably aware, the Wildlife and Natural Environment Bill is close to my heart. My reasons for saying that may be different from those of other Members: there is nothing so tasty as duck à l'orange or a well cooked pheasant.

I declare an interest as a member of the British Association for Shooting and Conservation (BASC) and a member of the Countryside Alliance. I am unashamedly a countryside sportsman when time allows. Therefore, I have looked at the Bill with great interest.

I look forward to the opportunity to speak to the Bill, especially those clauses relating to shooting sports and conservation. There is nothing wrong with being a sportsman in the shooting fraternity and a conservationist. The people who make the biggest contribution to conservation are those in the shooting community, not those in the so-called green lobby, some of whom sit in the Chamber.

**Mr Wells:** Will the Member give way?

**Mr Shannon:** The Member will get his chance to speak.

In general, the Bill is well balanced and well thought-out. However, there are always controversial aspects of a Bill, and it is to those that I wish to speak. There is no time limit on my contribution, but I will not take too long.

I have corresponded with both the BASC and the Countryside Alliance, gone through the proposals with them and gauged their opinions. Those organisations make a significant and important contribution to the countryside, and, through the actions of their members, ensure that conservation measures are carried out. I am representing the shooting community through my comments.

I want to go through the issues clause by clause and hope that everyone will bear with me. According to the explanatory and financial memorandum, clause 1 imposes:

“a new statutory duty upon government departments and public bodies to take action to further the conservation of biodiversity.”

In the main, that should be welcomed, but the shooting community is well placed to assist with initiatives to achieve that objective. In other words, why not have

the shooting organisations more involved in the policies that are brought forward? I ask the Minister to comment on that in his response. The shooting community acts naturally to conserve and enhance the habitat of animals and ensure that species are not overhunted.

I will comment on my experience from my own land in Greyabbey. The land is actually in the hands of my father, but he is very good and lets me do things on it; the handover will come through time. We planted 3,000 trees on the land and made sure that there were two ponds, which were examples of direct conservation to enhance the habitat. We also made sure that the hedgerows were wide enough, which not only accommodates the bird life that Mr Dallat talked about but also the flora and insect life, which are important to the natural biodiversity of the countryside. Those are direct and practical actions that show that the shooting community does what it says it does. The shooting community does what it says on the tin. It has produced the goods on habitats and conservation, which have enhanced wildlife in the countryside. I would like to know how many Members do their bit to enhance wildlife. We will hear about that in a few minutes when the green lobby speaks.

One note of caution is the possibility that, in attempting to meet their obligations, Departments and public bodies may be overzealous and create bureaucracy and obstacles that could impede sporting activities. For example, the Forest Service offers sporting leases. However, rather than simply entitling the leaseholder to shoot any legal quarry species, as laid out in the Wildlife (Northern Ireland) Order 1985, the Forest Service has its own restrictions, such as a prohibition on the shooting of teal. The Forest Service says that it is not liable to charge for permitting the shooting of species on the amber or red lists. That is understandable, and I can go with it. However, the provision is unnecessary, because the Forest Service could simply demand compliance with the Wildlife (Northern Ireland) Order 1985 from their lessees, which would offer it the required protection. It is possible that the new statutory provision could lead to similar over-reactions elsewhere. I urge the Committee to safeguard against that at the Bill's Committee Stage. In other words, if the Forest Service is given power, make sure that it uses it correctly and wisely.

The provisions in clause 10, which concerns snares, are acceptable. Moreover, it is welcome that the guidance notes reiterate that snares are an important means of controlling pest species. Let us not be against the use of snares; it is important that they are available. With regard to the catching of foxes, in order to control their blood sports, we must make sure that they, as members of a pest species, are controlled.

4.00pm

Clause 12 deals with the introduction of new species. The deliberate release of muntjac deer by shooters is becoming an increasingly frequent, but almost hysterically reported, issue. All responsible shooting organisations and individuals totally condemn such releases, and I reiterate that it is not normal practice in country sports. However, it is good that the clause addresses the issue.

I welcome clauses 15 and 16. Clause 15 allows the shooting of deer from a parked vehicle, and clause 16 allows some deer management, but only under licence, during the close season. Such licences are not available without good cause. People are not being given a blanket licence to control, but they will make the conditions when they are favourable.

**Mr Wells:** The honourable Member raised the issue of Reeves's muntjac; I am sure that every Member is aware of it. It is a small species of deer that has caused enormous damage, particularly in England. It has destroyed woodlands and has had a huge economic impact. Does the Member accept that the fact that it has been discovered in Northern Ireland is extremely worrying? Furthermore, will he join with me and urge the Minister to take urgent action to capture and remove specimens of the species in Northern Ireland? If we do not do so and the population increases, foresters and farmers will suffer huge economic losses. That is to the detriment of all wildlife in Northern Ireland.

**Mr Shannon:** I am astounded that we agree on something. *[Laughter.]* I agree with the Member 100%; the introduction of muntjac deer will have clear detrimental effects on people who manage forests. I will leave the decision on the method of controlling those deer to the people who know best. They may capture them, put them in a wee van and take them away somewhere, or they may turn them into a meal.

There is a good provision on the use of licences in the close season, and it rebuts some deer managers' attempts to legalise night shooting. We must have some controls and understanding of how best to manage wildlife that has many negative elements. At night, calves could be wounded, lost or orphaned, and we want to ensure that that does not happen.

Clause 26 has the effect of extending the season for shooting female deer — that is, the red deer, the sika deer and the fallow deer — by starting a month earlier but continuing to the end of February. I welcome that provision, which has many positive elements. That clause will allow more flexible deer management in response to weather conditions, and so on, so that the cull can be managed without the need for night shooting. It could still happen even if the weather is bad in February.

However, among all the many positives, I must point out a clause that is of major concern. Clause 28 requires the owners of land in an ASSI to notify the Department of changes of ownership or occupation. That is an important issue because it is how the system carries out the management of firearms, whether that be shotguns or rifles. There are two main causes of concern. Under the Firearms (Northern Ireland) Order 2004, the term “occupier” is relied upon to permit a person to borrow a shotgun from the occupier, and there is a parallel for rifle loan. However, the term “occupier” is not defined in the legislation.

The prospect of the Department of the Environment being responsible for maintaining a register of occupiers means that the PSNI could rely on such a list to determine the legality of firearms loans. The list could not be used for that purpose, because the PSNI would have the list of occupiers, which can change. However, the legislation does not define the meaning of “occupier” and, therefore, major unintended difficulties could be caused. It is important that we ask the Department and its officials to address any difficulties that are highlighted. Is the occupier the person who takes the grazing in conacre, the person who leases the sporting rights or the person who has rented the land for other purposes? For example, the BASC holds a game fair in Ballywalter every year. Others are held across the Province at Shane's Castle in Antrim, in Moira and in the Minister's own constituency.

I am concerned that DOE is not staffed to deal with the matter. The requirement to notify is new, and given the target of listing large swathes of Northern Ireland as ASSIs, there is every prospect that the Department will fail miserably in keeping up with the processing.

I suggest to the Minister and his officials that it would be more sensible and practical for those arrangements to be maintained by Land Registry, because it is responsible for keeping records of ownership changes and could much more easily manage the occupier register.

**Mr Weir:** I take the Member's point that the definition of an occupier should be clarified. I presume that one reason why the term “occupier” is used is to prevent a situation in which people might try to use a loophole in order to deny that they are the owner. A person who is a leaseholder of land does not own that land, and the term “occupier” can be used to cover that. The definition must be clarified, but there may be a concern that simply dropping the term “occupier” could lead to a situation in which people frustrate the intention of the definition. Genuine people might be caught out while those who subvert the legislation can avoid the proper restrictions.



**Mr Shannon:** I thank the Member for his intervention. He has underlined the issue clearly. It is important to note that names of occupiers, landowners and leaseholders could be more easily maintained in an occupier register. That could be done more helpfully by Land Registry.

There are other smaller issues that need to be tidied up, such as the intent of clause 29. The DOE has a target of declaring 8% of Northern Ireland's countryside as ASSIs, and the Minister will respond on that issue. The prospect of a forest of signage to declare the special status of such land will risk spoiling the very land that it is designed for. The land is lovely, and is great to walk through and enjoy, but there must be balance when it comes to signage, for which a checking system must be put in place.

I welcome clause 31, which deals with the abolition of game licences and game dealers' licences. The requirement for a licence to shoot or deal in game has been abolished in England and Wales, and it is not before time that we should follow that lead in Northern Ireland. Such licences serve no useful purpose, and clause 31 provides a welcome revision. I thank the Minister for his comments on that issue.

Clause 32 deals with the sale of game. The scrapping of the restriction on selling game out of season, provided that it has been lawfully taken, is sensible and welcome. We would have liked to make two changes to the provisions for shooting opportunity. The first is the unification of wildfowling seasons with the rest of the United Kingdom, which would allow the extension of shooting of wildfowl on the foreshore until 20 February. Perhaps the Minister and his officials could respond to that. That would not affect Lough Neagh or Lough Erne, but it would benefit Strangford Lough, which is in the area that I represent, Larne lough, Lough Foyle, Dundrum inner bay and Carlingford lough.

The second change concerns moonlight shooting. We accept and understand that that has not been universally sought, but nonetheless, it could have been considered in the proposals for the Bill to bring it into line with the rest of the United Kingdom. I have been assured by country sports organisations that although curlew are still on the quarry schedules, there will be continued promotion of the widely observed voluntary moratorium to demonstrate that self-regulation is much better than diktat. How true that is.

**Mr Wells:** If the Member is saying that a voluntary ban exists, what could possibly be wrong in making it statutory? As we return to normality, more tourists will come and avail themselves of shooting opportunities. Surely, for clarity, there is nothing wrong with imposing a legal ban on the shooting of curlew given the dramatic decline in the population of that species,

not as a result of shooting activity, but of habitat change, particularly drainage. Let us have clarity and put all those wader species into schedule 1 to the Bill so that people know exactly where they stand.

**Mr Shannon:** I thank the Member for his intervention, but he will appreciate that I have a different opinion. We will have to agree to differ. To be fair to the Member, he said that the decline in the numbers of curlew was not caused by shooting. People in shooting organisations and conservation bodies are making a contribution.

For many years, I have considered self-regulation, as it was referred to earlier, as preferable to diktats, because shooters are not the problem. The decline in numbers is down to the loss of habitat. I shot curlew, albeit many years ago, and it was extremely tasty. Were it still on the menu, Jim, I would make sure that you had some with your potatoes tomorrow morning.

It is disappointing that the Bill contains no explicit provision to legalise the sale of dead mallard. They should be included in schedule 3, along with wood pigeon, to enable their sale to be approved by subsequent licence. I was informed that the DOE was receptive to that argument and considered that it could be approved without changing the Order. The time to address that issue is now. The intention of such a provision is to allow estates to sell their duck, a practice that is currently illegal. There is no intention of allowing truly wild mallard to be shot and sold for profit, but to enable those that are harvested on land where birds are reared and released to be shot for sale into the food chain.

We must ensure that the Irish hare remains on the quarry list —

**Mr Boylan:** *[Interruption.]*

**Mr Shannon:** I must be allowed to make my statement, as I am sure other Members will when the time comes. The Irish hare should remain on the quarry list. The all-Ireland species action plan for the Irish hare will end in 2010, and if the hare population cycle is normal, its target will be achieved. As Members are aware, the hare population grows and decreases in cycles. The current situation is that the number of hares in the Province has risen dramatically.

**Mr Wells:** As the Member's time is not limited, I am not cutting into the five or 10 minutes that he would normally have.

One of the reasons why many Members support the total protection of the Irish hare is that they want to abolish the barbaric practice of hare coursing for ever. Does the Member stand over letting a hare loose in an enclosed place and allowing two greyhounds to terrorise it by chasing it for the benefit of spectators who bet on its fate? Morally, is he able to stand over that?

