



Department for

**Infrastructure**

An Roinn

**Bonneagair**

Department for

**Infrastructure**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

## **PART 1**

### Minister's First Day Brief

# **ISSUES LIKELY TO ARISE WITHIN THE FIRST 4-6 WEEKS**

**February 2024**

*Enabling people today, building our tomorrow*

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**DIRECTOR:** Kiera Lloyd

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## **BUSINESS PLANNING AND STRATEGY**

In the absence of a Minister, officials have been working on options to improve the sustainability of our services and deliver the transformational change necessary to live within budget.

Several key pieces of inter-related work have been progressed, including a Strategic Framework and the [Business Plan for 2023-24](#), as well as a digital performance delivery dashboard. Early work has commenced on a Corporate Plan for the Department (2024-2027) and the Business Plan for 2024-25. The [Strategic Framework](#) outlines the main aspects of the Department's work and the challenges currently being faced in delivering our essential public services.

### **Next Steps**

Officials to develop the plans and submit to Minister for consideration.

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## **DECISION MAKING IN THE ABSENCE OF MINISTERS**

Since December 2022 Departmental decision making has been in line with the [Northern Ireland \(Executive Formation etc\) Act 2022](#) (EF Act), as amended by the [Northern Ireland \(Interim Arrangements\) Act 2023](#), and the associated [Secretary of State's guidance](#). The Department has produced [specific procedures](#) to ensure that decisions are taken in accordance with the Act and guidance and are appropriately recorded. Strategy and Business Planning Branch monitor and record the decisions taken, report these to TEO (for subsequent publication on the [TEO website](#)), and present the decisions taken to the Board. To date there have been some 174 decisions up to 30<sup>th</sup> January 2023 by the Department under the Act. We can provide you with a list of the decisions taken by the Department to date, including the summaries that have been reported to TEO.

### **Next Steps**

To note, for information.

## **WATER CHARGES – OPTIONS FOR RAISING MORE PUBLIC REVENUE / IMPROVING THE SUSTAINABILITY OF PUBLIC FINANCES**

In the absence of the Northern Ireland Executive and Assembly, the Secretary of State for Northern Ireland has been working with officials in the NICS to understand more detail on measures that will help to generate more income to improve the sustainability of public finances.

The Secretary of State issued a Direction to all NI Departments on 20 September 2023 requiring departments to carry out public consultations about specified matters. The Department of Finance has published an overarching document setting out the financial context for the consultations directed by the Secretary of State.

The Department's consultation on "Water and Sewerage Charges – Options for Revenue Raising", is ongoing. Following approval by the Secretary of State, the consultation launched on 7 December 2023 for a 14 week period, closing on 13 March 2024.

The consultation provides an overview of potential water and sewerage charging revenue raising options which could be introduced in Northern Ireland, with a focus on those areas which would offer greatest value in helping to tackle unsustainability of public finances. It sets out and seeks views on the main pathways through which water and sewerage charging could be introduced, how a relief scheme to protect vulnerable people might be developed, and how charging might be billed and collected. It also asks about three other revenue raising options: the removal of the domestic allowance for non-domestic customers; charging customers for domestic septic tank desludging; and recovering the cost of roads drainage from all customers.

### **Next Steps**

A submission will be provided on the outworking of the consultation.

## **SENIOR OFFICIALS' GROUP ON INFRASTRUCTURE AND INVESTMENT**

The Perm Sec co-chairs, along with Émer Deane from the Taoiseach's Office, a Senior Officials' Group (SOG) charged with overseeing progress on New Decade New Approach (NDNA) commitments relating to North/South Infrastructure and Investment and reporting to North South Ministerial Council (NSMC). Émer recently succeeded the former co-chair, Aingeal O'Donoghue.

SOG's remit is to:

- maintain a strategic overview of the delivery of NDNA projects;
- define specific objectives and timelines for implementation;

- monitor progress on delivery of objectives identified, implementation timelines and plans;
- facilitate regular reporting to Ministers and to the NSMC on policy and resource requirements and on project implementation; and
- agree appropriate actions to progress implementation.

The NDNA projects overseen by SOG which are led by DfI or in which the Department has an interest are: the Narrow Water Bridge, the Ulster Canal restoration, cross border greenways, the A5 Western Transport Corridor, and the Strategic Rail Review.

The Group also monitors and drives delivery of the following projects led by other NICS departments: Investment in Higher Education Provision in the North West Region, Air connectivity, the North West Strategic Growth Partnership, the Enhanced North/South Programme of Research and Innovation / All-Island Research Hub and the North-South Research Programme.

SOG meets at least quarterly, or as agreed by the co-chairs. The most recent meeting was on 13 June 2023. Given the change in official representation on the Group, the Secretariat is waiting until September to secure the date of the next meeting.

### **Next Steps**

Following each meeting the Minister for Infrastructure, when in post, is provided with a summary report of discussions for information.

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## **PUBLIC APPOINTMENTS**

The Department has recently changed, temporarily, how it will make appointments to Northern Ireland Water and Northern Ireland's Trust Ports.

In 2015 the then Minister for Regional Development, Danny Kennedy, announced that all appointments made by the Department would be held through open competition, with no automatic reappointments to a second term. This approach was adopted by successive Ministers for Regional Development and Infrastructure, the latest being Nichola Mallon in May 2020.

You will be aware that the Department, like others, are facing unprecedented resource budget pressures this year, with difficult decisions required on how best to prioritise available funding and staff resource. As a result, officials have sought to identify opportunities to reduce expenditure and explore revenue raising options. Following consideration of all discretionary expenditure across the Department's remit, and through powers granted to Permanent Secretaries in the absence of Ministers via the Northern Ireland (Executive Formation Etc) Act 2022, the then Permanent Secretary

Julie Harrison, decided to temporarily pause the policy of no automatic reappointments for a second term in respect of both Northern Ireland Water and Trust Ports.

This will mean the Department seeking to reappoint board members for a second term or extend those on their second terms for a further period, if appropriate. This will, of course be subject to satisfactory performance and will be considered on a case-by-case basis. This decision was taken on the basis that it would make savings in terms of resource budget and staff time to run competitions, whilst maintaining compliance with the CPANI Code.

The Office of the Commissioner for Public Appointments NI is aware of the change in approach, which is in line with that taken by other NICS Departments.

### **Next Steps**

You will wish to consider whether you are content with this approach.

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## **DRAFT EQUALITY ACTION PLAN**

The Department published its Equality Scheme in February 2021. In line with the Equality Scheme commitments an Audit of Inequalities was carried out and a draft action plan developed to address the inequalities. Consultation on the draft action plan closed on 23 June 2023.

A consultation report is being prepared, which will allow officials to prepare a final draft of the Equality Action Plan that has been informed by consultation responses from relevant stakeholders as well as the wider public.

### **Next Steps**

We intend to submit the Action Plan for your approval in early 2024.

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## **SOCIAL INCLUSION STRATEGIES**

On 5 April 2022 representatives from three of the four Co-design Groups, Anti-Poverty, Disability and LGBTQI+ presented their position papers to the Ministerial Steering Group.

Key issues raised from a Dfl perspective include the current lack of S75 data, removal of hate language from Dfl property, bus design and the lack of space for wheelchair users on buses. The disability Co-design Group welcomed the work and the campaign highlighting pavement parking and have also suggested Senior Leadership training on Disability that incorporates the UN Convention on Rights of People with a Disability (UNCRPD). Officials are currently considering these key issues.

Work is continuing, led by TEO, on the cross departmental Violence against Women and Girls Strategy. DfI is currently contributing to the work on the Strategy. DfI continues to provide a free travel scheme that allows for free public transport to a refuge or emergency housing shelter for those fleeing domestic abuse, including LGBTQI+.

Work is continuing on the Ulster-Scots Language, Heritage and Culture Strategy; and the Irish Language Strategy. The Expert Advisory Panels have published their Recommendation Reports. The outworking of these recommendations could be quite significant for DfI, particularly in the context of the continued constrained resource budget position in the years ahead. However, the Department will work with DfC colleagues and the Co-design groups to explore how best DfI can play its part in delivering that progress.

### **Next Steps**

To note at this stage.

**Director: Susan Anderson**

### 2023-24 RESOURCE BUDGET

The Department's total 2023-2024 forecast resource requirement was £690.9m, which when compared to the resource budget of £523.4m, was £167.5m less than needed.

The Department took significant action to reduce spending and to increase fares and charges to help sustain essential services, such as: reducing 'discretionary' spending, not entering into new resource funding commitments, maintaining a limited service only on flood risk management and essential road maintenance, stopping recruitment other than for business-critical roles, and increasing revenue through increasing Translink fares, planning fees, car park charges, non-domestic water and sewerage charges (agreed by Regulator), and fares for Rathlin ferry.

However, despite these actions the Department faced a remaining £112m funding gap against a budget allocation of £523.4m.

Final resource budget decisions were taken following an assessment of the EQIA responses received by 12 June. The responses indicated strong levels of support for the Department's Community Transport scheme, Community Places Grant and Active School Travel Scheme. However, no new information was received that changed the Department's initial assessment of impacts of spending reductions on Section 75 groups.

However, even with all decisions being taken and reductions applied to ALBs, the only remaining options for the Department to reduce spending are outside the powers of Senior Officials.

The current forecast resource overspend for the Department (as at end December 2023), recognising decisions taken and movements in volatile energy and inflation prices is £67.8m (excluding pay), as detailed in the table below.

## **Breakdown of the Department's December forecast resource overspend**

<b>Group</b>	<b>Description</b>	<b>Pressure £m</b>
<b><i>Pressures reported to DoF for December (excludes pay):</i></b>		
CPPT	DVA	0.7
<b>Total Perm Sec Decisions</b>		<b>0.7</b>
<b><i>Pressures Relating to Decisions that could not be taken by Senior Officials:</i></b>		
WDD	NI Water – Ceasing Wastewater Treatment	26.3
	Rivers – Ceasing Flood prevention programmes	1.8
TRAM	Reduce Essential Maintenance to an emergency response only	13.5
	Reducing Winter Service to snow clearing only	5.8
	Switch off streetlights	3.1
CPPT	Stopping Community Transport programmes	3.2
	Cease to provide Translink services in quarter 4	12.6
	Reduce Travel concessions for 60-64 year olds	0.8
<b>Total Ministerial Decisions</b>		<b>67.1</b>
<b>Total DfI Pressures reported to DoF</b>		<b>67.8</b>

Spend is continuing in the areas where decisions are not within the power of Senior Officials in the Department to take, in the absence of a decision by an appropriate decision maker, and therefore it is recognised that the Department will overspend by these amounts.