Do the shooting profession and those involved in country sports, who are generally responsible people, not understand that if they continue to support that practice, they will bring field sports in Northern Ireland into disrepute? Few people in the Province understand how anyone could regard hare coursing as a sport.

**Mr Shannon:** It is not a sport that I have followed, but the hare population has grown dramatically. That growth is down to shooting and the conservation values of such organisations, as well as to changing farming practices and habitat management. To cite an example, for the past 20 years, the hares on our farm have not been touched, and, over the past year, we have seen about four hares on the farm. However, during the summer, as the barley crop was growing, I noticed something at the top of one of the fields that looked like a bunch of black crows, but it was not. The four hares had bred, and they had their leverets with them, making a total of a dozen hares in that field. The increase in the hare population is, therefore, down to the many people like me who carry out habitat control.

**Mr Wells:** And then you kill them.

**Mr Shannon:** No, I have not. The farming practices and habitat management that we carry out have been positive and constructive.

**Mr Wells:** And then you killed them.

**Mr Shannon:** No, I have not, and I ask the Minister to consider my argument.

The Bill is, on the whole, worthy of support. I have asked the Minister and his officials to consider only a few issues, and I also ask the Committee to take those into consideration when the time comes. I thank Members for giving me the opportunity to make my comments. I put on record that I will support the Minister and his Bill.

We may be different in this world, Jim, but we can still be friends. I will still be your friend; I hope that you will still be mine.

**Mr Deputy Speaker:** After duck a l'orange was mentioned, I was not sure whether I had called Jim Shannon or Jamie Oliver to speak.

**Mr Beggs:** I welcome the basis of the Bill and many of its provisions, which will increase the level of protection given to the habitats of many endangered animals.

Clause 1 places a duty on public bodies to preserve biodiversity. A key method of delivering that will be the planning process, whether through decisions made by the Planning Service or, in future, local government.

4.15 pm

Why is biodiversity so important? I am sure that some people think that protecting our environment is

unimportant. However, it is important that we protect our fragile environment for future generations. The endangerment of habitats is a strong sign that something is going wrong in the local area. It is often the result of certain pollutants being released into the environment, and it could have a long-term effect on future generations.

Recently, I was struck by two Northern Ireland Environment Agency (NIEA) local management area information leaflets, one for the Six Mile Water and one for Lough Neagh. The former deemed that 83% of the surface water in the Six Mile Water was less than good, owing to suppressed invertebrate populations and diatoms. The NIEA classed 100% of the surface water in Lough Neagh as being less than good. Surface water quality is affecting life at the bottom of the food chain, but we must remember that Lough Neagh is the source of water for much of the Northern Ireland population. We would feel much more protected if we were assured that the water that goes into Lough Neagh was of a much higher standard.

In creating an increased duty to preserve biodiversity, it will be incumbent on public bodies to recognise that changes can occur, provided that mitigation actions are taken to enhance the local environment. As a local councillor, I came across the owner of a fishery who was applying for permission to expand his lake. The Planning Service recommended that the application be refused. When we got to the bottom of the matter, we realised that the Planning Service's opposition was based on the then Environment and Heritage Service officer's concerns that the work would endanger habitats. However, the planning application provided for extensive replanting and groundwork, which, it was acknowledged, would enhance the environment.

Until the officer was forced to answer the question of how long it would take the habitat to recover — his reply was that it would take two years — he held out against the planning application. Planners will have to be reasonable and understand that change can occur when appropriate mitigation action is taken. As we progress the legislation, it is important that there be a clear understanding that it will not be used to prevent all new development. New development must be permitted, but appropriate mitigation action must be taken. Officials must take care in exercising the powers that will be given to them to ensure that they take balanced decisions.

I welcome the redaction of Crown immunity in certain articles in the Wildlife (Northern Ireland) Order 1985. The protection of birds and wildlife should and must extend to the state as it does to the citizen. I am not aware of any reason why Crown immunity should continue to exist in that area.

I am also curious about clause 20, which relates to wildlife inspectors. It would be helpful if the Minister or his Department confirmed that, although the clause creates the term “wildlife inspector”, they have existed for some time. The 1985 Order includes provision for an “authorised person” who appears to have exercised those types of powers in the past.

Inspectors undoubtedly require powers of entry. However, when someone other than a police officer exercises those powers, appropriate controls must be in place so that they are not granted inappropriate access. The grounds for entry must be reasonable. It would be useful to have information on specific instances in which that type of power has inhibited the protection of the environment and wildlife. That would give me and, indeed, the public a better understanding of the powers that will be granted. However, I understand how there could be a problem if there are barriers to gaining appropriate evidence.

I understand that, at present, wildlife crime is largely handed over at an early stage to the Police Service of Northern Ireland. The provision in the Bill appears to move towards greater intervention directly by the Department. Granting powers to any organisation other than the police must be done carefully and appropriately. As I said earlier, scrutiny mechanisms must be in place to justify the action. I am also interested to know what long-term plans there may be in that area. Is the plan to move the responsibility to local government in the future? I declare an interest as a member of Carrickfergus Borough Council.

I welcome the extra provision in the Bill to protect areas of special scientific interest. If we are serious about protecting those special areas, there clearly must be increased powers of protection. It is important that the Department has the full information about who owns or uses the land. I hope that that information will be used to help to educate the owners. Perhaps carrots will be provided as well as a stick; perhaps grant assistance will be made available to enable improvements to those areas and the duty of advising who the owner is will be used in a positive manner and not just when breaches occur.

I hope, too, that the Department will use as light a touch as possible, particularly in the early stages, when new ASSIs are designated. There is a need to educate the owners. It is important that we take the public with us, rather than coming down with a heavy hammer, because that could create problems. It is much better, through education, to take the public with us. That would mean that nobody could have the excuse of not knowing what they were meant to do. It is appropriate that the information is passed and that the Department should educate landowners about their responsibilities.

I will talk briefly about snares. It would be helpful if information was provided on what discussions, if any, there have been with the Department of Agriculture and Rural Development. I declare an interest because I own some farmland and I assist my father on the parental farm, although I am not involved in snaring. However, as a primary school child, I remember going out to feed hens in a small hen house, and every single hen had been killed because a fox had been able to get in. The fox did not simply take a meal; it killed everything and left. There are pests in the countryside, and there needs to be a legitimate means of controlling those pests.

**Mr Wells:** I accept the Member’s point that there are instances when pests such as foxes and rabbits need to be controlled. Does he accept that research has shown that 48% of the animals that are killed by snares are neither foxes nor rabbits and that 17% are domestic pets? The problem with snaring is that it is totally indiscriminate. There are other ways of controlling those pest species without killing other species that are either protected or are not targets.

**Mr Beggs:** I accept fully that the continuing provision of snares is questionable. No one has given me information that indicates why snaring should continue. I look forward to receiving information in the course of the Bill’s Committee Stage. If snaring were allowed to continue, it would be important that it is regulated heavily and policed. No reasonable person would wish for cruelty. I heard of a horrendous instance in which a fox bit off its leg because it was trapped for a considerable time. I wish that there were a better method of controlling pests. If such a method exists, the Bill should give consideration to banning snares. However, I wish to be advised of how else pests could be controlled.

As I said, we must bear in mind that foxes can indiscriminately kill every bird in a hen house and snatch lambs, particularly in the early stages of their lives, so failing to appropriately control pests will cause other animals to suffer. A balance is required. Nevertheless, I am open to the thought of banning snares. I am not aware of anyone who uses them in my rural community, although the practice may occur to a greater or lesser extent in other parts of Northern Ireland.

The Bill will update existing provisions and introduce six new offences, so it would be helpful if the Minister and the Department would comment on the enforceability of the existing offences cited in the Wildlife (Amendment) (Northern Ireland) Order 1995. Bearing in mind that we are creating additional offences, how effectively have the existing provisions been implemented? When creating laws, it is important that they can be regulated and their aims achieved, so it would be useful to know how many convictions have been secured under the Order in the past few years.



Clause 7 limits the defences that are available in relation to a specific offence. However, once again, how well has that provision been enforced? I appreciate that I am posing many questions; however, as a member of the Committee for the Environment, I look forward to receiving the relevant information after the debate. The purpose of scrutiny is to ask questions and receive information. I also hope that those who are interested in this subject will take part in the Bill's Committee Stage and provide the Committee with information, so that we are well informed about any decisions that we might make. I look forward to participating in the Committee Stage to improve the legislation, which will enhance Northern Ireland's wildlife and biodiversity.

**Mr Wells:** I shall declare my interests in this matter. I am a former employee of the Royal Society for the Protection of Birds and a former employee of the National Trust. Indeed, I am a member of the National Trust pension scheme: a point that is relevant to the debate. I am also chairman of the Northern Ireland Raptor Study Group, of which I have been a member since 1991. The group consists of bird of prey enthusiasts who seek to promote understanding and to protect species such as the peregrine falcon, merlin, sparrowhawk and, more recently, the red kite.

Not only have I been involved with wildlife in the voluntary sector, but I had the privilege of sitting in the Assembly in 1983 and 1984, during the scrutiny stages of what became the Wildlife (Northern Ireland) Order 1985 and the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. I remember spending many months going through and refining that legislation, which has been in place for 25 years, and the Bill that we are considering is an upgrade of those laws. That makes me feel extremely old.

Like many Members, I believe that the proposed legislation is fundamentally sound. It is a refinement of various Acts and Orders, which brings the legislation up to date. The fact that the debate has honed in on three or four specific issues indicates that the Department has generally got things right. However, there are a small number of issues with which we still have to deal.

Northern Ireland wildlife is under enormous pressure, largely due to the trend towards agricultural intensification that occurred after the war and, latterly, due to EEC grants. I am glad to say that there have been major changes. The tide in agriculture has turned away from food production for its own sake to more environmentally sensitive farming. The environmentally sensitive areas scheme and the countryside management scheme have had a major impact on habitat loss.

4.30 pm

Furthermore, under cross-compliance regulations for single farm payments, there is now a list of

operations that cannot be carried out without the Department's consent. I asked a question for written answer about that around a year ago, and it is noticeable that the single farm payment regulations have led to a dramatic decrease in hedgerow loss in Northern Ireland. So, instead of a negative approach having been taken — farmers being told not to do something — they are told that we, as a society, will give them single farm payments totalling £210 million a year to provide a basic level of income to sustain farmers and their families on the land. However, in return for that we expect various environmental standards to be met.

Generally, the news on that looks fairly good. Farmers have reacted well to that incentive and are beginning to protect habitats. Therefore, driving down the road in the middle of May, one no longer sees hundreds of yards of hedgerow being removed or moorland being grubbed up. So, things are going well.

**Mr Shannon:** The countryside management scheme is an example of how the Department of Agriculture and Rural Development encourages local farmers to provide habitats, retain hedgerows, and increase the flora and the insect life. Does the Member believe that the Department should do more to enhance that?

**Mr Wells:** When it comes to the opening up of the countryside management scheme, my constituents' complaint is not about its existence; it is that they cannot get into it. Far more people are applying to get into CMS than there are funds available for them to join. Under the renegotiation of the CAP in 2013, I would like to think that we will move to a situation in which single farm payments have been amended, so that everyone can enter the countryside management scheme. In that sense, things are moving in the right direction, but an enormous amount of damage was done before that tide turned.

Our countryside is also under the most enormous development pressure. Until recently, four times more bungalows — single dwellings — were being built in Northern Ireland than in all of the rest of the United Kingdom put together. Driving through the countryside, one cannot help but see the huge urbanisation that has been occurring, with the resultant disturbance and habitat loss. All is not well with our wildlife or our countryside; therefore, the legislation should be brought up to date to deal with those pressures.