The Department has recently been successful in securing an additional £0.9m in relation to costs associated with the Windsor Framework; and an additional £1.8m has been allocated to address flooding response costs. These will be reflected in the January outturn to be reported to DoF.

### **Next Steps**

Further detail will be provided in a Resource Budget 2023-2024 submission in the coming days.

## Pay Awards

Pay awards are being excluded from the 2023-2024 forecast outturn being reported to Department of Finance on the basis that these are currently unaffordable given the Department's forecast overspend.

### 2023-2024 Forecast Pay Awards

Pay Group	Contractual Element		Non-Contractual Element	
	Percentage	Cost £k	Percentage	Cost £k
Department	1	610	4	3,190
NI Water	0.8	600	4.7	4,300
Translink	-	-	5	11,100
Waterways Ireland	6	100	-	-
<b>Total</b>		<b>1,310</b>		<b>18,590</b>

## Capital Budget

The Department's capital budget allocation of £792.4m, fell short of its requirements by some £146m and required decisions to be taken on which schemes, could progress. These decisions were required based on an element of overplanning, £32m (4%), which followed the approach adopted in previous years; and in line with prudent financial management. The approach also proved beneficial to the wider NI Block in previous years.

Following confirmation that no additional capital budget was being provided towards the Department's capital bids of £57.5m, the Department took immediate action and completed another full and thorough assessment of all the capital schemes to identify those which could be paused/delayed along with the associated impacts.

The Permanent Secretary took difficult decisions to pause schemes for the Department, which were not without consequence with possible impacts on public safety, and the potential for external contractor redundancies. Following considerable engagement with the NI Water Board and Accounting Officer, confirmation has been received from the NI Water Chair that the Company intends to live within the budget allocation. Extensive engagement is continuing with Translink, with £9.2m of further reduced capital spending to be identified, however indications are that this will be managed in-year.

The Department was successful in securing additional capital budget, £8.6m, in relation to the capital costs associated with major flooding incidents, and this additional allocation will allow critical works to progress in year.

### Next Steps

Further detail will be provided in a Capital Budget 2023-2024 submission in the coming days.

### 2024-2025 Budget

#### Resource Budget

The 2024-2025 resource requirements identified for the Department in delivering a standard service total £670.4m.

Based on the Department's total forecast requirements of £670.4m, this would require reductions of £150.3m to live within a roll forward budget of £520.1m.

Some 95% of the Dfl resource budget delivers front-line service provision, with the vast majority regulated, statutory, fixed or contractually obliged, which leaves little opportunity to make savings.

The actions that would be required to deliver the proposed reductions, while also recognising that to deliver such significant savings as proposed in the short term, would require severe cuts to direct frontline services, such as water and wastewater delivery, the maintenance of the road network, including winter service and turning off streetlights, and our public transport network.

Such measures are unpalatable and drastic with an impact on public health and safety, especially with the historic level of underfunding, which is creating a critical point for the delivery of the Department's services.

In line with the approach taken in 2023-2024, measures identified to live within the roll forward budget are set out in the table below.

Measure	Proposed Reduction £m
<b>Baseline reduction measures</b>	
Remove emergency funding (for weather events, transport, flooding, etc)	5
Active Travel Programme	0.3
Road Safety Schemes and Calendar	0.4
DVA – fund requirement through reserves	3.9
Delay actions on Climate Action Plan	18
No progression for flood forecasting centre (2024-2025 element of £2m)	0.6

<b>Measure</b>	<b>Proposed Reduction £m</b>
Revenue Raising – Concessionary Fares – raising eligibility age to 65	3.5
Continue limited service for flood risk management	2.4
Continue limited service for road maintenance	10
Reduce ability to fill all business critical posts	1
Remove funding for road safety advertising	1.5
NI Water pay awards 2023-2024 and 2024-2025 (not affordable without additional funding)	8.9
Translink pay awards 2023-2024 and 2024-2025 (not affordable without additional funding)	16.7
Department pay awards 2023-2024 and 2024-2025 (not affordable without additional funding)	6.5
Translink service reductions/cuts	19.4
Cease funding for community transport programme	5.6
Turning off streetlights from November 2024	6.1
Emergency response for essential road maintenance only	19.3
Winter service to snow clearance only	5.8
NI Water reductions – stopping wastewater treatment	15.2
<b>Total reductions for baseline</b>	<b>150.3</b>

## Next Steps

These issues will be discussed at an Executive meeting planned for Monday, 5 February 2024.

## Capital Budget

For capital, requirements of £1.4bn were identified, to progress significant schemes including the ongoing maintenance of our infrastructure assets, valued at some £37bn: the Water and Sewerage Network (£3.6bn); the Roads, Footways, Street Lighting Networks and other Departmental assets (£31.9bn); and the Public Transport, Rail and Bus systems (£1bn).

The current financial year has seen unprecedented increases in construction costs, which has made management of the capital position very difficult. It is anticipated that, going into next year, high prices will remain.

DoF is proposing to build capital budgets from a zero base, which is usual process, and therefore all capital requirements have been identified. Further engagement is continuing with ROI on the A5 contribution, and how much would be for 2024-2025, therefore at this stage, for the return to DoF no contribution has been recognised.

## Total Capital Requirements Submitted 2024-2025

<b>Business Area</b>	<b>Flagship £k</b>	<b>City Deal £k</b>	<b>Inescapable £k</b>	<b>Pre Committed £k</b>	<b>High Priority £k</b>	<b>Desirable £k</b>	<b>Total £k</b>
Department	115,650*	8,802*	148,013	31,693	146,787	2,295	453,240
NI Water	-	-	321,000	269,000	400	-	590,400
Translink	79,997	-	175,552	25,142	87,261	-	367,952
DVA	-	-	-	-	2,200	-	2,200
Waterways Ireland	-	-	2,649	-	-	-	2,649
Income	-	-	(891)	-	-	-	(891)
<b>Total</b>	<b>195,647</b>	<b>8,802</b>	<b>646,323</b>	<b>325,835</b>	<b>236,648</b>	<b>2,295</b>	<b>1,415,550</b>

\*DoF has since been notified of a decrease in requirement for A5 of £21.5m to £88.5m and BRT2 has reduced from £7.1m to £5m in the City Deal category.

Given the capital requirements identified, prioritisation of capital schemes into future years will be critical to manage within a much-reduced budget position.

### **Next Steps**

Further advice will be provided on Budget 2024-2025.

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### **Waterways Ireland Business Plans**

In the absence of Ministerial approval and approval from the North South Ministerial Council (NSMC), for Waterways Ireland's 2023 Business Plan, DoF officials used contingency arrangements to enable the Department to release funding to Waterways Ireland without incurring illegal spend. The spend remains irregular until it is approved retrospectively by the NSMC. Therefore, it would be anticipated that appropriate approvals could now be sought, and further advice will be provided on this.

### **Next Steps**

Appropriate approvals will now be sought and further advice will be provided.

## RIVERS DIRECTORATE

**DIRECTOR OF RIVERS - Development: Jonathan McKee**

**ACTING DIRECTOR OF RIVERS – Operations: Gary Quinn**

Rivers Directorate undertake a wide range of functions in relation to the management of flood risk. These include providing advice to Planning Authorities in relation to flood risk, watercourse and flood defence maintenance, flood mapping and the delivery of a number of flood alleviation projects, the most notable at present being the Belfast tidal flood alleviation scheme.

### BELFAST TIDAL FLOOD ALLEVIATION SCHEME

Belfast is at significant risk of tidal flooding and with climate change the risk of tidal flooding occurring is increasing. The highest tidal surges recorded within Belfast Harbour have occurred within the past 20 years.

The Belfast Tidal Flood Alleviation Scheme (BTFAS) involves the design & construction of approximately 8.5km of flood defences along the River Lagan from Stranmillis Weir to Belfast Lough. There are over 1,500 properties currently at risk during a significant tidal event and with the potential impact of climate change causing sea level rise, these figures are estimated to increase significantly to over 3900 by the year 2080. The scheme has been designed to take into account the latest projections on climate change.

#### Next Steps

The Contract for the delivery of the Belfast Tidal Flood Alleviation Scheme was awarded in September 2021 with construction commencing in July 2022. It is intended the project, which is over £30m in value, will be completed by Autumn 2024.

### FLOODING EMERGENCIES

Rivers Directorate also respond to emergency flooding incidents and play a key role in discharging the Departments 'Lead Government Department for the strategic co-ordination of severe weather emergencies' responsibilities. The last significant flooding occurred in October/November 2023.

## RESPONSE TO SERIOUS FLOODING INCIDENTS (OCTOBER/NOVEMBER 2023)

A prolonged rainfall event combined with already heavily saturated ground, rising river levels, and high tides led to a major flooding event. It is estimated that 195.4mm of rainfall occurred in the month of October, nearly twice the average, with over 50% (110.4mm) falling between 30<sup>th</sup> October and 1 November. This affected large parts of counties Armagh, Down and to a lesser extent South Antrim.

Following the receipt of weather warnings from Met Office, the Department informed its multi-agency partners and community resilience groups, via SMS and e-mail, of multiple weather warnings across the region from Friday 27 October to Thursday 2 November inclusive.

Engagement continued throughout the weekend of 28 October to plan and prepare ahead of these multiple weather warnings. Silver and Gold Command Centres were established early in line with NI Civil Contingency protocols.

The Department's Major Emergency Response Plan was activated on 30<sup>th</sup> October 2023 and a Strategic Co-ordination Group (SCG) led by the Department, and consisting of multi-agency partners was established on 31<sup>st</sup> October.

The emergency response effort protected properties across a wide geographical area in counties Down and Armagh including Newry, Newcastle and Portadown.

In some areas rivers reached record levels. This was particularly the case for large parts of Portadown due to the River Bann influence and for Downpatrick because of the River Quoile, which is influenced by the Strangford Lough tidal system.

The situation within Downpatrick was complex and could not be resolved quickly. The level of the tidal influence meant that it was not feasible to pump water until the water in the local rivers and its tributaries fell to a level that allowed large scale pumping by NIFRS to remove the water effectively. Pumping took around 14 hours and removed 7,000 litres / minute.

The Department and our multi agency partners responded to nearly 1,400 requests for assistance and over 22,000 sandbags were deployed.

Due to significant impacts of this flooding, and in accordance with NI Civil Contingencies Framework arrangements, a joint organisation learning review has been instigated to capture learning identified in terms of preparedness, response and recovery in order to inform future collective civil contingencies preparations.

A planning group, comprising of key responding partners/departments and an independent consultant, has been formed and is progressing arrangements for the collection of a range of information including feedback from debriefs within the organisations involved as well as a planned multi-agency debrief.

Stakeholder contributions will be sought a series of engagement events, which will be hosted across both the Newry Mourne and Down and Armagh Banbridge Craigavon council areas.

Details of the stakeholder engagement will be provided once processes, locations and dates are confirmed. It is intended that a formal report will be compiled by the independent consultant by the end of June 2024 and will be publicly available.

### **Next Steps**

The Independent Review Report and any recommendations will be presented to the Civil Contingencies Group (NI) to ensure appropriate governance and implementation oversight is achieved.

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## **FLOOD RISK MANAGEMENT INVESTMENT**

There are huge costs associated with responding to, and recovering from, major flooding incidents.

There is a need to accelerate investment in this area and an annual investment of at least £30 million of capital funding, together with £8 million resource funding for the maintenance of existing flood risk management infrastructure and flood warning systems is necessary. This work will not prevent every major flooding incident but will be able to prevent many of them and mitigate others.

### **Next Steps**

This issue will be addressed through the budget management discussions.

## **WATER AND DRAINAGE POLICY**

**DIRECTOR: Alison Clydesdale**

### **NI WATER - BUDGET**

#### **2023 – 24 budget position**

NI Water's 2023-24 budget requirement is defined with the company's annual Operating Plan and Budget, which is informed, and reflective of, the Price Control 21 Final Determination. NI Water is currently profiling to £176m RDEL, which is £4.6m over the budget allocation of £171.4m. NI Water is also profiling to £327m CDEL, which is in line with the budget allocation of £321.2m plus additional £6m allocated through Invest to Save and Small Business Research Initiatives allocations.

NI Water had initially profiled CDEL expenditure of some £370m for 2023-24. This was reduced to £353m following the Department's instruction to NI Water to profile to the allocated budget of £321m CDEL. An in year bid to NIO for an additional £32m CDEL for NI Water was not successful.

#### **2024-25 budget position and next steps**

NI Water has been advised to plan for a budget planning scenario of £321m CDEL. The 2024-25 Operating Plan and Budget submission is due to the Department by end February 2024, and you will be briefed further once that has been received.

#### **PC21 Mid Term Review determination – March 24**

The Utility Regulator (UR) is in the midst of a Mid Term Review of the PC21 work programme. The purpose of this is to refresh the determination of the revenue NI Water requires to fund the delivery of water and sewerage services as required in the Price Control and the Department's Social and Environmental Guidance. The UR is due to complete this process and publish its draft revised PC21 Final Determination in March 2024. You will be briefed further once the draft determination is published.

NI Water has advised the UR of a significant increase in capital costs due to increasing inflation and supply. The consequence of this is likely to be an increase in capital budget requirement for the remainder of PC21 (2024-27).

## **Pre-Action Protocol NI Water Vs DfI and potential unauthorised £30 million capital overspend**

NI Water issued a Pre Action Protocol Letter (PAPL) to the Department on the 11/08/23. In summary the PAPL details a range of points on NI Water's financing, Public Expenditure funding, governance, regulation and challenges the Department's decision making. The PAPL formally remains live at present and the Department continues to prepare for this progressing to a judicial review. However, the Chair of Northern Ireland Water has indicated that the PAPL is now "redundant".

During 2023/2024, Northern Ireland Water had indicated an intention to breach their allocated capital budget by £30 million. Following discussions with the NI Water Board, they decided to live within their authorised allocation of £321 million. Following this the Permanent Secretary commissioned an independent Lessons Learned review with a view to avoiding the same circumstances reoccurring. This is being led by a former Department of Finance Permanent Secretary, Mr Leo O'Reilly, supported by the Head of NICS Internal Audit, Ms Tracey McCavigan. The review is expected to report in March 2024.

### **Next Steps**

An update will be provided to the Minister in due course.

## **NI WATER NON-DOMESTIC DRAFT SCHEME OF CHARGES 2024-25- TARIFF INCREASE**

NI water has submitted its' draft 2024/25 non-domestic Scheme of Charges to the Utility Regulator for approval. NI Water is proposing to increase all tariffs by 5.3% on average. This equates to an average increase to non-domestic tariffs of 4.7%. The Department continues to subsidise non-domestic customers' charges by providing a domestic allowance for measured consumers and a 50% discount for unmeasured consumers. This process also informs the Roads Drainage charge which the Department also pays.

In addition, the Scheme of Charges is used to inform the calculation of the subsidy in lieu of the domestic water charging which the Department funds.

### **Next Steps**

The Department will be updated once the Utility Regulator has considered and approved this draft Scheme of Charges and you will be briefed accordingly in due course.

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## **WATER, FLOODING AND SUSTAINABLE DRAINAGE BILL**

The Department completed a public consultation exercise on 3 June 2022 on policy proposals to improve how water, flooding and sustainable drainage services are delivered in Northern Ireland, with a view to progressing a legislative bill. The policy areas under consideration mainly related to improvements in processes for NI Water and for new and improved ways to reduce and mitigate flood risk.

The Department's report on the consultation was approved by the Permanent Secretary under the Northern Ireland (Executive Formation) Act 2022 and was published on 17 July 2023. The Office of the Legislative Counsel (OLC) has assigned a draftsman and drafting is underway.

### **Next Steps**

An Executive Paper will be required, seeking Executive approval of the policies. Further briefing will be provided.

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## **WATER RESOURCE AND SUPPLY RESILIENCE PLAN**

NI Water has a duty, under the Water and Sewerage Services (Northern Ireland) Order 2006, to prepare and maintain both a water resources management plan and a drought plan. These can be amalgamated into one plan, known as a water resource and supply resilience plan (WR&SRP). NI Water has prepared its draft WR&SRP and is seeking your approval to publish the draft plan for consultation.

### **Next Steps**

A submission setting out the details will be forwarded to you shortly.

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## **COMMENCEMENT AND IMPLEMENTATION OF THE RESERVOIRS ACT (NI) 2015**

DfI received statutory responsibility for the Reservoirs Act (NI) 2015 in June 2021, which provides for reservoir safety in Northern Ireland.

In the absence of the full commencement of the Act, the Department cannot regulate the safety of reservoir structures in Northern Ireland and a significant public safety risk, with the potential to impact on some significant development opportunities, remains. Legal advice has shown that the powers currently available to the Department are no substitute for the legislative provisions of a fully commenced Reservoirs Act and a clear public safety risk from failure of the infrastructure remains.

A targeted consultation on the commencement orders and secondary legislation required to commence and implement the Reservoirs Act closed on 23 January 2022 and the consultation response report was published on 27 October 2022.

### **Next Steps**

The next stage in the legislative process is to make the commencement orders and the necessary secondary legislation, required under the Act to introduce the intended safety regime and an associated grant scheme to assist non-public sector reservoir managers with the completion of reservoir safety works. The enabling legislation for the introduction of a grant is permissive and you will therefore wish to consider affordability aspects in due course. Further briefing on the next steps will be provided.

## **LIVING WITH WATER & POWER OF WATER DIRECTORATE**

**DIRECTOR: Simon Richardson**

### **LWWP - DELIVERY OF THE LIVING WITH WATER IN BELFAST PLAN**

The Living With Water in Belfast Plan, which was published on 9 November 2021 following NI Executive endorsement, sets out a 12 year, £1.4bn drainage and wastewater infrastructure investment plan to help protect against flooding, improve water quality in our rivers and Belfast Lough, and provide capacity in the wastewater systems to facilitate development and growth.

Of the £1.4bn, £1.2bn was estimated to be required for NI Water to improve its hard infrastructure, including sewers, pumping stations and wastewater treatment works. However, NI Water recently provided updated cost estimates for its elements of work which indicated a significant increase of approximately £700m, to £1.9bn. Bringing the overall cost of the Plan to £2.1bn.

In light of this increased cost estimate, a review of the affordability of the Plan is being conducted. This is being led by the LWWP SRO, Declan McGeown. The LWWP review timeline has been set to align with NI Water's PC21 Mid-Term Review (MTR) process of which LWWP projects form a significant part. It is hoped the MTR draft report will be available in early 2024 and will inform the recommendations made in the LWWP Review.

The remaining £200m of investment was identified for blue/green integrated drainage schemes to deliver more sustainable drainage solutions. Development of this programme of work has commenced and the Department is working with other departments and stakeholders to identify,

design and deliver blue/green schemes across all areas within the geographical scope of the Belfast Plan, however this process is innovative and complex and will take time to complete. Construction of viable blue/green schemes is anticipated to commence in the later part of PC21.

### **Next Steps**

A more detailed briefing will be provided to the Minister in due course.

## **LWWP - STRATEGIC DRAINAGE INFRASTRUCTURE PLAN - DERRY/LONDONDERRY**

In June 2021 it was announced that a Strategic Drainage Infrastructure Plan (SDIP) for Derry/Londonderry would be developed, similar to the Living With Water in Belfast Plan.

Development of this Plan is well underway and it is envisaged that public consultation on the draft plan will take place in spring 2024 with the final plan being published in late 2024 or early 2025.