**Mrs D Kelly:** Has the member ever availed himself of the opportunity to have a look at the National Archives of Ireland website, which shows the population of Ireland in the 1911 census, prior to partition? It is quite interesting to note that, in many areas that I have looked at to date, the number of dwellings then was significantly higher than it is currently.

**Mr Wells:** As a member of the party for urbanisation of the countryside, I was expecting that remark from the honourable Member for Upper Bann. I do have the answer to that question, Mrs Kelly.

No one is going to tell me that the tiny, one-bedroom crofts and cottages that were built in the late eighteenth and the nineteenth centuries, that were made from natural materials, that assimilated into the landscape and were surrounded by trees, and in which entire families were reared, had the same impact on the environment as the haciendas that I see around south Down. I know of one such dwelling that measures 4,500 sq ft, has nine bedrooms, three garages, a stuffed eagle on the pillar, and it is inhabited by one person and her dog. That is becoming very common in south Down. Such people are not rural dwellers wishing to live in the countryside; they are urbanites coming into the countryside to make a big statement.

Thus, there is pressure on the countryside. Of course, there is the problem of septic tanks and the road infrastructure that must be built to service the continuous urbanisation. However, I would not have expected Mrs Kelly's party to have spotted that the countryside is under pressure. I am just glad that her party never got the ministerial portfolio for the environment.

The countryside is under pressure. Damage has been done and strong legislation is required. There has been an exchange in the debate with the honourable Member for Strangford Mr Shannon about one impact, which is the dramatic decline in ground-nesting wader species. Members know the species to which I refer, but, for the sake of the Hansard report, we are talking about snipe, redshank, curlew and lapwing.

In 1987, I was employed by the RSPB, along with other staff, to carry out a breeding wader survey in Northern Ireland. Even then, it was apparent that there had been a dramatic decline in our breeding waders. That survey was followed up on several occasions, and the results are extremely worrying. Wader species in Northern Ireland, outside protected areas, are faring extremely badly.

Some of it is due to drainage, some of it is due to intensification of agriculture, some of it is due to disturbance, and some of it is due to predation. However, there is no doubt that species such as curlew and snipe in Northern Ireland are in deep trouble, and the numbers of redshank breeding are pitifully small. Therefore, there can be no excuse for the exclusion of those species from schedule 1 to the Bill.

I accept Mr Shannon's point, which is deeply worrying. I find myself agreeing with several of Mr Shannon's earlier points, which is a matter of deep concern to me. I was thinking to myself, where have I gone wrong that I am agreeing with Jim Shannon on

anything to do with the countryside? But I did. He made some valid points, which, no doubt, will look good in next week's 'Newtownards Chronicle', where people can always read them if they have missed them in the Assembly.

Nevertheless, on a serious note, I listened to Mr Shannon's point, and he is right. The dramatic decline in breeding waders has not been brought about by shooting. The problem is that the population has decreased to a level where shooting could be the coup de grâce. It could remove the remaining small breeding population of that species. The population has reached a level where protection is absolutely essential, and I plead with the Minister, who I know is an authority on breeding redshank, to add it, curlew and lapwing to schedule 1 to give it full protection.

I hope and pray that those conservation measures will work eventually, and schemes such as the countryside management scheme will lead to an increase in those species so that, one day, they could come back onto the quarry list, because wader species are natural prey. There is no problem about that; the difficulty is that we are getting to a stage now where the population is so small that we cannot afford that luxury.

There are already enough species for Mr Shannon to shoot. There are many species of wildfowl, pigeons, a small number of red grouse and pheasants. It will not lead to any sportsman being confined to his home, but it means that we can protect that very beleaguered species.

I must also declare that, in addition to being chairman of the Northern Ireland raptor study group, I am about to start my thirty-fourth year of a long-term study of the population of the peregrine falcon in Northern Ireland. That makes me feel very old. I started in 1977, and I have been following the fate of the peregrine falcon in Northern Ireland ever since. That leads to a bit of confusion, because, occasionally, I do interviews — shy and retiring shrinking violet that I am — and I am sometimes dragged onto the radio airways to do interviews about political activities, be they about health or an issue in south Down. However, very occasionally, I do the odd interview about wildlife. Indeed, three years ago, I did a television interview about the persecution of birds of prey in the Mourne. Someone saw that interview, recognised me from it, stopped me in the street and said that he really enjoyed the piece that I did. He said that I spoke a lot of sense, unlike that other Jim Wells, the bigot up at Stormont. I had to assure him that the person whom he had seen on television and the alleged bigot up at Stormont were the same person, but he could not grasp that.

It is possible to be a politician and to have an interest outside of politics. How would one make the

majority of Members in the Chamber go silent? Ask them what their interests are outside of politics. I have an interest outside of politics, and that is birds of prey. Members may ask what relevance that has to the legislation before us. The legislation needs to be extended to include nest sites, to give permanent protection to the nest sites of a range of bird of prey species, the obvious one being the peregrine falcon.

So many bird of prey species nest in quarries that a peregrine falcon's nest could be removed through the blasting of a rock face for quarry operations. However, the raptor study group has an excellent relationship with the Quarry Products Association, which is the umbrella body for quarrying. It has a biodiversity officer, and the group has found that quarry owners are extremely co-operative. However, it is still important that we have protection.

We have also reintroduced species. I believe that I was the first British person ever to see golden eagles nesting in Donegal. I went up over the border a few years ago to Glenveagh National Park, and I was the first British subject to see the golden eagles nesting. They reared a single chick that year — 2007. They failed in 2008, but they reared two chicks this year. That sequence may not be correct, but I am sure that it is close. I would welcome an invasion of Irish golden eagles into this part of the United Kingdom.

I would be absolutely delighted if that project took off in Donegal, the population increased, and golden eagles from one part of Ulster moved into this part and nested in north Londonderry or Fermanagh. That would be fantastic news. Even though, at present, the golden eagle is not a breeding species that is native to Northern Ireland, if that population spread occurred, it would be essential for the Department to have the power to provide protection for the species' nest sites. Golden eagles nest on the same ledges year after year.

I am also delighted that the RSPB has decided to reintroduce the red kite into the heart of my constituency in South Down. In the interest of the species' security, I will not reveal the exact location. In 2010, we look forward to the first nesting of red kites in Northern Ireland. That is fantastic news not only for those of us who have an interest in birds of prey, but also for the tourism industry, because the red kite is an extremely attractive species which brings people in from a wide area.

A few years ago, I went to Radnorshire in Wales, where a farmer has diversified by setting up a kite feeding station. On the day that I was there, 300 visitors had paid £3 each to watch the red kites feeding. It is an extremely useful addition to that farmer's income. Kite feeding stations are now quite common throughout the rest of the United Kingdom. I hope that some day, a farmer in south Down can enjoy

the same privilege of a second income as a result of creating that type of tourist attraction. If that success is to be achieved, the Assembly must provide protection for red kites' nest sites in order for their population to grow and flourish.

Therefore, the RSPB's recommendation that protection be increased for nest sites of other species, such as the white-tailed sea eagle, which has recently been seen in north Antrim, is sensible. I suspect that the reason why it is not included in the Bill is that, at the time of its initial drafting, there was no realistic prospect of the red kite, golden eagle or sea eagle nesting in Northern Ireland. I am glad to say that now that is very much on the cards.

Indeed, many Members will welcome the fact that in 2009, despite the presence of Mr Shannon within five or 10 miles of the nest site, marsh harriers nested for the first time in the Strangford constituency and reared two young. That is tremendous.

**Mr Shannon:** Just for the record, I understand that those birds are protected. I endorse their protection, as do all members of the shooting community. We are happy to see all of those birds of prey. There are some on my land and that of other people. We wholeheartedly support their being there. Remember that.

**Mr Wells:** I often wonder about Mr Shannon's motivation. Does he want those birds to be protected so that some day he can shoot them, or does he want to protect their interests?

**Mr Shannon:** I like to see them in flight.

**Mr Wells:** It is remarkably good news that those species are coming back. I think that we are pushing at an open door on the matter with the Department, which realises that it is no great breach of compromise or principle to add protections for the nest sites of those species.

I want to discuss the vexed issue of introductions. The one area on which Mr Shannon and I — and, indeed, all Members — agree is that the introduction of a non-native species to Northern Ireland or anywhere else in the British Isles inevitably spells disaster. Look at the damage that has been done by the grey squirrel and the mink. Recently, there has been reference to Reeves's muntjac. Of course, the other classic example is the ruddy duck. When those species are introduced to an area, they inevitably cause commercial and agricultural damage and lead to the driving out of native species. There is no doubt that there is a link between the decline of the red squirrel and the arrival of the grey squirrel.

People may feel that I am being facetious when I raise the issue of Reeves's muntjac. I am sure that, apart from a few Members on my own Benches, the first time that anybody in the Chamber heard of



Reeves's muntjac was half an hour ago when I raised the question with Mr Shannon. Reeves's muntjac is a small species of deer which escaped captivity in England around 50 years ago. It has bred and is now, perhaps, the most common species of deer in the United Kingdom. It causes enormous damage to farms and forests. The damage that it has done to vegetation has caused a considerable loss of wildlife, to the extent that it has been suggested that Reeves's muntjac are the reason why the number of nightingale is declining rapidly in the southern counties of England.

I have asked the Minister about that species. I say to him that as an absolute priority, his Department must take urgent action to have the small number of Reeves's muntjac that can be found in Northern Ireland rounded up and either kept in captivity or taken back to England. The Assembly cannot allow that species to spread and cause enormous damage to the countryside. Therefore, the introduction of species is not an academic issue. It is an issue that could cost the Provinces' economy millions of pounds. The zebra mussel is another issue; it has got into the Erne and Lough Neagh water systems and is causing huge damage.

4.45 pm

There is never good news when an alien species is introduced. The legislation needs to reflect that and be tightened to ensure that those species are not introduced. A programme on the mainland of Britain to eradicate the ruddy duck has already cost more than £1 million, which shows just how difficult it is to eradicate such species once they are in the environment.

I also share the concern of the RSPB on nature Europa sites. As Members will know, the basic form of protection for areas of outstanding scientific interest is ASSI designation, which gives considerable protection to habitats such as raised bogs and woodlands. However, there are more extensive areas called special protection areas (SPAs), and I am aware of two. The SPA that I am most directly involved in is the Antrim Hills and Glens, which is there to protect hen harrier and merlin. The problem is that those protections are not underlined by ASSI designation. At the moment, there are very limited powers to protect those habitats. Damage is being done to the upper Glenshesk part of the Antrim Hills SPA, and I have referred the matter to the Department. A large shooting syndicate has moved in and developed the area with roads, shooting hides and feed stations for partridge, I believe. That is doing major damage to that part of the SPA, and there are extremely limited powers in the present legislation to address that issue. I welcome the increased legislation, but I agree with the RSPB that it needs to be tightened considerably.

I move on to the two major issues on which there will be considerable debate and some division in the

Assembly. The two issues that have caught the public's imagination are snares and the Irish hare. I remember sitting as a rookie Back-Bench MLA where Mr Molloy is sitting, on the extreme of the Bank Benches, and here I am 25 years later on the extreme of the Back Benches, so I have not gone too far — just across the Chamber. However, I remember arguing vociferously from that very seat in 1983 for the banning of snares. I lost that vote and we have tolerated the use of snares ever since. We had a ban on self-locking snares, and it is important that Members understand the difference. A snare is a piece of wire attached to a solid surface or a fence post, which an animal can walk into by mistake and become entangled by its neck. Self-locking snares lock round the animal's neck, and as it struggles the wire gets tighter and tighter and often strangles the animal. It is an extremely cruel way to kill an animal.

Ordinary free-running snares do not self lock but stay round the animal. Under the Wildlife (Northern Ireland) Order 1985, the gamekeeper or farmer is supposed to check the snares every 24 hours. If the animal is protected or not a target species, it is released; a fox or rabbit is knocked on the head and killed.

In my capacity of checking peregrine falcon sites in Northern Ireland, I spend huge amounts of time in the countryside during June and July, and I have come across the most dreadful scenes of animals caught in snares. I have found protected species, badgers in particular, but also domestic cats and dogs. By the time I come across an animal it is usually dead. It is obvious that no one has checked that snare in 24 hours, and in some cases in 24 days or 24 weeks. The animal had suffered a ghastly death. No one checks snares.

Snares are indiscriminate. According to the Scottish Society for the Prevention of Cruelty to Animals, 48% of the animals caught are non-target species; badgers, otters and hedgehogs, and, in Scotland, pine martens are killed. Snares are grossly indiscriminate; they do not differentiate between protected and non-protected species.

I accept that there are times when foxes and rabbits need to be killed. I am not stupid. There are times when they cause severe damage to farmers and to game; however, unlike snares, there are species-specific ways of killing those animals. It is time to address that issue. An opinion poll showed that 70% of the people of Northern Ireland want a total ban on snares.

As things stand, we as a civilised society can no longer stand over the use of snares. The present regulations are unworkable, and I believe that we could do something positive for animal welfare by including a complete ban in the legislation.

There may be specific times when, for special reasons, a landowner needs to use snares. In those circumstances, he or she could apply for a specific

licence to do so. There is nothing in the Bill preventing someone from applying for a licence to do something that is prohibited at the moment. That is the way of controlling the system. That means that if farmer Smith or farmer Jones wish to use snares, a licence can be given, with attached conditions, and the Department can oversee the use of that licence. I think that that is the way forward, but in the vast majority of cases snares are no longer necessary. I plead with the House to consider landing a fundamental blow for animal welfare by banning snares forever in the Province. Then, if it is discovered that they are being illegally used, at least we can do something about it.

The ban on self-locking snares has been totally useless. People are still using them, and it is a dreadful way for an animal to be killed. It is not always the case that the animal is caught by the neck. Sometimes it is caught by the leg, or it is cut in two by the snare because it is caught in the midsection of the body. As the honourable Member for East Antrim has said, that is not a very pleasant sight. People's views on animal welfare have moved on, and snares are no longer required.

I also wish to speak on the vexed issue of the protection of hares. I see that Mr Shannon is back in the Chamber, and no doubt we will clash on that issue. He is out of line with public opinion, because 75% of the people of Northern Ireland have stated that they want a ban on hare coursing. Younger Members of the House may not even know what hare coursing is, although I suppose the only people who qualify are Mr Beggs and Ms McCann; the rest of you are probably old enough to remember.

**Mr T Clarke:** What about this gentleman over here?

**Mr Wells:** Sorry, I forgot about Mr Clarke. If one is under 30 years old, there is no doubt that one will have no idea what I am talking about. The Irish form of hare coursing as practised at Clonmel or Crebilly, until changes in 1993, involved two greyhounds being set loose on a hare that is kept in captivity. That hare runs down an enclosed course and is chased by the greyhounds. Judges mark the course on the basis of the twisting and turning of the hounds in their attempt to kill the hare, and, to make it even worse, bookmakers sit at the side of the track taking bets on which is the more skilled of the greyhounds. In a civilised society, that barbaric activity should be confined to the annals of history forever. It is a disgrace that it ever happened in Northern Ireland in the first place, and that anyone would even contemplate continuing it.

I say to Mr Shannon that the vast majority of sportsmen — though some people might not accept that term — are responsible and wish to ensure a cruelty-free environment, but that any of his supporters, or any of the organisations that he is

involved in, can stand over the possibility of a resumption of hare coursing is, to me, appalling. I personally think that people like Mr Shannon are embarrassed, but they do not wish to support a ban on coursing because they are worried that it may be the thin edge of the wedge. They say that if hare coursing is banned today, it will be fox-hunting tomorrow, and then it will be fishing the following day. That was the same argument that was used when people were attempting to abolish bear-baiting and badger-baiting many centuries ago. There are certain activities that are simply so cruel that a modern, civilised society has to make them illegal.

I understand that there is a special protection order, and am delighted that the Minister, in his wisdom, has confirmed that on several occasions. That is good news, but the problem is that it is subject to an annual review. I passionately believe that the Bill should be changed so that schedule 7 includes a permanent protection to prevent hares being killed, trapped or removed from their natural environment. That would mean that there would be no doubt and no grey areas. People would know exactly where they stand.

When the practice of hare coursing was effectively made impossible by the special protection order, it was only being practised at two sites in Northern Ireland: Crebilly in north Antrim and Eglishe in south Tyrone. The special protection order has stopped it. Does anybody care? Is there anybody who has lost their job over it? There certainly is not.

The public were 100% behind that and were perfectly happy with it. I want both of those courses closed permanently, and the vast majority of people would accept that.

In 1982, I stood in Crebilly with Peter Robinson, who was then the Chairman of the Environment Committee at Stormont, and the late Lord Henry Dunleath, as we watched hare coursing. I still remember the squeals of the three hares that were caught, as they were ripped apart by the hounds in front of several hundred people. Is that something that we want in a civilised society? It might be argued that the hounds are now muzzled, but one or two hares die each time because they are beaten by the hounds. However, that is not the issue; the issue is the terror that the hare must feel as he or she is coursed down an enclosed area, being watched by so-called human beings who are baying for blood. That is not acceptable.

The hares have to be captured several weeks before the event, and they are kept in confined locations. Some of them are kept in boxes, which is totally inappropriate. It is an extremely stressful thing for a hare to endure. They are then coursed, and, if they are lucky enough to survive, they are released back to the

natural environment, but the stress must have a long-term impact on them.

There is another issue aside from cruelty. I had a wry smile on my face when Mr Shannon eulogised about the lovely, brown Irish hares that were bouncing along his estate in Greyabbey, and, almost with emotion, he told us that they bred and had young hares. But the honourable Member believes that it is right for someone to capture the same hares and course them at Crebilly. I notice that he has not asked me to give way, but I will do so, because I would like to know where the consistency is in that. How can he have a wonderful, sentimental appreciation of a lovely animal and then say that it is acceptable to capture and course them? It is simply not on.

During the debate, Members from every party have said that the practice of hare coursing has to stop. In 30 years' time, the Minister will not be remembered for the clauses that he moves in the RPA or the minor amendments that he makes to the planning Order. If he goes down in history as the person who saved the Irish hare, he will be a national hero and an institution. No one remembers anything about Margaret Thatcher from her time as Education Minister except for the fact that she took away the free milk. She is still known as Margaret Thatcher the milk snatcher. In 30 years' time, when the honourable Member for Lagan Valley will, no doubt, be a member of the House of Lords and have reached the pinnacle of his political career, would he not like to then be known as Lord Poots of Lagan Valley, the politician who saved the Irish hare? I am sure that he would.

I urge the Minister to join with the 75% of people who support that, and I have no doubt that the proportion of people who support it in Lagan Valley is even higher. Let us be able to tell our children that this Assembly took the action that led to the final death knell for that barbaric so-called sport.

Apart from that, the legislation is generally sound. I have been critical, but I have homed in on only four or five issues. A few minor amendments will create an excellent piece of legislation. I mentioned that I witnessed hare coursing in 1983, which was 27 years ago. That shows when the next opportunity might occur to change the legislation. Some Members, such as Mr Burns and Mr Trevor Clarke, are young enough to be back here in 25 years time, but, for some of the rest of us, this is the last opportunity to change the legislation. Let us get it right and let us give the best possible protection to our wildlife. I believe that the people of Northern Ireland are with us on that.

**Mr B Wilson:** The Green Party broadly welcomes the Bill and the fact that it updates the 1985 Order, which is long overdue.

I particularly welcome the introduction of the statutory duty on government and public bodies to take action to further the conservation of biodiversity. The UK signed the biodiversity convention in 1992, so the issue is long-standing. It is an indictment of government that we have had to wait for so long for such a duty to be placed on public bodies.

5.00 pm

*(Mr Deputy Speaker [Mr Molloy] in the Chair)*

The value of biodiversity is hard to exaggerate, therefore, I am pleased that clause 2 places a duty on the Department of the Environment to designate and publish a biodiversity strategy. However, I am concerned that there is no requirement on the Department to report on the strategy's progress every three years, as was suggested in the consultation document. The Bill states:

“The Department must from time to time publish a report regarding the implementation of any strategy so designated.”

How often are such periodic reports to be produced? The Green Party proposes that the Department should report on the strategy every three years.

Clause 3 calls upon the Department to publish lists of animals that require particular conservation attention and to take steps to further the conservation of such priority species. What is meant by “take steps”? That needs to be clarified.

Mr Wells and Mr Ford pointed out that one such endangered animal is the Irish hare. I have been interested in the Irish hare for many years. In fact, as Mr Wells said, I spent my Boxing Days in the 1970s and early 1980s protesting in the freezing cold at Crebilly. I assure Members that we were all disgusted that that barbaric practice continued for so long.

I have another long-standing interest, because my former colleague Bertie McConnell, who was MP for Bangor, introduced a Bill to abolish hare coursing to the Parliament of Northern Ireland in 1970. That Bill was passed by the House of Commons but was turned down by the Senate. The following year, he introduced a similar Bill, which was again passed by the Commons. However, it was delayed by the Senate, and then the Northern Ireland Parliament was prorogued, so it never became law.

Mr Wells also referred to Lord Dunleath, who also introduced legislation in the Northern Ireland Assemblies of 1973 and 1982. Those Bills were passed without division, but, again, the Assemblies fell before that legislation could be enacted.

**Mr Wells:** I am slightly worried to hear that each time a Northern Ireland Government tried to ban hare coursing, the Assembly collapsed. I hope that the Member is not making any prophecies.



**Mr B Wilson:** It is a very interesting sequence of events — oh gosh, we could see a similar situation. I hope that this legislation passes before this Assembly succumbs.

**Mr Wells:** We had better be quick, then.

**Mr B Wilson:** Yes.

It is clear that the elected representatives of Northern Ireland have been in favour of banning hare coursing for more than 40 years, but that willingness has not yet been translated into legislation. The Bill gives us the opportunity to introduce long-awaited measures to protect the Irish hare.

In recent years, the Department has issued a special protection Order each year to protect the Irish hare, the numbers of which had declined significantly in the previous 20 years. Evidence cited in the consultation document shows that, even since the special protection order was introduced in 2002, there has been no significant increase in the Irish hare population. The special protection order has been shown to be ineffective. I propose that the Irish hare should receive permanent protection and should be included in the amendment to schedule 5 to the Wildlife (Northern Ireland) Order 1985, “Animals Which Are Protected at All Times”. In my view, as long as the Irish hare continues —

**Mr Wells:** On a point of order, Mr Deputy Speaker. For many weeks, I have wished to raise this point, and I must raise it now. The honourable Member for North Down Mr Brian Wilson was speaking when two Members walked in front of him. They walked between the Speaker’s Chair and the Member who was speaking. I find that extremely distracting and disrespectful. Mr Deputy Speaker, I would like you to speak to the Speaker and seek a ruling on the matter. That practice would not be tolerated in any parliamentary Chamber, including the Dáil, anywhere else in Europe. It has to stop, because it is extremely off-putting. I am not being critical of the Members who walked past, but we need to stop that practice immediately.

**Mr Deputy Speaker:** Members have to show courtesy to others in the Chamber, particularly to whoever is speaking. I will raise the matter with the Speaker to see whether it can be dealt with.

**Mr B Wilson:** As long as the Irish hare continues to be regarded as a game species, its population will remain under threat. The current situation whereby the Irish hare is protected only during certain periods of the year sends an inconsistent message and hampers any enforcement of a protection order. That can be resolved only by adding the Irish hare to schedule 5, thereby removing that uncertainty.

We also supported the original proposals to increase protection for the curlew by moving it from schedule 2

to schedule 1. We are disappointed that that proposal has been dropped. That matter should be reconsidered, given the parlous local status of the curlew.