In tandem, the Department was also developing a pilot Sustainable Drainage System (SuDS) in the O’Naullian Crescent area of the city. The pilot SuDS scheme was identified as an opportunity to offset the increase in stormwater as a consequence of the construction of the proposed A2 Buncrana Road upgrade. However, DfI Roads officials have recently paused work on the proposed A2 Buncrana Road scheme pending the outcome of the Transport Strategy and other associated transport reports. As this is the main driver for the pilot SuDS scheme, the development of the O’Naullian Crescent proposal has also been paused. Further development of the pilot will be aligned with progression of the A2 Buncrana Road Scheme.

### **Next Steps**

Further change to the development of the Derry/Londonderry Plan may be necessary as any recommended changes from the ongoing Belfast review may also have an impact on the continuation or scope of the Plan.

**DIRECTOR: Donal Moran**

### EU FUNDING: INTERREG VA

The Department, along with the Department of Transport (DoT) in Dublin, performs the role of Accountable Department for the Sustainable Transport theme of the INTERREG VA programme. The Special EU Programmes Body (SEUPB) is the managing authority for the programme. The INTERREG VA programme closed at the end of December 2023 and any costs incurred after that date will need to be funded from outside of the programme. The Programme has provided funding towards five Transport projects, namely: the North-West Multimodal Hub, the FASTER EV Charging project and three Greenway projects: North West Greenway; Carlingford and the Ulster Canal although the project partners withdrew the Ulster Canal Greenway project from the Programme.

Additional funding and an extension to delivery timeframes was sought for the Carlingford Greenway and FASTER EV Charging projects that sit under the Sustainable Transport theme of the INTERREG VA programme. This was approved by the DfI Permanent Secretary and subsequently by the INTERREG VA Steering Committee in August 2023. The additional funding will be delivered through underspends in the INTERREG VA programme. The Carlingford Greenway project has received permission to enter a grace period in order to complete.

### Next Steps

To note at this stage.

### UK COVID-19 INQUIRY

It is not anticipated that the Department will have a significant role in the UK Inquiry's proceedings. However, officials received a draft Request for Evidence under Rule 9 of the Inquiry Rules 2006 on 24th January 2023 and provided a draft written statement and relevant documents, including a chronology on 1st March 2023.

The Inquiry team requested further clarification on some minor points contained within the statement and these were provided on the 25 May 2023. The Department provided the final signed statement to the Covid Inquiry, in relation to this Rule 9 request, on 19th July 2023.

Since then, officials have received a further Rule 9 for module 2c which concerns the issue of communication via informal means by Ministers, special advisors, party officials and senior civil

servants during the pandemic. Officials provided a draft written statement to the Covid Inquiry on 24<sup>th</sup> January 2024 and are currently awaiting the Inquiry's response.

### **Next Steps**

To note at this stage.

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## **DEPARTMENTAL ACCOMMODATION**

The NICS Estates Strategy agreed by NICS Board in 2022 included the planned closure of Clarence Court with the relocation of staff to James House in the Gas Works.

The DoF business case for the move was approved on 1 November 2023 which enabled officials to formally engage with the contractor(s) on a programme of works. It is our understanding that the contractor is encountering delays sourcing some materials required for the fit-out, and as a result DoF, unfortunately, is not yet able to provide us with a specific commencement date for the move. The new accommodation will be approximately 14% of the current Clarence Court floor area and is based on a 40% occupancy rate for staff, i.e. 2 days/week in the office.

### **Next Steps**

To note at this stage.

**DIRECTOR: Alistair Beggs**

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## **NOTABLE PLANNING APPLICATIONS**

In September 2021 former Minister Mallon announced that the Dalradian Gold Mine project at Greencastle, County Tyrone would be the subject of an independent Public Inquiry and requested that the Planning Appeals Commission (PAC) make the necessary arrangements. The PAC anticipate holding a pre inquiry meeting before 31 March 2024, at which the timeframe for the inquiry should become clear which would provide some much needed clarity for this application.

The PAC has been requested by DfI to hold public local inquiries into 3 windfarm applications, to afford Mid Ulster District Council an opportunity of appearing before and being heard by the Commission following notice of opinion to approve an application relating to Lough Neagh, to afford both the applicant and Lisburn and Castlereagh City Council an opportunity in relation to the recommendation to refuse the mixed use scheme at Blaris, to afford Derry City and Strabane District Council a similar opportunity in relation to the recommendation to refuse a multi sports facility for Strabane Athletic Club and to afford the applicant an opportunity in relation to a recommendation to refuse a windfarm proposal, located within the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB). To date no arrangements have been published by the Commission for this work.

### **Next Steps**

We continue to liaise with DOJ (who sponsor the PAC) and the PAC on the workload pressures and the implications for the planning system, the economy and communities. We will provide further advice on this issue in the next few weeks.

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## **LOCAL DEVELOPMENT PLAN PROCESS**

Local Councils are advancing with their Local Development Plans. LDP's provide a 15-year plan framework to support the economic and social needs of a council's district in line with regional strategies and policies, while providing for the delivery of sustainable development.

DfI have a Plan Oversight role as well as a consultee role and have responsibility to move plans onto the Planning Appeals Commission (PAC) to undertake an Independent Examination (IE) of a Plan Document. Following receipt of the PAC's IE report, the Department also has the responsibility to

direct councils to adopt their LDPs accordingly. The Department is currently considering two LDPs – Mid Ulster and Antrim and Newtownabbey council and both will require Ministerial decisions in due course.

The Department has received clarifications from Mid Ulster District Council (MUDC) in relation to its queries on the initial draft Plan Strategy for the council. [REDACTED]

The Department received the IE report on Antrim and Newtownabbey Borough Council (ANBC) draft Plan Strategy (PS) on 4 October 2023, and officials have advanced consideration of the IE report [REDACTED] This will be the subject of a separate submission, once officials' work has been completed.

### **Next Steps**

The PAC have advised the Department of significant delays and resourcing issues to the LDP programme and advised it would be late in the financial year 2025/26, before they can accommodate further IEs. It is further stated that this is, "considered an optimistic assumption". DfI officials continue to consider all feasible options to advance the LDP programme in a timely manner and ensure the impact to the delivery of up-to-date LDP's is not impacted.

## **REVIEW OF REGIONAL STRATEGIC PLANNING POLICY ON RENEWABLE AND LOW CARBON ENERGY**

The Department launched a public consultation on a draft revised regional strategic planning policy for renewable and low carbon energy on 6 April which closed on 30 June 2023. The aim of the review is to ensure that planning policy remains fit for purpose and up-to-date to inform plan-making and decision-taking in relation to renewable and low carbon energy planning applications, while reflecting our commitment to the Energy Strategy and the Climate Change (Northern Ireland) Act 2022, which has established a renewable electricity consumption target of 80% by 2030.

The Department received 66 responses to the public consultation exercise. Whilst it is clear there is overwhelming support for the need for revisions in this area, the revised policy seeks to carefully balance the differing perspectives between the importance of our climate change commitments while also protecting our valued natural and built environment and landscapes. The Department is giving careful consideration to all responses received in finalising the policy.

## **Next Steps**

The Department is aiming to complete the policy development for renewable and low carbon energy for your consideration in this financial year. When published, the final policy will replace the existing provisions titled 'Renewable Energy' as contained in the SPPS.

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## **REVIEW OF THE SPPS IN RELATION TO CLIMATE CHANGE – CALL FOR EVIDENCE**

Beyond the review of policy on renewable and low carbon energy, it is important that the wider policy framework provided for by the SPPS is fit for purpose and suitably future proofed to appropriately support the Climate Change agenda going forward.

On 3 January 2024 the Department launched a Call for Evidence on a potential focused review of the SPPS in relation to Climate Change, with questions focused on the areas of flood risk management, transportation and development in the countryside, although wider comments and evidence were also to be welcomed. The primary purpose of the Call for Evidence is to engage with key stakeholders on the proposed areas of focus for a review of the SPPS and to invite the submission of evidence, from all interested parties, on the relevant factors that can assist with determining the best way forward.

## **Next Steps**

The consultation will run until 28 March 2024. The information gathered as a result of this Call for Evidence will help to inform any decision by you on a review and the options for it.

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## **CRUMLIN ROAD GAOL/ST LUCIA SITE**

The Historic Core of the St Lucia site remains in the ownership of the MoD, who had been pressing DfI to accept this element of the site. The DfI position is that the ownership of the Historic Core would be a considerable drain on resources. Following a request from MoD to come to a decision on the Historic Core, an EF decision to refuse the Historic Core has been taken and communicated to MoD. The Department intends to dispose of the St Lucia site which may be a joint exercise with MoD who also intend to dispose of the Historic Core. On the assumption that this remains the direction of travel, we would intend to keep you updated on progress.

## **Next Steps**

The construction works for the Distillery project at Crumlin Road Gaol are ongoing and it is expected to be completed and opened to the public in Spring 2024.

**ACTING DIRECTOR: Kathryn McFerran**

### IMPROVING THE PLANNING SYSTEM

A Planning Improvement Programme (PIP) has been developed and is being delivered in partnership with local government to improve the effectiveness and efficiency of our planning system.

The programme aims to address key recommendations set out in reports published during 2022 by the NI Audit Office and the Public Accounts Committee, which indicated that the planning system is not delivering for people or the economy. Issues identified in these reports, include effective leadership and culture, performance and accountability, sustainable funding of the system, rural policy, skills and training and the local development plan process.

The joint DfI and Local Government work programme was endorsed by the former Infrastructure Minister and by the Society of Local Government Chief Executives (SOLACE). The work programme is being progressed by officials and includes 40 actions covering Governance; Policy & Legislation; Local Development Plan; Development Management; Performance and Engagement and Financial Sustainability. Significant progress has been made to date with 13 actions closed to date. Governance arrangements have also been put in place to ensure that programme progress is monitored, reported upon and that appropriate programme oversight is in place.

To address one of the key recommendations of the PAC report, an interim Regional Planning Commission has been established to provide advice and support to the wider Planning Improvement Programme. The Commission is independently chaired and is comprised of representatives from the economic, community and environmental spheres. The Department and Local Government are also represented on the group. The constitution of this group can be reviewed to ensure you are content with its membership and TOR.

### Next Steps

With the return of the Executive, a Memorandum of Reply in respect of the Public Accounts Committee report on Planning will be required to be signed off by yourself and the Minister of Finance. Further detailed submissions will follow in this regard and in respect of the Planning Improvement Programme more widely.

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## **POTENTIAL ‘CALL INS’**

### **Kilroot Power Station**

The Department is currently considering two notifications and 2 third party ‘call in’ requests in relation to planning applications LA02/2022/0656/F and LA02/2022/1074/F, which have been recommended for approval by Mid and East Antrim Borough Council. Both applications relate to modifications to Kilroot Power Station. The Department must now decide whether or not the applications should be referred (called in) to it for determination and a detailed submission will be provided in due course. The council cannot issue decisions until as Minister you have decided whether or not to ‘call in’ the applications.

### **Cloghan Point Oil Terminal**

The Department is currently considering a notification and 31 third party ‘call in’ requests in relation to planning application LA02/2018/1145/F, which has been recommended for approval by Mid and East Antrim Borough Council. This application relates to the redevelopment of Cloghan Point Oil Terminal, Quay Lane, Whitehead. The Department must now decide whether or not the applications should be referred (called in) to it for determination and a detailed submission will be provided in due course. The council cannot issue decisions until as Minister you have decided whether or not to ‘call in’ this application.

### **Next Steps**

Submissions will follow on both these issues.

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## **PLANNING LEGISLATION**

There are a number of legislative actions being brought forward through subordinate legislation:-

### **Validation Checklists**

Following a public consultation in November 2022, amending legislation has been drafted to introduce statutory validation checklists for planning applications submitted to councils together with an associated dispute mechanism where an applicant does not agree with the councils’ decision not to validate an application where it considers the information submitted to be incomplete. A validation checklist, to be prepared and published by a council, will provide guidance to applicants about the level and type of information required to be submitted with a planning application. This is considered by stakeholders to be one of the most important measures in the PIP, increasing the quality of applications and benefiting all users of the planning system. Notwithstanding the ongoing

resource issues in the Planning Appeals Commission, officials continue to engage with the Commission and Department of Justice to finalise the dispute mechanism aspect of this initiative.

### **Next Steps**

The draft legislation will be provided to you for your consideration once this work has been completed.

### **Review of the Development Management Regulations**

The Department is currently consulting on a review of the Planning (Development Management) Regulations (NI) 2015. Development proposals within the planning system are defined as one of two categories, major or local, to encourage a proportionate and responsive approach to processing planning applications. The review includes revisiting the classes and thresholds of development to identify whether they need to be changed/updated. The review is also considering how to enable online pre-application community consultation (PACC) and the proposal to make all pre-determination hearings discretionary for councils. The former will increase the accessibility of PACC (which was a key improvement during COVID). The latter is aimed at increasing the efficiency of the planning system given that mandatory pre-determination hearings for certain planning applications can lengthen the planning process, offer limited added value, and can delay issue of planning decision for applicants.

### **Next Steps**

The consultation closes on 3 March and further advice will be provided, following consideration of the responses.

### **Planning Fees**

The Department is considering bringing forward a statutory rule in March to amend the Planning (Fees) Regulations (Northern Ireland) 2015 to provide an inflationary increase to planning fees of approximately 8.9%.

### **Next Steps**

Any fee increase would take effect from April 2024. A submission will follow in this regard.

## **Primary Legislation : Planning Bill**

You may receive calls and may want to bring forward a Planning Bill to deliver potential amendments to primary legislation. A potential Bill could include issues such as defining the role of planning in addressing climate change, the weight to be given to the Regional Development Strategy and the Strategic Planning Statement in local development plan preparation, improvements to the planning appeals system and tree protection, as well as the commencement of the review of old mineral permissions. The development of a Planning Bill will require resources to establish a Bill Team and will need to be considered alongside your and the Executive's other legislative priorities.

### **Next Steps**

We would want to discuss this with you in due course.

## **SAFE AND ACCESSIBLE TRAVEL DIRECTORATE**

**DIRECTOR: Chris Hughes**

### **ROAD SAFETY**

The Department has lead responsibility for road safety, addressing core elements of road safety in an integrated manner, focusing on safe people, safe roads, and safe vehicles. Provisional figures released by the PSNI regrettably show that in 2023 there were 71 deaths on roads here as a result of road traffic collisions. This compares to 55 recorded in 2022 and 50 in 2021. The most vulnerable groups are Drivers, Pedestrians and Motorcyclists, with the largest causation factor being human error.

There is a published draft Northern Ireland Road Safety Strategy for Northern Ireland to 2030, and this will need to be considered and requires Ministerial and Executive approval before it can be finalized and a submission on this will follow.

A 52 point Action Plan for 2023/24 has been published which includes a commitment to review the Highway Code for Northern Ireland alongside a wide range of policy, operational and technical options to promote and improve road safety.

Work is also underway to consult on options to amend existing statutory provisions on drink driving. However, this was paused, pending the completion of work with the PSNI to enable the potential use of drug detection 'wipes' at the road-side. This work is well advanced. An EF decision has been taken to enable the PSNI to implement preliminary drug testing at the roadside and to give Departmental approval to PSNI use of the SecureTec Drug Wipe 3S device. The next step will be to draft a Type

Approval Order for the device. The implementation date for the use of the device will be an operational matter for the PSNI. Officials will support the PSNI in relation to PR announcing its introduction to ensure public awareness and we will work with you and Press Office as this proceeds.

A further action is a commitment to review mobile phone legislation; through the issuing of a public consultation paper, proposing to broaden the current offence of using a mobile phone when driving. As work continues on the preparation of the public consultation, it is estimated that this will be prepared for your consideration and could be launched in March 2024.

### **Next Steps**

Further submissions will be provided on this as appropriate.

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## **RAIL SAFETY - INTEROPERABILITY OF THE RAIL SYSTEM**

Interoperability of the rail system is a reserved matter, and the Department for Transport is bringing forward regulations to implement a Protocol/ Windsor Framework obligation regarding EU technical rules on interoperability of the rail system. The DfT consultation may be undertaken during Spring/ Summer 2024.

While reserved, DfI is the Competent Authority covering interoperability issues. A cooperation agreement between the Department as National Safety Authority and the European Rail Agency is being prepared.

### **Next Steps**

Each year the Department is required to publish an annual safety performance report for the NI rail network and an assessment of the achievement of the Common Safety Targets; publication of both documents is scheduled for the first half of 2024.

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## **POLICY DIVERGENCE FROM GB & EU**

As a result of EU Exit, the impacts of EU law revocation and reform, and the implementation of the Windsor Framework, policy development within Safe & Accessible Division has been significantly altered. Officials are no longer able to rely on UKG and their lawyers to engage with the EU on proposed EU legislation, or on its development, transposition and initial implementation. Going forward there will be a requirement for NI officials to implement EU requirements specified within the Windsor Framework separately from GB officials who, unlike NI, are free to take a different view. In addition, there is a requirement for NI officials to establish new procedures in relation to the transposition of proposed EU legislation that is non-Framework related. Finally, as GB has been free

to take a different view from EU a number of, non-Framework related, UKG initiatives have commenced which have resulted in divergence between the GB and NI position.

### **Next Steps**

The Division is currently undertaking an exercise to strengthen its resources to ensure areas of existing and future divergence can be identified, assessed and prioritised. There is potential for urgent submissions to be required on divergence issues, seeking your views on how/whether GB or EU requirements should apply in the context of Northern Ireland.

### **Primary Legislation Options and next steps**

A number of rail and road safety matters, as well as vehicle and driving standards issues, may need to be addressed via primary legislation. This will need to be considered alongside other legislation proposals from across the Department and indeed the wider Executive legislative programme and further advice will follow on this.

## **PUBLIC TRANSPORT OPERATIONS DIRECTORATE**

**Director: Judith Andrews**

### **OVERVIEW OF TRANSLINK**

The Northern Ireland Transport Holding Company, trading as Translink, was established under the Transport Act (Northern Ireland) 1967. This Act outlines that the Holding Company must engage as a commercial enterprise in the formation and promotion of its subsidiary companies (Ulsterbus, Citybus and NI Railways). This Act also provides detail on a range of issues including the provision of railways, powers of the railway undertaking, accounts and auditing.

The Transport Act (Northern Ireland) 2011 also sets out that the Department must secure “most public passenger transport services continue to be provided by the Holding Company and its subsidiaries” (i.e., NITHC/Translink). This Act stipulates that the Department must secure the provision of public passenger transport services with due regard to accessibility, economy, efficiency, safety of operation and sustainability and this is implemented through the Public Service Agreement with Translink.

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## TRANSLINK FUNDING POSITION

In April 2023, Translink was provided with an initial planning envelope of £35.35m of resource expenditure for the first 3 months of 2023-24, based on a projected annual subsidy requirement of £141.4m. This presented Translink with a significant efficiency challenge given that its operating deficit in 2022-23 was £9m higher before inflation.

Translink's 2023-24 Outline Corporate Plan was based on the initial planning envelope of £141.4m and projected an annual loss of £21m (including £7.8m for a 3.5% pay award for 2023-24). This was despite Translink delivering £22.8m of recurring efficiencies and setting a further non-recurring efficiency challenge of £6.8m (total additional savings in 2023-24 of £9.8m).

However, after the Budget outcome, only £121.6m could be provided to Translink (rather than the £141.4m initial planning envelope). Given the significant going concern issues, to ensure Translink could remain solvent and continue to provide bus and rail services for the remainder of year, an EF decision was taken to provide Translink with an additional allocation of £12.6m (of which some £10m has been provided to date) and this currently forms part of the Departmental overspend.

### Next Steps

The latest position is that, despite this additional funding, Translink is still facing a £7m pressure (prior to the funding needed for a pay award for 2023/24) and this is under consideration as part of the overall financial position of the Department.