The Green Party also supports a strengthening of control on the use of snares, particularly an outright ban on self-locking snares to prevent unnecessary suffering. However, the Bill does not go far enough. Clause 10(3) states that use of the snare is prohibited where it is:

“calculated to cause unnecessary suffering to any wild animal”.

The issue is whether the snare is likely to cause unnecessary suffering, and I recommend that the wording be amended to reflect that. The word “calculated” provides a loophole that will, in effect, make it legal to use a device that will inevitably cause suffering to an animal. I do not believe that the requirement for snares to be checked on a daily basis can mitigate the suffering that they cause. That is unenforceable and therefore does not provide adequate protection for wild or domestic animals that may be caught in those indiscriminate devices. If the Department is serious about preventing unnecessary suffering, the only viable option is a complete ban on snares.

The Department’s consultation paper, ‘Review of: The Wildlife (Northern Ireland) Order 1985’, refers on a number of occasions to preventing unnecessary suffering of wild animals, so the Department clearly recognises that it has a responsibility in that area. I am surprised, therefore, that the paper includes no proposal to end the inherently cruel and barbaric practice of hunting with dogs. Northern Ireland remains the only part of the UK to allow that barbaric practice, and the review of the Wildlife (Northern Ireland) Order 1985 afforded us the perfect opportunity to end that activity once and for all. The remit of the Wildlife (Northern Ireland) Order 1985 includes the protection of wild birds, mammals and plants, and my understanding is that we are here to improve the provisions of that Order. Why, then, has hunting with dogs been ignored when it is so fundamental to our discussions?

I turn to the Department’s proposal to abolish game licences. Although it is recognised that the current systems are archaic, the Green Party cannot support the Department’s proposal to deregulate the system completely. To have no monitoring of those activities is contrary to other provisions in the Bill to support conservation efforts. The Department recognises that fact in its own consultation documents, which is why I cannot understand why no alternative monitoring system is provided for in the Bill.

Paragraph 154 of the consultation paper states:

“it is recognised that there may be some concern from conservationists that the lack of a proper monitoring system could

lead to unacceptable pressures on wildlife... the Government recognises the need for an improved system for monitoring the numbers of bird species (game birds and quarry species) taken through hunting to ensure that hunting practices remain sustainable.”

Why have no alternative provisions been included in the Bill?

A number of suggestions were made during the consultation, including the licensing of individual shoots, including an agreed limit on the number of individual species that could be killed. However, the Department seems to have ignored all such proposals. I am open-minded on the method of monitoring, but having no monitoring at all could have a disastrous impact on the conservation of game birds and quarry species.

The Green Party welcomes the two offences that the Bill creates to protect ASSIs, which are an important part of our environmental heritage. Reckless and unnecessary damage to those sites is damaging to the whole community, and it is important that that be recognised in legislation. We welcome the proposal to give the Department power to erect signs and notices in those areas to provide information and increase awareness of ASSIs. It is important that efforts be made to raise awareness of the importance of those sites. The previous Environment Minister had to be taken to court by Friends of the Earth to learn the true status of ASSIs, so it seems that there remains considerable ignorance on that matter.

My party also has concerns regarding the issue of licences under article 5(6) of the Wildlife (Northern Ireland) Order 1985. Who is responsible in the Department for granting those licences? Can we be assured that that is not just a rubber-stamping exercise and that each application will be properly scrutinised?

My party welcomes clause 13, which relates to the prohibition of the sale of non-native species, and we suggest that the aquatic nursery trade deserves special attention regarding such sales. We are concerned that there may not be adequate staff to police that provision. We support clauses 18, 19 and 20 on enforcement but are concerned that they may not be adequately policed. Have the PSNI been consulted, and will special training be given to the police personnel who are likely to be involved in the enforcement of the Bill?

Clause 20 strengthens the powers of the Department's wildlife inspectors. Are there plans to increase the number of inspectors to enforce those powers?

My party broadly welcomes the Bill, but we believe that in certain areas it can be improved to protect biodiversity, enhance conservation and prevent the unnecessary suffering of animals. We also welcome the introduction of new offences, but we are concerned as to the policing and enforcement of the new powers,

particularly as it is indicated that no extra funding will be available.

**The Minister of the Environment (Mr Poots):** I am grateful for Members' contributions to the debate; they have been both valuable and informative. I will respond to some of the issues raised.

After all the hullabaloo of yesterday, we are down to realpolitik today. These are the issues that, while they might be a bit of a grind on occasions, affect the public and the community. In this House, we are supposed to be delivering on an agenda, whether it is on the environment, health, education or any other aspect. People should take a lot of goodwill out of this debate and a lot of hope. If we can get Jim Wells and Jim Shannon agreeing on a number of issues, we might even get the policing and justice issue resolved at some point. *[Interruption.]* If we can get that far today, it demonstrates how far we can reconcile opposites on occasions. It has been a valuable debate.

Dolores Kelly spoke on behalf of the Committee and broadly welcomed the Bill: I appreciate that. I look forward to working with the Committee, through my officials, on the issues that are of concern to it. The Committee has additional ideas, which it will want to put to my Department. We will give those ideas due care and attention, as we have done in respect of previous Bills. There has been a close working relationship between the Department and the Committee on a range of issues with respect to previous legislation. I assure the House that my Department will seek to accommodate and work with the Committee as far as possible.

The one issue that was of particular relevance today may be summed up as “snares and hares”. Nearly every Member who spoke had a comment to make on that, including Mrs Kelly, and I will deal with those issues in turn.

Peter Weir also broadly welcomed the Bill. He asked about temporary stop notices. As regards stop notices and reinstatement notices not included in the Bill, there will be consultation on a new and comprehensive range of sanctions for application across a number of environmental regimes. That is currently being held in England and Wales. Those sanctions include powers to issue stop and reinstatement notices. It is prudent to await the outcome of the consultation and introduction of the proposed measures in England and Wales before making decisions on appropriate mechanisms in Northern Ireland. It will be more effective to make comprehensive regulations from those notices, rather than limit them to ASSIs.

Danny Kinahan and Cathal Boylan spoke about guidance on biodiversity. The Department will draft practical and appropriate guidance for public bodies to

assist them in their duties. Most Departments currently embrace nature conservation measures as a part of their duties. That is something which we hope will continue.

Cathal Boylan also referred to game licensing systems and appropriate legislation for the sale of venison. The poaching of deer and the sale of unlawfully taken deer are already offences under the Wildlife (Northern Ireland) Order 1985, and we should thank Mr Wells for introducing that. He has the grey hair that demonstrates that he has been here that length of time, and he may well still be here in 30 years' time. He rhapsodises about not eating meat and says that that is going to make him live a lot longer than the rest of us; so there might be a young-looking octogenarian in the Chamber in 30 years' time, fighting the good fight for wildlife. However, anyone who is prosecuted for such offences is liable to a fine of up to £5,000 or a custodial sentence of up to three months or both, and that will not change.

5.15 pm

The protection of the curlew was raised, and the recent change in its conservation status on the International Union for Conservation of Nature's red list of threatened species is something that we wish to acknowledge. I also acknowledge the positive response by many shooting interests in Northern Ireland, who have recognised the increasing threat to the breeding population and have already engaged in a voluntary moratorium on hunting curlew. My Department will continue to encourage those who have not yet made similar commitments to do so. The success of that voluntary initiative will be monitored.

Brian Wilson said that the hare population had not risen despite the fact that a special protection order for hares has been in place for eight years. That does not exactly strengthen the argument that people should not take or kill hares; it demonstrates that the main problem is associated with habitat management. On a personal level, I have real difficulties with the killing of hares, curlews and other species, and I am happy to work with the Committee to address those issues. However, I want to make it absolutely clear that a ban on killing those animals will not necessarily mean that there will be more of them in a number of years, and Mr Wilson made that point accidentally. It has a lot to do with how we manage habitats and how we ensure that those species have appropriate habitats.

Why are badgers, which are plentiful, on quarry lists and protected lists when curlews, hares and some other species which are fewer in number are not? When I posed that question, I found out that badgers are on the list in order to try and prevent badger-baiting; it is not because they are scarce. When one drives down the road, one will see that there is no scarcity of badgers; they are continually getting knocked down. I have to

ask the question: is this the best way to deal with badger-baiting, or should we be looking to the legislation here? I welcome the fact that the legislation has been enhanced in that respect. However, the legislation that we are seeking to introduce will enable the authorities to prosecute individuals who set out with spades and dogs, normally lurchers, to hunt badgers.

I will tease that out a little more. What powers will the police have to take such people to court? If the police find dogs and their owners say that they are hunting foxes, not badgers, the dogs must be examined at that point. Dogs with scars on their faces associated with badger-baiting make for a strong case. That is a better route to take, rather than having badgers on the protected list while other animals such as hares and curlew are kept off it. That is an issue for the Committee to consider further.

Those are issues on which I appreciate the work of the Committee because it can carry out wider consultations and hear what others have to say.

There are other difficult arguments on the use of snares. For example, a group in Glenwherry has, with our support, brought in gamekeepers, although I do not know how it did that. The group has been promoting species such as the red grouse, the Irish hare, snipe and curlew. In doing that, it has, over the past number of years, taken about 600 foxes. That is because, in that area, one species, for whatever reason, became too prominent, to the detriment of all other species. I am glad that that group has removed 600 foxes. Some people do not like that; however, removing those foxes will allow species that are under threat to thrive in the habitats that have been created and allow them to make a return. We have to recognise that there are challenges.

On limited occasions, snares may be appropriate, although I find them very distasteful and have real difficulties with them. I am not unsympathetic to Members who said that we should have an outright ban on snares. Other Members said that there should be stiff licensing of snares, and I am not unsympathetic to that either.

**Mr Wells:** The Minister must realise that the Wildlife (Northern Ireland) Order 1985 did not abolish anything: it was always at landowners' discretion to apply for a licence to carry out something that would normally be illegal.

The Minister mentioned the situation at Glenwherry, of which we are all aware. However, I understand that many of those foxes were shot rather than snared. The RSPB supports the Glenwherry experiment and provides the group with considerable advice. However, in a special situation such as that, all the landowner has to do is apply for a specific licence to use snares and then officials will know on what land snares are being used and can check to see that the licence conditions



are being met. However, that does not mean that anyone can use snares. I am sure that in Glenwherry snares are checked every 24 hours, that self-locking snares are not used and that, where a protected species or domestic animal is caught indiscriminately, it is released unharmed.

That is the solution and the compromise. It is not about banning the use of snares; it is about using snares under strict control and through a licence.

**The Minister of the Environment:** I thank the Member for his point. The rapid rise in the population of foxes could cause problems for people with free range chickens, a considerable number of sheep or during lambing season.

**Mr Shannon:** Will the Minister give way?

**The Minister of the Environment:** I will in a moment.

It is a concern that needs to be dealt with rationally. I have made it clear how sympathetic I am to an outright ban on snares. However, we need to deal with the issue rationally and sensibly. People could end up using alternatives, such as poisoning, which can affect many more animals and the bird population and can be even more damaging than snares. It is easier to use unlawful methods in that situation than it is to use snares. Therefore, an outright ban could be counterproductive. I will be interested to hear the Committee's views on the issue as well as those of the various parties that make submissions to the Committee. I hope that we can get a good outcome.

**Mr Shannon:** The Minister is aware, as, I hope, is the Assembly, that the issue is about more than checking snares every 24 hours. However, those who use snares to catch foxes check their snares at least twice a day, morning and evening. Snares can be used correctly and under controlled management.

Mr Wells made a comment about having a licensed system. When foxes strike, people need to strike right away to ensure that they are controlled. People cannot wait until they get a licence, which is one of the problems with the process.

**The Minister of the Environment:** I thank the Member for his point and have no doubt that it will be made during the discussions. We will seek to arrive at a sensible and reasonable outcome.