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## TRANSLINK PAY AWARD FOR 2023-24

It is important to note that the latest pressure of £7m does not include the cost of Translink's potential pay award which is estimated to be c£7.8m, if the pay award was 3.5%. However, 3.5% is unlikely to be sufficient and DoF have been updated to the amount of £11.1m based on a 5% pay award.

The three trade unions (GMB, SIPTU, and Unite) who represent frontline bus and rail workers have held a series of one-day strikes since December 2023, with further strikes planned for February 2024.

The strike action has resulted in no Translink bus or rail services during the one day strikes which has had a major impact on the public. It has also led to lost revenue for Translink, further worsening their current financial difficulties.

### Next Steps

There is no funding for a pay award (as is the case in some other sectors across the NICS) and a resolution to this issue will need to be found. Negotiations on the pay award have yet to commence

(due to the lack of funds) and once funding is provided, this will be a matter for Translink management, although a business case is required for departmental consideration.

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## **CAPITAL PROGRAMME AND KEY MAJOR PROJECTS**

Translink's capital plans are ambitious, and investment has significantly increased in recent years, from £99m in 2019/20 to £156m, £242m, and £252m in 2020/21, 2021/22 and 2022/23 respectively.

Translink's Outline Corporate Plan required an overall capital investment of £305.5m in 2023/24. The Department has not been able to fund the whole capital programme and Translink's allocation has been reduced to £265.2m.

Translink has been critically reviewing its capital programme to ensure it manages within this reduced allocation. This includes taking actions to slow down, pause or stop schemes, with corresponding risks and impacts. Translink's future capital programme is also under review, in tandem with the approach across the rest of the Department.

The Belfast Transport Hub is a Flagship scheme and is expected to open in September 2024. Prior to that and particularly from May to August, there will be a rail blockade in place which will close the rail network in Belfast.

### **Next Steps**

Some permanent and temporary measures will be needed to minimize traffic difficulties and work on this is being taken forward between Translink and TRAM colleagues. Media about this disruption and why it is needed is planned for early March.

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## **COMMUNITY TRANSPORT ORGANISATIONS AND SHOPMOBILITY SCHEMES**

The Department provides the main source of income for 12 Community Transport Organisations and 13 Shopmobility Schemes. These organisations provide member only door to door type services branded as Dial-a-Lift in rural areas and the Disability Action Transport Scheme in urban areas. Shopmobility schemes provide loans of equipment to help those with specific mobility needs.

Funding for all the schemes in 2023/24 is £4.7m (approximately). It is a discretionary payment as there is no statutory obligation placed on the Department to provide this funding.

These organisations provide accessible, affordable transport options to those people who are socially isolated and have difficulty accessing public transport. These transport services provided are highly valued by service users, nearly all of whom are elderly and/or have a disability, i.e. some of the most vulnerable in our local communities.

## **Next Steps**

A review of community transport is currently underway, and the overall aim of the review is to consider community transport provision for the longer term to ensure that the Department is maximising both value for money and outcomes, through its investment in these key services, and that the role community transport plays in the delivery of public transport aligns with the Transport Strategy for Northern Ireland which is being developed. Advice will follow on the findings from the first phase of this review in the coming weeks.

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### **RATHLIN FERRY**

The Rathlin Ferry Service contract changed provider to Dunaverty Ltd on 11 January 2023 following the liquidation of the previous operator, Rathlin Island Ferry Limited (RIFL). This followed several months of discussions between the Department and RIFL regarding their costs and the level of subsidy provided.

Dunaverty were able to recommence a limited service within 3 days of contract award and a full service within 3 weeks. Dunaverty informed the Department of three industrial tribunals being taken against them (including RIFL and DfE) by all union staff members, two former employees and the two Directors of RIFL. This is centred on the application of TUPE and redundancy payments following the collapse of RIFL and subsequent appointment of Dunaverty. This will lead to increased contract costs due to legal services and potential additional claims for wages and unfair dismissal.

## **Next Steps**

These cases are ongoing and further updates will follow.

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### **STRANGFORD FERRY**

Portaferry and Strangford slipway essential repairs will require a service suspension to allow the works to be completed safely. An update and submission will follow on this.

The ferry operation is currently vulnerable due to vacancies and the time taken to fill these. The specialist training of a suitable crew member takes approximately 6 months.

## **Next Steps**

Ongoing staffing recruitment to fill vacancies across the service will create better resilience but will take some time to deliver.

**Jackie Robinson** - Director

### REVIEW OF THE NORTHERN IRELAND CONCESSIONARY FARES SCHEME

The Department currently funds free and half fare public transport at all times of the day for those who qualify for a SmartPass under the NI Concessionary Fares Scheme (the Scheme). The aim of the Scheme is to promote accessible public transport for members of the community who are most at risk of social exclusion, through free and discounted fares.

While the costs of the Scheme have continued to rise significantly since 2010/11, the concessionary fares budget has not been increased to match this rise, putting significant pressure on the Department's finances (the costs of the Scheme were £47.9m in 2018/19 (prior to COVID) against a baseline budget of £41m).

Following a review of the Scheme, a public consultation launched on 1 June setting out 10 proposals aimed at making the Scheme:

- financially sustainable, so that it can continue to be provided for years to come.
- targeted at those groups of people it is intended to reach.

The proposals included raising age of eligibility from 60 to either 65 or State Pension Age and increasing the half fare concession for people with disabilities to free travel.

The consultation closed on 24 August and over 20,000 responses were received. This comprised of almost 12,000 petition signatories across five petitions, all of which called for the Department to keep age eligibility for the Scheme at 60; over 7,400 substantive responses to the consultation survey from individuals and organisations; and approximately 900 campaign responses across three separate campaigns.

#### **Next Steps**

Analysis of responses, and the associated equality, rural and human rights impact assessments, are now complete and ready for your consideration. A submission is being drafted for your consideration.

### ALL-ISLAND STRATEGIC RAIL REVIEW (AISRR)

The Department has been working jointly with the Department of Transport (DoT) in Ireland and consultants Arup on the AISRR since it was jointly announced by Minister Nichola Mallon and Minister Eamon Ryan in 2021.

The draft report was published for the purposes of a public consultation on the associated Strategic Environmental Assessment (SEA) documents on 25 July 2023.

The consultation closed on 29 September and over 470 responses were received. Work is ongoing to address the issues raised and finalise the Review.

### **Next Steps**

It is anticipated the Review will be finalised in late Spring 2024, after which it will be presented to you and the Executive for approval and publication. Prior to finalisation of the Review, we will present an overview of the Review and its recommendations for your agreement.

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## **CLIMATE RESPONSE**

The Department is working with DAERA to support the development of a multi-decade Green Growth Strategy, its supporting strategies and associated Executive Climate Action Plan which is a requirement of the Climate Change Act (Northern Ireland) 2022 (the Act). These collaborative strategies which include Clean Air and Biodiversity plans and actions will help to ensure that we chart the right future pathway to net zero.

The Department is leading on the Transport Sector and Infrastructure Sector and is working collaboratively with other Departments to develop policies and proposals to develop an Executive Climate Action Plan as required by the Act. Once developed the Climate Action Plan will be subject to a formal 16 Week Public Consultation.

The Act also requires the setting of carbon budgets for Northern Ireland. DAERA have consulted on the proposed first three carbon budgets for 2023-2027, 2028-2032 and 2033-2037, as well on the interim targets that should be set for 2030 and 2040 for reductions in greenhouse gases. The consultation sought the public's views on the Climate Change Committee's (CCC) Advice Report: The Path to a Net Zero Northern Ireland published in March 2023. As part of this process the Department engaged with key stakeholders on the pathways for emissions reductions in the Transport and Infrastructure sectors to assist in informing the consultation process.

The legislation also requires the Department to put in place a transport sectoral plan and an infrastructure sectoral plan for combatting climate change and introduces new statutory responsibilities around how budgets should be used to deliver the net zero 2050 target set out in the legislation. The Plans are being developed as part of a new Transport Strategy (TSNI) which is currently under development.

## Next Steps

Whilst challenging, due to the complexity of the issues under consideration and budgetary constraints, officials have continued to move at pace to prepare a credible plan which is ambitious yet deliverable. Further submissions will follow as this work proceeds.

## DVA

**DIRECTOR: Jeremy Logan**

### INFRASTRUCTURE PROJECT – NEW TEST CENTRES

The construction of a new DVA test centre and depot at Hydebank, Belfast is nearing completion. The handover of both buildings to DVA is scheduled for w/c 5 February 2024. As the test centre will be fitted with new vehicle testing equipment supplied by a new supplier, Worldwide Environmental Products, there is a rigorous test plan in place of circa. 2,500 vehicles, which will commence shortly after handover of the test centre. Initially, the test centre will operate at restricted capacity to ensure the new equipment and software perform to the required standard. As confidence grows vehicle testing capacity will be steadily increased. It is intended that the opening will be kept low key and access restricted until the testing process has been completed.

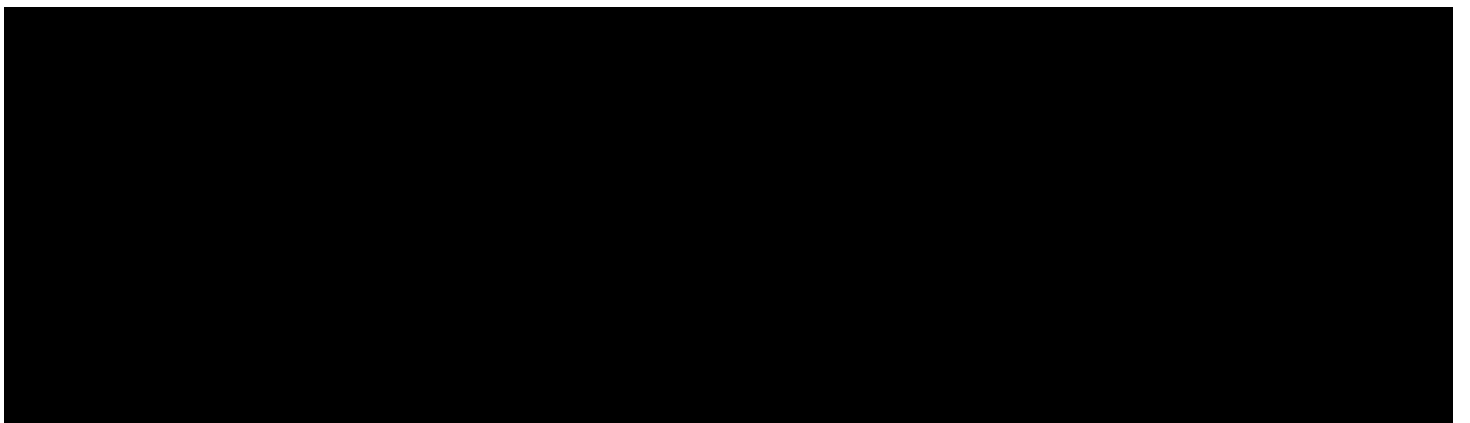
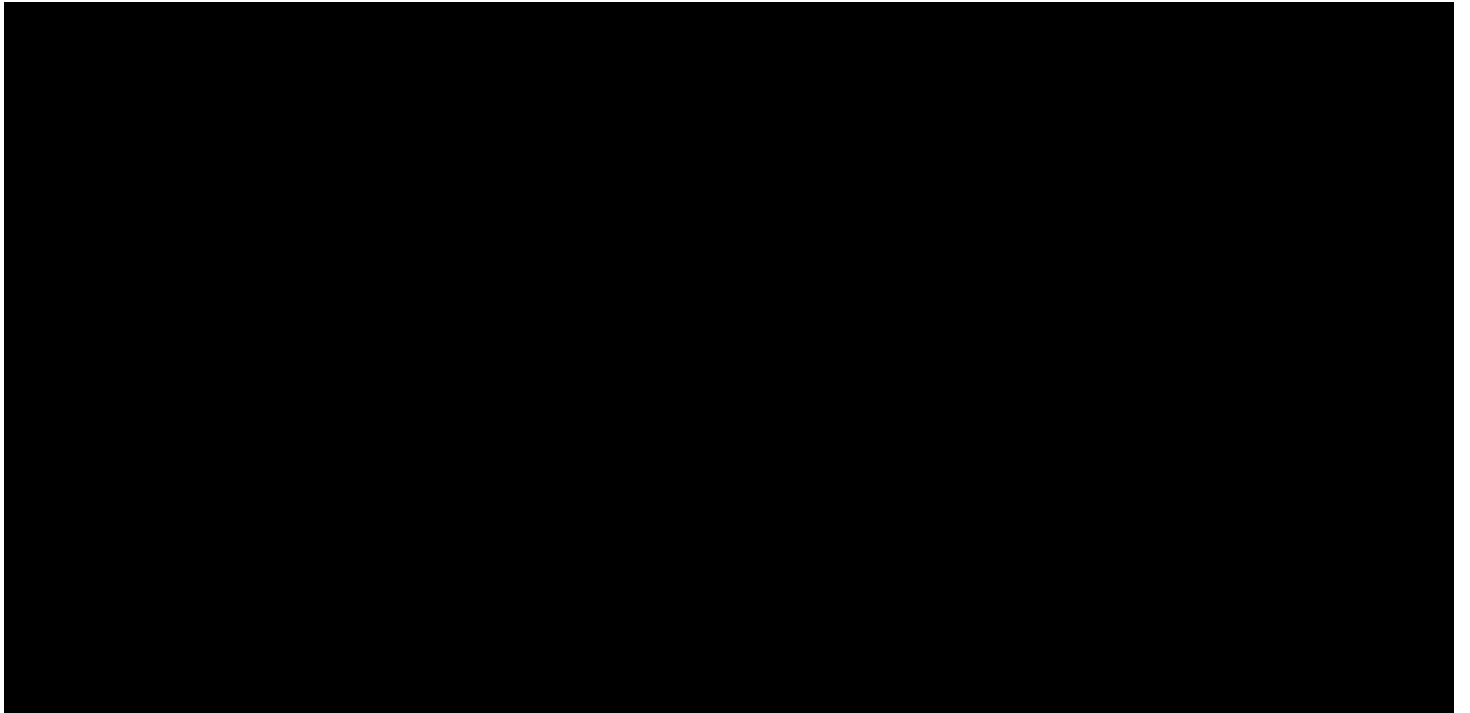
The construction contract for a second new test centre at Mallusk was awarded on 25 January 2024 and is expected to take approximately 18 months, with Mallusk test centre scheduled to open in autumn 2025.

These two new centres will provide the capacity to test over 200,000 additional vehicles per annum, which will help meet the future demand for this service.

## Next Steps

To note at this stage.

### VEHICLE TESTING EQUIPMENT



**Next Steps**

To note at this stage.

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## **DIESEL EMISSIONS TESTING**

In 2006, because of the risks to the health and safety of staff and customers, and in consultation with the Health and Safety Executive for NI, the diesel smoke test for cars and light goods vehicles was suspended.

The reintroduction of a diesel smoke test for cars and light goods vehicles under 3,500kgs, will require a substantial capital investment in the vehicle testing estate to create a safe environment, in which the test can be conducted. New test centres at Hydebank and Mallusk will include facilities for full emissions testing and will meet all current and known future requirements.

The European Commission recently recommended a diesel emissions Particle Number (PN) test for younger vehicles, as an alternative to the current diesel smoke test. The DVA is currently trialing the use of new PN test equipment, which pending on a successful outcome, could potentially be introduced throughout the DVA's existing test centre network. The introduction of this alternative test would require the Department to conduct a statutory consultation process and, subject to approval, would require domestic legislation to be amended.

Friends of the Earth has teamed up with The Public Interest Litigation Support and have been granted permission from the High Court to bring a legal challenge against the Department in relation to its failure to conduct a fully compliant diesel emissions test for diesel cars and light goods vehicles. The Northern Ireland Commissioner for Children and Young People has also sought to intervene in this matter, referencing medical evidence on the harmful impact of NOx and particulate matter on young people. The Department has also been asked to respond on wider air quality issues and actions they are taking to reduce harmful emissions from transport.

### **Next Steps**

The High Court hearing took place on 21 September 2023, but has been adjourned until 19 February 2024 to hear the remaining submissions. We will keep you updated on developments.

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## **DRIVER & VEHICLE TESTING CAPACITY**

The DVA conducted 68,540 driving tests in 2022-2023, which is the highest number of driving tests conducted since 2009. In 2022-2023, the DVA conducted over 1.15 million vehicle tests, which is the highest number of tests they have ever recorded.

Despite these excellent statistics the demand for both driving tests and vehicle tests remains high and waiting times are longer than desired. The two new centres at Hydebank and Mallusk will

provide the capacity to test over 200,000 additional vehicles per annum, which will help meet the future demand for this service.

The recruitment and retention of vehicle examiners is a growing concern, primarily due to higher salaries being paid for fully qualified mechanics by other public sector and private sector employers. Vehicle examiners have recently been regraded to the next higher grade and, in February, a recruitment competition will be advertised at the higher salary, which will hopefully result in increased applications. On successful completion of their training new vehicle examiners will be posted to the new test centre at Hydebank and to fill other vacancies across DVA's test centre network,

### **Next Steps**

Much of the political and media attention is highly critical and we will need to discuss with you the challenges we face to meet the demand for delivering these services to ensure there is a clearer understanding of the facts regarding performance.

### ROAD ASSET MAINTENANCE

**DIRECTOR: COLIN SYKES**

#### MAINTENANCE OF ROADS

Essential Maintenance (generally resource funded) includes the key functions of defect repair, grass cutting, gully emptying and traffic signal repair. These are important aspects of road maintenance in ensuring public safety. In 2022-2023 the Department provided a 'limited service' with reduced levels of pothole repair, grass cutting and spend across other areas such as road markings and safety barriers. This limited service has been in place since 2015. In 2023-2024 the Department plans to continue operating this level of service subject to the budget position becoming clearer. It is estimated that £55m of resource funding is needed annually for normal maintenance needs, the provision of this limited service is currently estimated to be in the region of £35m annually. However, the level of resource currently allocated in 2023-2024 is approximately £21.5m.

Structural Maintenance is the collective term given to a range of functions including road resurfacing, surface dressing, footway resurfacing and structural drainage.

It has been independently established (Barton 2018) that some £143 million (£192m at today's prices) is needed to maintain the structural integrity of Northern Ireland's road network. Both the Barton Report and the Northern Ireland Audit Office VFM report on 'Structural Maintenance of the Road Network' (March 2019) emphasise the need for certainty around longer-term funding of road maintenance budgets and highlight the planning and delivery challenges across the Department and the wider construction industry as a result of reliance on late in-year budget allocations.

#### Next Steps

Total spend on structural maintenance across the last 5-year budget period was around £547m with outturns of £109 million in 2018/19, £106 million in 2019/20, £100m in 2020/21, £105m in 2021/22 and £127m in 2022/23; representing a significant shortfall against the annual requirement.

#### WINTER SERVICE PROGRAMME

The Department carries out precautionary salting of carriageways on identified priority roads to prevent ice from forming. Every night from the middle of October until the middle of April around 300 staff and over 130 gritters are on standby to ensure the main roads are salted. The aim is to provide

a winter service which, as far as is possible, will permit main road traffic to move safely and freely in wintry conditions.

The current policy aims to treat approximately 28% of the road network that carries around 80% of the traffic and involves salting around 7,000 kilometres of main roads in just over three hours, at a cost of approximately £95,000 per night. DfI Roads salts main through routes carrying more than 1,500 vehicles per day as well as other busy through routes with special difficulties (e.g. steep hills) that carry over 1,000 vehicles per day.

The Winter Service average normal budget requirement is £7m, but has, in the past, been £10m for a bad winter as was the case in 2017-18. Whilst delivery for this winter season has commenced, the budget requirement for the service is not fully funded within the Department's baseline allocation.

As a result of Industrial action, the Department's winter service activity was significantly disrupted during January 2024.

### **Next Steps**

The Department is fully committed to resolving this dispute and is continuing to engage with the Industrial Trade Unions.