Mr Ford referred to the biodiversity duty and asked how we ensure that Departments embrace it. The DOE will encourage officials in other Departments to embrace biodiversity. That work has been ongoing for several years and has resulted in biodiversity implementation plans. Departments will report on their compliance with that duty.

Mr Ford also raised the issues of updating schedules and permanent nests. The updating of schedules can be done at any time through subordinate legislation. However, I heard what Members said, and we will hear what the Committee has to say in due course. We will consider the case for permanent nests for other bird species.

Mr Ford also referred to the Irish hare, an issue that I have already sought to address. To avoid him giving himself or his researchers work to do by finding out what my position was on the issue in 2002, I will outline that position: I stood for greater protection for the Irish hare, and I want to see greater protection for the Irish hare in 2010. I do not just want to see the Irish hare conserved; I want to see its population grow significantly over coming years. Therefore, we will pursue any measures that we can take to do that. I made it clear that I think that measures to increase the population will be more based on habitat management than on protection.

Mr Ford referred to the protection of ASSIs, and I look forward to hearing the detailed proposals that might come from the Committee on that issue.

I welcome Mr Shannon's contribution to the debate, because it was an important one. There are many thousands of people, probably tens of thousands, in Northern Ireland who engage in the activities to which Mr Shannon referred. The views of those people are important, and many of them are engaged in conservation work. Although Mr Wells may say that they conserve species to shoot them, many of those people are introducing management practices. I know that from my own farm, which now has pheasants, because others introduced pheasants to their estates. Those pheasants have managed to make their way to my humble property and are very much enjoying themselves on it safe in the knowledge that Mr Poots has no intention of shooting them. I did not introduce the pheasants to my property; other people introduced them to their estates. People who engage in field sports are creating habitats and engaging in management that allows many species to be reintroduced and to thrive.

We need to keep the foreshore shooting season consistent with that in the Republic of Ireland, bearing in mind that we share waters at Foyle and Carlingford. We can have that discussion with our colleagues in the South of Ireland.

The issue of liaising with the shooting community was mentioned. When working on the Bill, officials consulted widely and at length with the shooting community. We will continue to regularly liaise with that community; for example, we will be involved with the species action plan.

Forest Service leases were also mentioned. It is for each public authority to decide how it controls activity

on its land; the DOE cannot dictate to the Forest Service about how to do that. Mr Shannon may want to raise that in the Agriculture Committee, which he is a member of.

We will consider the details of the duty to notify a change of ownership and signage in ASSIs in due course.

5.30 pm

Mr Wells raised the issue of the muntjac deer. A control plan is in place, and officials have been in discussion with local deer societies about control options. I suppose that one option might be to let Mr Shannon loose in areas where one becomes aware of those deer and allow him to shoot away to his heart's content. Jim Wells may prefer to round those deer up and put them in a home for small deer somewhere. *[Laughter.]*

Mr Beggs raised a number of issues, the first of which was the biodiversity duty to achieve balance between socio-economic and environmental interests. He also referred to education on biodiversity, and NIEA will hold many educational and awareness events during 2010, which has been designated the international year of biodiversity.

He raised the issue of increased powers for wildlife inspectors. They will be given the power to enter any premises, other than a dwelling, to investigate whether certain offences are taking place, such as the keeping of captive birds or trade in live or dead birds, animals or plants. A specific power of entry will be provided for the purpose of obtaining information prior to processing applications for licences or for checking compliance with licence conditions, including the power to enter dwellings. Wildlife inspectors will have power to require the taking of blood or DNA samples from specimens for evidential purposes, subject to controls that require that samples from a live bird or animal be taken by a veterinary surgeon only.

I will address the points that Mr Wells made, which, to some degree cross over with those made by Brian Wilson. Mr Wells highlighted his concerns about the snipe, the redshank and the curlew. We look forward to full consideration of that matter at Committee Stage, when we will take account of the most up-to-date information. Mr Wells made the point that the introduction of species such as the red kite had moved the issue on. We will give that due consideration. He also referred to the need for permanent protection of the nest sites of the peregrine falcon and the golden eagle. We look forward to considering additional protection for a number of bird species during Committee Stage. It is our desire to provide protection for the nests of golden eagles.

Mr Wells referred to several other invasive species, and we will consider culling those species. He raised the issue of grey squirrels and red squirrels, although

many people find it difficult to accept a cull of grey squirrels. However, the fact that introduced species subsequently become invasive leads to all sorts of problems. We might need to consider that matter in due course.

There was mention of special protection areas that are not underpinned by ASSI designation. Better protection is needed, and we propose to review and update the Northern Ireland conservation regulations. The treatment of the Irish hare and hare coursing are issues for the Department for Social Development; they are not DOE issues. However, if the weight of opinion during Committee Stage favours a ban, that will need further consideration as a separate policy issue.

**Mr Wells:** If I were an Irish hare, I would feel much happier under the protection of the honourable Member for Lagan Valley than under that of the honourable Member for South Down. *[Laughter.]* There must surely be a rationale for bringing all animal welfare and protection under the auspices of Mr Poots's Department. It is bizarre in the extreme that the Department for Social Development is in charge of that issue. Given that the honourable Member for South Down Ms Ritchie deals with housing, social security and urban regeneration, I would not think that the protection of hares is top of her agenda. There seems to be no logic in the fact that she has control over that matter, and I am sure that she would not feel robbed of a major part of her Department's responsibility if it were transferred to the Department of the Environment.

**The Minister of the Environment:** The Member said that a number of people at Crebilly were taking bets on which greyhound would do best on the hare course. That aspect falls under the control of the Department for Social Development, but, of course, if we put special protection orders in place in Northern Ireland, those people cannot take the hares in order to pursue that activity. I understand that people in the Republic of Ireland continue to take hares to engage in coursing, so Ms Ritchie may wish to discuss that issue with her Department.

Mr Wells and Brian Wilson spoke about limiting the use of snares under licence, and I addressed that issue at length earlier in the debate. I trust that I have covered most of the issues that Members raised. If I have not, I will accept written questions or submissions from them. Members of the Committee for the Environment may also wish to raise issues in the Committee process.

I thank Members for their contributions to the debate on the Wildlife and Natural Environment Bill. It has been a bit of a marathon, surprisingly enough, but that demonstrates the Bill's usefulness. I am confident that the provisions of the Bill will help us to conserve

and enhance our biodiversity. The biodiversity duty will reinforce the important role that government and public bodies can have in that regard.

To quote a Native American proverb:

“We do not inherit the Earth from our ancestors. We borrow it from our children.”

Let us pass on to our children an environment that is in good condition. Wildlife crime matters. It has an impact on our environment and on the ecosystems, habitats and wildlife that support our very existence. Stronger enforcement powers, including custodial sentences, will help us to detect and deter criminals.

When I spoke about badger baiting, I should have said that many of the people who engage in it are also involved in dog fighting. That fraternity, for want of a better word — or more appropriately, group of nasty individuals — deserves to have the full weight of the law applied to those activities. It is particularly repulsive that those activities still go on in Northern Ireland. We must do whatever we can as a legislative body to prevent those activities and to ensure that the people who engage in them are appropriately punished. I welcome any assistance that Members can give me in doing that. I am sure that Ms Gildernew and the Department of Agriculture and Rural Development share that view, as well as any other Members or Ministers who have a part to play.

My officials and I look forward to working closely with the Committee for the Environment as it begins its detailed scrutiny of the Bill. I have no doubt that that will prove to be valuable. I am pleased to commend the Bill to the House.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Wildlife and Natural Environment Bill [NIA 5/09] be agreed.

## **Pensions Regulator Tribunal (Transfer of Functions) Bill**

### **Consideration Stage**

**Mr Deputy Speaker:** I call on the Minister for Social Development to move the Consideration Stage of the Pensions Regulator Tribunal (Transfer of Functions) Bill.

*Moved.* — [The Minister for Social Development (Ms Ritchie).]

**Mr Deputy Speaker:** No amendments have been tabled to the Bill. I propose, therefore, by leave of the Assembly, to group the six clauses of the Bill for the Question on stand part, followed by three schedules and the long title.

*Clauses 1 to 6 ordered to stand part of the Bill.*

*Schedules 1 to 3 agreed to.*

*Long title agreed to.*

**Mr Deputy Speaker:** That concludes the Consideration Stage of the Pensions Regulator Tribunal (Transfer of Functions) Bill. The Bill stands referred to the Speaker.



*Motion made:*

That the Assembly do now adjourn. — [*Mr Deputy Speaker.*]

## ADJOURNMENT

### Natural Gas: East Antrim

**Mr Deputy Speaker:** The proposer of the topic will have 15 minutes in which to speak. All other Members who are called to speak will have approximately seven minutes.

**Mr Ross:** Adjournment debates are, generally, not particularly well attended, so it is nice to see that we have the Minister of Enterprise, Trade and Investment and the Acting First Minister in attendance, such is the importance of the issue.

The cold snap that we are experiencing has brought the issue of energy into sharp focus. Many people are struggling to pay high prices to heat their homes, and there have been stories in the national news about shortages of supply. East Antrim has always been fairly important when it comes to natural gas. Discussions about gas storage in salt caverns around Larne lough have been ongoing for several years. That would give us certainty of supply to a degree, but when natural gas was first brought to Northern Ireland in the middle of the 1990s, it was mainly used for the combined-cycle gas turbine at Ballylumford.

Today's debate is more about the people who live in East Antrim, and about giving them the choice of energy supply that others already have. Natural gas is already available in some parts of East Antrim, but we want to see that throughout the constituency, and the network extended up toward Whitehead.

In the summer of last year, a number of East Antrim representatives met representatives of Phoenix Natural Gas, who indicated that they wished to see their current licence area extended up the coast to Whitehead. We welcomed that and found it very encouraging. People were quite rightly excited, and there were a number of positive elements: it would give more choice to our constituents; employment opportunities would arise; and there are environmental benefits from the use of natural gas.

Gas is a cleaner and more efficient energy source for homeowners, tenants and businesses, all of whom could avail themselves of it. Infrastructure would be required should natural gas be extended to Whitehead. That would consist of road digging, pipe laying, resurfacing work, and system installation, all of which would provide employment at a time when many people in the constituency, and further afield, find themselves out of work. Although constituents

complain to us about road building and the upset that it causes, in this case, it would be because of a positive development.

It is good for people to have more of a choice than simply oil or coal, especially considering the way in which prices for those energy sources have risen in recent years. Competition can be good for business and for consumers. In that situation, a private company would put private money into the local community, and the public sector could also benefit. For example, the Housing Executive could change some of the heating sources in existing homes, and newbuild homes could have natural gas as an energy source.

There is also the matter of environmental output. The future will bring carbon taxation. There are already carbon targets, and gas has its role to play in that because gas-condensing boilers emit far less carbon than traditional oil boilers.

In the wider context, it is important that gas be available to more people in Northern Ireland than those who live in the greater Belfast area. Many Members wish to see more areas availing themselves of natural gas, and that is consistent with the Department's position. It is encouraging that Phoenix wants to bring gas to as many people as possible. Unfortunately, in recent months, a number of difficulties have been experienced in attempting to achieve and realise that goal.

*5.45 pm*

The Utility Regulator has an important role to play, and how it does its job will not be influenced by politicians. However, it is important that the Utility Regulator acts with the best interests of the people of Northern Ireland at heart. As I mentioned, I originally met Phoenix Natural Gas in July 2009 to listen to its plans to extend its network. At that stage, I had written to the Enterprise Minister and the Utility Regulator to voice my support for the extension of the gas line. I outlined the reasons why the extension was important and the benefit that there would be for the constituency and anyone who could avail themselves of the natural gas supply. I also mentioned the £2.4 million that the private sector would invest in the project if the greater Belfast and Larne licence area could be extended.

On 30 September 2009, I received a letter from the Utility Regulator saying that it was minded to approve applications for extensions to both Whitehead in my constituency and Saintfield in the Strangford constituency. However, in mid-November, it appeared that the Utility Regulator's conditions were such that Phoenix felt that it could no longer deliver the project. That was disappointing news for local representatives and for people living in Whitehead, who were looking forward to having a greater choice in energy source and the benefits that would come from that.

Although it is right and proper that the Utility Regulator conducted a full economic appraisal, it would be disappointing if the regulator did not look at all the options for ensuring that the project is successful. There are issues regarding the economic viability of such a project and whether extending the network to Whitehead alone is economically viable. However, if one looks at the entire area to which Phoenix would be delivering gas, one will see that there is more flexibility. I want to encourage people that progress can be made. I met Phoenix Natural Gas just before Christmas to hear about the difficulties that it was having in completing the project. Phoenix also reaffirmed its commitment to putting capital into the project if it was given acceptable and fair terms and conditions by the Utility Regulator. I have written to the energy regulator. Although I have not yet received anything back, I remain hopeful that we can find a resolution.

The Minister of Enterprise, Trade and Investment cannot interfere with the work of the Utility Regulator in her words this evening. However, I hope that we will hear the Department reaffirm its commitment to ensuring that more people, homes and communities in Northern Ireland can avail themselves of natural gas. I hope that the Utility Regulator will listen to the views of local representatives in East Antrim, and those of the Department, and consider those seriously when deciding how to move forward on the issue. I hope that all the available options will be examined and that people in Whitehead will be able to avail themselves of natural gas in the not-too-distant future.

**Mr Beggs:** It seems quite strange that when the natural gas supply came to Northern Ireland, it came to Islandmagee, bypassed Whitehead and went to Carrickfergus and the greater Belfast area. The natural gas network has subsequently been extended to Ballymena and Londonderry, and Whitehead has missed out again. Of course, it was a high-pressure pipe that bypassed Whitehead. What is needed is a lower-pressure system and investment in the necessary infrastructure.

Extension of the natural gas supply to Whitehead was tantalisingly close and yet not delivered. That option would benefit the environment and, hopefully, provide best value for consumers. I am still hopeful that the option will be delivered at some point in the future. Like others, I was very encouraged when the Utility Regulator contacted me to indicate that it was minded to allow Phoenix to make normal profits and that it was hopeful that work would commence in early 2010. Sadly, however, that has not materialised.

In the Utility Regulator's discussions, he indicated that the issues are of an economic nature. Obviously, the pipeline must be paid for, the company that installs it must consider its economic rate of return, and the Utility Regulator has to determine that that profit is not

excessive. In reaching an agreement for a price mechanism, a price control agreement will be set in place, perhaps for decades and certainly for many years.

A balance must be struck between wanting a gas supply but not wanting it to be supplied at a price that allows excessive profits; the Utility Regulator has been given the job of achieving that balance. He considered the rate of return in the business plan to be excessive, and he wanted Phoenix to take on more risk, given that the situation is different than it was many years ago. It is not a complete gas start-up because gas is now a recognised fuel in Northern Ireland. Many people have the confidence to use it, and there is clearly a ready market for it.

The Utility Regulator has the difficult role of ensuring that gas is not supplied at a price that allows excessive profits. That is his job, and we must allow him that space. However, it is right that we ask questions to ensure that he is certain about his figures so that excessive profits are not made.

In the Utility Regulator's letter to me of 19 November 2009, I noticed that the original Phoenix proposal was not economic. He proposed to work with Phoenix to find a flexible approach to some of the issues and to deliver a positive outcome. He suggested a range of measures to improve the economics of the project. However, the letter stated that Phoenix did not wish to amend its original proposals, and it withdrew its application. It is disappointing that both sides did not continue their discussions and that a reasonable agreement was not reached. It is certainly in the interests of local consumers for gas to be available at a reasonable price.

It is impossible to talk about gas supplies and extending the network in East Antrim without commenting on the proposals for gas storage in the area. As the number of gas users in Northern Ireland increases, we must ensure that there is confidence in the supply. We are at the end of a very long European pipeline, and it is right and proper that opportunities for gas storage are explored, such as those being investigated by Portland Gas and others for the development of caverns in the deep layers of salt under Larne lough and the greater Larne area.

It is important that there is continuity of supply. We are all aware of events in Ukraine a number of years ago. We are also aware of how, at one point, gas supplies were very tight. Even in recent times, we understand that companies in the rest of the United Kingdom were being restricted in their gas usage because of demand. If the gas pipeline is extended, it is important that we create a stable supply so that that risk of interruption is removed.

A storage system would also create a more uniform price structure and more reliable prices. People in

Northern Ireland would not be subject to the peaks in gas prices to which they have been exposed in the past. I appreciate that there are many benefits to be derived from the development of an environmentally sensitive method of storing gas, and I hope that that can be achieved. Through the creation of an improved stability of supply and price mechanisms, more people will have the choice to switch to gas with the environmental improvements that come with it. However, we have to understand that there are risks that must be addressed.

I hope that discussions with Phoenix, or any other gas company that may be involved, will open up again in order that consideration will be given to supplying a gas pipe network to the Whitehead area so that local residents will have the option of using natural gas to heat their homes and so that businesses can take advantage, where appropriate, of the benefits of natural gas.

**Mr Neeson:** I wish the Minister well in her new post. I realise that it is a temporary position, but I know and am pleased that she will still devote her energies to DETI.

I have always been interested in extending the natural gas network to as many areas in Northern Ireland as possible. Members will know that I was to the fore in the campaign to extend the network to the north-west. That has happened, and I believe that opportunities exist to extend the network to other areas throughout Northern Ireland. I have raised that issue on a number of occasions in the Committee for Enterprise, Trade and Investment. I know that officials will attend the Committee's meeting on Thursday to deal with the strategic energy framework consultation, and I look forward to that meeting. Believe it or not, energy issues have been one of the main subjects that the Committee has dealt with over the years.

East Antrim is the energy centre of Northern Ireland. We have Ballylumford power station, Kilroot power station, the interconnector and natural gas coming into the area. Furthermore, as other Members said, we are looking at the prospect of gas storage in the Larne/Islandmagee area. All in all, we have a lot to contribute to energy supply in Northern Ireland.

Like other Members, I met Phoenix representatives early last year, and it was clear that they had carried out their research. As Members know, two licence extension applications have been made, one for Whitehead and the other for Saintfield. Indeed, I know that Simon Hamilton has worked very actively on the Saintfield application. Like other Members, I wrote to the Minister and to the Utility Regulator. Phoenix carried out research in the Whitehead area and identified 1,800 domestic and 50 commercial properties that could be supplied with natural gas.

One of the reasons why I have always supported the natural gas industry in Northern Ireland is because I

believe that consumers should be given choice. That is why I want the gas network to be extended to as many places as possible. I regret that not as many consumers have benefitted from the extension of the gas pipeline to the north-west as I believe should have. Hopefully, however, that situation will change at some time in the future.

The fact that Phoenix Natural Gas was going to invest somewhere in the region of £2.4 million of its own money clearly shows its commitment to the project.

The letter that I received at the end of September from the Utility Regulator seemed to suggest that the company supported the Whitehead project. I deeply regret that the impositions placed on Phoenix are now making that project more difficult to deliver. The fact that Kilroot power station recently installed a natural gas generator clearly shows the importance of the fuel to the area.

6.00 pm

As other Members have said, the Utility Regulator is independent, and we have to recognise the importance of his independence. In recent times, he has been very helpful, particularly to the Committee for Enterprise, Trade and Investment. It is important that the Committee is kept informed. I would like the Utility Regulator to come to the Committee to explain why those difficulties have been placed in the way of this major investment.

However, I continue to hope that consumers in Whitehead will benefit from natural gas, bearing in mind that the pipeline just passes them by. Anything that can be done by the Department would be greatly appreciated.

**Mr Hilditch:** I thank my colleague Mr Ross for securing the Adjournment debate. I welcome the opportunity to support the views of my other colleagues in East Antrim.

Northern Ireland has the highest rate of fuel poverty in the United Kingdom, with one in three households suffering its effects. Given that we are trying to eradicate fuel poverty for all by 2016, now is a good time to extend the gas network throughout Northern Ireland in general and to East Antrim in particular. That will give people more ways to heat their homes, bearing in mind some of the latest figures available for that area — 23% of homes in Carrick and 36% of those in Larne are unable to heat their homes adequately, which is quite a statistic for an area that is part of the greater Belfast area.

It seems unfair that those homeowners on benefits and low incomes are also missing out on applying for the full provision offered by the warm homes scheme. Simply because they do not have the natural gas option, many do not meet the warm homes scheme



criteria. With its existing limited gas network, East Antrim has one of the lowest uptakes of help from the warm homes scheme. That is the remit of a different Department, but it has an impact.

As has been pointed out by other Members, it is disappointing that Phoenix Natural Gas will not be extending the licence to Whitehead in the late spring of this year. However, perhaps some work may be done on that and the situation will change as the year progresses, and the disappointment suffered by people in some 1,800 properties may be overturned.

Homeowners and businesspeople in Whitehead are not the only ones to be disappointed. For the majority of people, particularly those who live in other rural areas of East Antrim, heating their house or business with natural gas is not an option. Firmus Energy has not yet reached the area, giving Phoenix the monopoly in areas that are connected to the network. High fuel costs have forced people into fuel poverty, and, if other gas companies were able to extend into the area, Phoenix might be forced to offer some more competitive tariffs to our constituents.

Historically, natural gas is the most cost-effective fuel available to more than 20 million industrial, commercial and residential customers in Great Britain. It is time that we helped to extend our gas network across constituencies such as East Antrim. There are also health and safety benefits to be considered when weighing up the reasons behind installing gas supplies. In comparison to oil, the gas industry's charges, service delivery and safety are highly regulated, and, notably, some companies offer free annual boiler services to all of their customers within 20 working days of receiving a request.

We need only consider the impact that our freezing weather has had on oil heating systems throughout the Province in the past few weeks, during which many schools have been forced to close due to heating system breakdowns caused by freezing pipes, an impact that might be limited if other forms of energy were used, including natural gas. In fact, I rarely hear of anyone who complains that his or her gas system has broken down. However, people who have oil central heating appear to have endless problems, particularly in certain environmental conditions.

Environmentally, compared with alternative fuels, natural gas industrial and commercial customers prevented more than 6,250 tons of sulphur dioxide from entering the atmosphere in 2007. That is equivalent to a cloud of polluted air over one mile high covering the whole of Northern Ireland. Domestic customers prevented 1,450 tons of sulphur dioxide from entering the air. Those figures are not to be laughed at.

Extending our gas network will provide much-needed employment and give us an opportunity to increase our skilled workforce, as some Members outlined, and provide opportunities for apprenticeship placements. Increasing the provision of gas will make Northern Ireland more profitable for inward investors who are looking to locate their businesses in a constituency with energy choice. That would be welcome.

Therefore, extending the gas network will help to address fuel poverty. It will make East Antrim a cleaner, healthier place to live, and it will give customers a reliable and modern way of heating their homes at a competitive price, while, at the same time, providing our engineering and construction industries with more employment opportunities. I look forward to the Minister's response to this serious issue, and I thank Mr Ross for securing the Adjournment debate.

**Mr K Robinson:** I, too, pass on my congratulations to the Minister on her temporary appointment. However, I have a cautionary tale for her. My former Boys' Brigade captain was appointed temporarily for 25 years, so perhaps she should bear that in mind.

I thank Mr Ross for securing today's debate. It is very timely. Other Members have highlighted the importance of the power industry in East Antrim, with both Kilroot and Ballylumford power stations situated there. They generate the vast majority of electricity not only for Northern Ireland but for the Republic of Ireland, because electricity is also transported across the border. That power station's consumption is based on coal, gas and oil, and, from a security point of view and a strategic point of view, it is worthwhile for our economy and for our domestic users that it is so, particularly given the spell of bad weather that we have just suffered. The availability of those alternative sources of power is most welcome in the home and at work. This winter has highlighted the need to retain and to develop adequate strategic reserves of all three fuels. Therefore, as I said, today's debate is very timely.

Indeed, as we speak, areas of East Antrim are being surveyed and explored for their potential to develop underground storage caverns in Larne and Islandmagee, and that is very welcome. If the predictions are as accurate as they are supposed to be, the projects will secure the strategic supplies for the gas industry and domestic distribution for Northern Ireland into the foreseeable future. In the event of any emergency situation, we will not find ourselves the hostages to fortune that we have been in the past, as Members have already said, with prices rising sharply, then going into a trough only to rise quickly again. The gas industry should have a bit of stability. Therefore, it appears somewhat out of step with that to learn that the recent application by Phoenix Natural Gas to the regulator for the extension of the distribution centres to include Whitehead has not, as yet, been granted.

Surely the opportunity for my constituents to access an alternative, sustainable and clean source of power would fit well into the general trends across not only Northern Ireland but across these islands and western Europe.

It appears that Phoenix Natural Gas had secured approval for investment in a Whitehead extension from its parent company, and it had prepared a detailed engineering and business plan to sustain that. In July 2009, it submitted to the regulator its application for extension to its licences in Whitehead and, as previously mentioned, in the Saintfield area. Initially, it appears that the regulator indicated in September that he was minded — that is a word that I have heard somewhere before — to grant a licence subject to certain conditions. Set in the context of DETI's completing its evaluation across Northern Ireland, that was perhaps very wise. However, in October, Phoenix Natural Gas informed the regulator that the conditions were unacceptable, and it now appears that, reluctantly, Phoenix has, on the foot of the regulator's interpretation of the situation, formally withdrawn its application.

I speak on behalf of my constituents in East Antrim — I am sure that I speak for all the other Members who have spoken and, indeed, the absent Member for East Antrim, who, no doubt, is gainfully employed elsewhere — when I say that this has come as a bit of a shock. We felt that being in proximity to the greater Belfast area would have some benefits for us. Perhaps like Newtownabbey Borough Council, we have learned bitterly over the years that sometimes it is a bad thing to be close to Belfast, because we can be ignored. I trust that the folk in Whitehead are not being ignored in relation to this.

I am hopeful, because Phoenix appears to be remaining positive in its desire to extend the system into East Antrim and to include Whitehead. I trust that the DETI review — again, we thank the Minister for her presence here today — will be completed in a manner that will enable Phoenix to resubmit its proposals for Whitehead, and that those will be acceptable in the eyes of the regulator.

Perhaps, in the post-DETI-reform era, the regulator's interpretation of the situation will enable this to be an effective and sustainable source of energy and to become available for both domestic and, as has been said, commercial interests in this part of my East Antrim constituency. I am sure that the Minister, given the other hat that she is currently wearing, has no doubt that the backbone of our economy, not just in East Antrim but in Northern Ireland, is the small and medium-sized enterprises. That is where the most major benefits could be developed, allowing smaller towns such as Whitehead to develop not just the domestic market but the potential commercial market that we need to generate life and vibrancy in those towns.

I hope that the Minister will take on board my comments and those of the other Members who have spoken and realise that there is unanimity across the political parties, as there always is in East Antrim when we are looking out for the benefit of our ratepayers and our constituents.

**The Minister of Enterprise, Trade and Investment (Mrs Foster):** First of all, I congratulate the Member on securing this Adjournment debate at a time when we are discussing the strategic energy framework for Northern Ireland, as has been referred to on a number of occasions. One of the chief goals in that framework is the improvement of the security and diversity of our energy supply. Alongside a commitment to increasing the proportion of our power that is generated from renewable sources, the framework highlights the possibility of extending Northern Ireland's gas network as a key element in our planning for the future. I do not want to go into all of the responses that we have had to the framework, of which there have been many, but that is one of the areas that has been very much welcomed.

As we have heard, natural gas was first brought to Northern Ireland in the very area that we are talking about today — in 1996, via the Scotland/Northern Ireland undersea gas pipeline (SNIP). That was principally, it must be said, to fuel electricity generation at the new combined cycle gas turbine at Ballylumford. I have some sympathy with Mr Neeson's view that East Antrim is the epicentre of energy, because we have Ballylumford, Kilroot and the SNIP there, and we are very much looking at gas storage. I will say a bit more about that later.

Since 1996, the industry has steadily expanded. In addition to being Northern Ireland's primary power generation source, gas now brings the cleanest-burning fossil fuel to a large number of homes and businesses throughout greater Belfast, including areas within East Antrim, and now, thankfully, to many other areas of the Province. Over the last 10 years, Phoenix Natural Gas has constructed significant gas networks and grown its customer base in its licence areas in greater Belfast and Larne to approximately 130,000 connected customers. This has helped to establish natural gas as a major competitive source of fuel for both the commercial and domestic energy sectors.

There has been further development of gas infrastructure in the past five years, with the construction of a major gas transmission pipeline to the north-west in 2004 — Mr Neeson made reference to that. It not only supplies fuel to the power station at Coolkeeragh, outside Londonderry, but brings gas to businesses and householders in urban areas such as Limavady, Londonderry, Coleraine, Ballymoney and Ballymena. Construction of a gas transmission link with the Republic of Ireland through the South/North

pipeline was completed in 2006, and that has provided security of supply in the event of gas from Scotland becoming unavailable. It has also led to natural gas being provided in the towns and cities of Newry, Banbridge, Craigavon, Armagh and Antrim.

6.15 pm

Firmus Energy was referred to, and it has approximately 6,000 consumers in the areas adjacent to the north-west and South-North pipelines and continues to roll out the gas infrastructure in its licence area.

However, I want to turn to the East Antrim constituency area. Natural gas has been available in many parts of the constituency, such as Larne and Carrickfergus, for some time. As part of its original development plan for the greater Belfast area, Phoenix Natural Gas has been supplying customers in those areas for a number of years. In 2007, Phoenix Natural Gas applied for, and was granted, permission to expand the gas network by bringing gas to Comber and to a quarry near Temple in County Down. Although we have heard that gas is available in major towns such as Larne and Carrickfergus, Mr Hilditch made the point that there are parts of East Antrim that are less densely populated, and, therefore, economically viable gas networks may not be possible. That is the difficulty with a rural constituency. However, work that we are undertaking to consider the potential for natural gas roll-out elsewhere will have direct relevance to the extension of gas networks in the East Antrim constituency.

I am, of course, aware that the industry has been considering how to have the roll-out of gas increased further, and Members referred to the application by Phoenix Natural Gas to take natural gas to Saintfield in County Down and to Whitehead. As Members said, applications were considered by the Utility Regulator, who has the main responsibility for issuing gas conveyance and supply licences. Unfortunately, it was not possible for Phoenix Natural Gas and the Utility Regulator to reach agreement on the economic aspects of taking gas to both towns, bearing in mind the cost for end users — a fact referred to by Mr Beggs — and Phoenix Natural Gas withdrew its application. However, I am hopeful that agreement can be reached to extend the natural gas network to provide customers with natural gas as an additional source of energy supply for all the reasons that Mr Hilditch outlined.

As I said in previous debates, and as was highlighted in the consultation on the new strategic energy framework, the Department is conscious of the need to encourage the continued development of the gas network, and it is taking several initiatives in relation to that. The Department, along with the Utility Regulator, has commissioned consultants to undertake a study to consider the technical issues and the costs and benefits associated with extending the natural gas

network in Northern Ireland, including a feasibility study of potential pipeline routes and gas loads in towns to the west and to the north-west of Northern Ireland, along with the consideration of the associated costs and benefits. That study is almost complete, and I am expecting a draft report shortly. It is important to say that conclusions will provide information not only on those areas being assessed in the study, but they will have direct relevance in relation to other areas of Northern Ireland for which proposals are being considered by the wider gas industry.

There are clear benefits to extending the natural gas network in Northern Ireland — some of which have been articulated this evening — including diversity of fuel supply and reduced greenhouse gas emissions. To that extent, we must consider the future development of the natural gas network, where it is economic to do so, to encourage a shift in the domestic use of oil to the more efficient use of gas.

So, in conjunction with the Utility Regulator and the major gas stakeholders, a gas strategic development group has been established to consider how the Northern Ireland gas market can be further developed. However, it must be stressed that the expansion of gas networks to towns in the west and other part of the north-west, the East Antrim constituency, or anywhere in Northern Ireland, can take place only where it is economic to do so. An important part of the gas extension study, and any consideration for extending the gas network, must be an assessment of realisable gas loads in the respective areas. Indeed, there are locations in the existing gas licence areas where take-up of natural gas has been disappointing in some sectors. Perhaps we need to look at why that is the case.

An extension to the gas network means a greater number of customers. That ensures that the cost of new gas networks is spread over a larger customer base; hence that element of all customers' gas bills is reduced. However, we may conclude that it does not make economic sense to take natural gas to all parts of Northern Ireland, although were I able to do so, I would, because gas is a marvellous energy resource. However, we must be realistic and recognise the financial considerations. Other energy solutions may be more appropriate for particular locations to which natural gas cannot be provided.

**Mr Neeson:** Is the Department still committed to the postalisation of natural gas? That was one of the main issues to emerge from the Committee's energy report about five years ago.

**Mr Deputy Speaker:** Someone's mobile phone is switched on. He or she should switch it off, because it is interfering with the transmission.

**The Minister of Enterprise, Trade and Investment:** The Department's view is that postalisation



is still the way forward. However, we are now in the consultation phase of the strategic energy framework, and I am open to examining all those issues.

Many Members referred to gas storage. The further extension of the natural gas network offers additional fuel choice to consumers, but the security of energy supply is equally important. I am delighted by the continued development of, and interest in, the underground gas storage facility in East Antrim, and by the progress in geological research to establish whether the storage of natural gas in the deep underground caverns created in salt strata is possible.

As everyone in the Chamber knows — those of us who are here at the moment — we are entirely dependent on natural gas supplied from Great Britain, with the bulk of our gas being used for power generation. A gas storage facility in East Antrim would provide significant security of supply in the event of a failure of the supply from GB, and it would allow for gas to be purchased for storage during the summer months when wholesale gas prices tend to be lower, thus creating a competitive advantage.

Recent geological research concentrated on the Larne and Islandmagee areas. However, in September of last year, my Department completed an off-shore geological study of rock formations below the seabed off the east Antrim coast, with a view to providing geological information that might encourage investment in the off-shore energy storage, including natural gas. That is extremely positive for the East Antrim area, and Members appreciate the continuing work being done on that.

It is encouraging to see how the natural gas industry has expanded since its inception in 1996. It has done so as a result of the considerable efforts of the key industry players such as Phoenix Natural Gas and, more recently, Firmus Energy. I am also encouraged by the ongoing research by companies into the potential for gas storage in East Antrim. I fully realise the significant benefits offered by natural gas; it is the cleanest burning fossil fuel, and it is convenient for customers.

As the Minister responsible for energy, I am committed to exploring how the supply of natural gas can be extended to other areas in Northern Ireland. That would give consumers a greater choice of fuels and enhance the security of supply. That is evidenced by the ongoing joint work on the gas network study and by the establishment of a strategic gas network development group.

At the beginning of my response, I spoke about the timeliness of the debate given the development of a new strategic energy framework for Northern Ireland. It is an opportunity for all of us to contribute to putting in place the vision for meeting our prospective energy

needs. We often talk about the electricity grid infrastructure, but the extension of the gas network is a key element of our framework for the future, and I welcome the opportunity to speak about it this afternoon.

*Adjourned at 6.24 pm.*