## **WINTER SERVICE – POTENTIAL INDUSTRIAL ACTION – ROADWORKERS – INDUSTRIAL 1 GRADE**

Winter gritter driving rotas require some 340 drivers to enable the service to be delivered in compliance with the Drivers Hours Regulations. Drivers are drawn from volunteers across the Department (123 this year) and there is a balance of approximately 50 drivers each year supplied via an external driver contract (81 this year). The Roads Industrial 1 Roadworker workforce provides approximately 150 drivers each year (126 this year).

Roadworkers are unique in that they avail of a bonus incentive scheme which provides a top up to basic pay based on individual weekly output levels. For equal pay reasons the level of bonus on top of basic pay that can be earned is capped at the maximum of the AO / Industrial 2 pay scale. In recent years unions have asked that the Industrial 1 & 2 grades are merged, and the bonus scheme removed. These are issues affecting the wider NICS with read across to AA and AO grades and are out with the Department's remit. The unions are now in dispute with the Department over this issue and have taken a number of discontinuous weekly periods of strike action in the past 6 months. The ITUS focus has moved more recently to the basic pay level which impacts all depots with the most recent action being in January 2024.

## **Next Steps**

The Department continues to engage with DoF and the unions on these issues but there is no resolution in sight ahead of the next round of pay negotiations and therefore there is a risk that strike action by this group will continue through the winter period.

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## **OTHER OUT OF HOURS (OOH) ROTAS**

The Department operates a number of OOH rotas across Roads that are in place to ensure adequate responses to adverse weather events.

Some groups of staff in DfI Roads and Rivers have an established custom and practice to terms that are outside the Civil Service handbook in that they claim “call-out-bonus” (3 hours overtime) while working on-call, even when not required to leave home. The Department has been working with DoF P&OD section and NIPSA to develop and implement an alternative method of payment in compliance with the handbook and in the meantime the existing arrangements have been periodically extended.

Alternative arrangements have now been developed, and approved by Permanent Secretaries, and work has been ongoing to seek agreement to these with TUS. Regrettably, TUS would not agree to the proposals within the timescale necessary to amend the terms and conditions for the 2023/24 winter service season.

To ensure that the required duty rotas are in place for the delivery of this winter service season (subject to funding), a further extension of current arrangements has been approved while efforts continue to seek a resolution to the situation during ongoing negotiations with TUS.

Without this extension it is very likely that the rotas would not have been filled and the Department’s ability to deliver winter service and emergency response would have been severely compromised.

## **Next Steps**

NIPSA action short of strike action is still in place. While this is not having a significant impact at present it may have a greater impact on the delivery of winter service across the roles of Duty Controller and Duty Supervisor.

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## **OPERATIONS & MAINTENANCE (INTERNAL CONTRACTOR) STABILISATION PLAN**

Operations & Maintenance (O&M) are the Department’s internal road maintenance contractor. Located in 23 depots across Northern Ireland they deliver a range of essential road maintenance activities as well as winter service and incident response.

In recent years there has been a significant decline in O&M's both the industrial and non-industrial workforce. As a result, the business unit is finding it increasingly difficult to maintain a suitable presence across all of the depots from which they operate. This has led to increased risk in terms of health and safety, governance and service delivery. As such, a review of resources and service delivery across all the depots has been undertaken. This has identified a number of options to temporarily combine operations across some depots to secure a safer and more sustainable delivery of services.

It should be stressed that none of the options being considered would permanently close any depots; some activities such as winter service will continued to be delivered across the whole depot estate. However, the aim is to provide greater operational resilience and ability to continue to deliver the wide range of essential maintenance activities.

### **Next Steps**

The next stage is to consult with both internal stakeholders and ITUS on the options before bringing recommendations to you.

## **ROAD ASSET DEVELOPMENT**

**DIRECTOR: LIAM McEVOY**

### **FLAGS AND ATTACHMENTS ON DEPARTMENT OWNED PROPERTY**

The issue of the removal of attachments from lamp posts and other equipment is a highly sensitive one.

Article 87 of the Roads (NI) Order 1993 makes it an offence to attach unauthorised signs or advertisements to structures such as lamp posts. One of the Department's primary considerations is the safety of the public and where unauthorised flags or attachments pose a hazard to road users, the Department will seek to remove that danger. Where there is no such danger, the Department will liaise closely with other key stakeholders and seek to provide a solution.

Our approach to date recognises that the health and safety of our staff and contractors is of paramount importance. For this reason, we will always consult with partner agencies when considering whether to remove any attachments from our equipment and infrastructure.

In recent months, posters have been erected on streetlights in various locations, including Belfast, North Down and Portrush, portraying anti-immigration messages to deter foreign nationals from

occupying housing in certain areas. Silver and Bronze, multi-agency task forces have been meeting to monitor and assess the situation. Some posters, which contained threats, have been removed by PSNI or local residents.

### **Next Steps**

The Department will continue to act on advice from PSNI to assess the likelihood that removal would increase community tension.

## **STRATEGIC TRANSPORT MASTER PLAN FOR TITANIC QUARTER / QUEENS ISLAND, BELFAST.**

Development of the Titanic Quarter / Queens Island area of Belfast commenced late 1990s / early 2000s with the construction of the Odyssey Arena. A development masterplan was subsequently approved under an outline planning application. This planning approval related mainly to the development of the land from the rear of the SSE Arena, northwards, along Queens Road, almost to the northern extent of Queens Island and required a number of improvements to major transport infrastructure in the area including:

- a slip road from the M3, located across from the front of the SSE Arena;
- a grade separated junction over the Sydenham bypass, at the south-eastern corner of Victoria Park, adjacent to the Connswater River; and
- a public transit system, later to become Glider.

The M3 slip road and Glider have been in operation over several years, however, the grade separated junction has not been constructed.

Since early 2021, Departmental officials have been working with Belfast Harbour and their agents to develop a new Strategic Transport Master Plan for the area. While progress has been made on the scoping for a Transport Assessment, we have not reached agreement on major transport infrastructure provision and proposed green travel measures.

The developer's agents have proposed an at-grade junction to gain access to the Sydenham bypass, as an alternative to the grade separated junction discussed above. The developer's rationale for the alternative proposal is based on emerging and significant change to planning and transport policy which has a greater emphasis on more sustainable transport proposals reflecting climate change obligations. Work to assess the alternative at-grade proposal is well advanced and is anticipated to be complete soon.

## Next Steps

Once complete, you will be provided with further briefing to assist in agreeing the way forward.

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## BACKLOG OF ADOPTIONS OF PRIVATE STREETS

It is currently estimated that there are over 900 unadopted development sites across the province. That is, sites that require the Private Streets (Northern Ireland) Order, Article 11 enforcement action to bring those sites up to a standard that is adoptable by the Department.

There are a number of reasons for the high number of backlog sites;

- The bond being inadequate to cover the cost of construction works necessary to bring the development to an adoptable standard;
- Lack of resources in the Department to progress enforcement action; and
- Developer going out of business resulting in the Department unable to engage in enforcement action.

The backlog of unadopted sites has been the subject of a 2012 Regional Development Committee Inquiry (update issued to the committee in 2021), numerous Assembly questions, industry criticism and has been reported on by local and national news organisations. There has been limited success in reducing the number of sites in the past 11 years.

There is no budget allocation or legislative requirement for DfI to bring backlog sites up to adoptable standard, this obligation lies with the Developer. Any works necessary to bring a site to an adoptable standard over and above the value of the bond would need to be funded from the Department's budget for maintaining the road network. The Department currently considers the maintenance of the adopted network and associated safety/liability implications a higher priority than addressing the backlog of unadopted sites.

A Direct Award Contract (DAC) for a pilot study using a private sector service provider to act on the Departments behalf to complete Article 11 enforcement action on 12 backlog sites is currently being considered by the Department of Finance.

Departmental Solicitors Office (DSO) have recently highlighted issues around the legislation required to enable delegation of DfI TRAM authority to an external provider. Counsel opinion is being sought.

Should counsel provide a positive response and the DAC be approved the service provider will use Departmental powers to progress Article 11 enforcement action with no direct cost to the Department. If the pilot study is successful, then a larger procurement exercise to address the backlog sites will

be progressed. Network Planning staff will continue to progress Article 11 enforcement action where possible. However, considering the Department's budget and staffing position, the use of a service provider to reduce the backlog of sites is currently seen by officials as the most effective solution.

### **Next Steps**

To note at this stage.

## **A5 WTC & ACTIVE TRAVEL**

**DIRECTOR: COLIN HUTCHINSON**

### **A5 WESTERN TRANSPORT CORRIDOR (A5WTC)**

The A5WTC is an Executive Flagship project which, on completion, will provide 85 kilometres of new dual carriageway in the west of the province between New Buildings and the border just south of Aughnacloy. Design and development work on this scheme dates back to 2007 but has been delayed, primarily as a result of three legal challenges by the AA5A (Alternative A5 Alliance), a local group opposed to the proposals. It also has been the subject of three public inquiries, the most recent being in May and June of 2023.

On 31 October 2023 the Department received the final advisory Report from the Planning Appeals Commission (PAC) on the third public inquiry. The A5WTC project team has been considering the points raised and detailed recommendations made within this Report before the next steps can be taken. It is anticipated that the team will have developed preliminary options in relation to the next steps in the coming weeks for your consideration, following which a detailed response to the PAC Report in the form of a Departmental Statement can be drafted.

On your consideration of all relevant documentation, including this latest PAC Report, you should be able to take a new formal decision on whether to proceed with all or parts of the scheme in the coming months.

Subject to your decision; successful completion of all the necessary statutory processes and environmental assessments; no further legal challenge; the availability of funding; and agreement in relation to construction costs with the appointed contractors, construction work could commence late this year. It is anticipated that advance works in the form of archaeological and geotechnical investigations can commence in a number of areas in the coming weeks.

The total project cost, based on a delivery timeframe of 2024 to 2028, as presented in the Outline Business Case (approved by Department of Finance on 31 May 2023) is estimated at £1.7 billion,

circa £100 million of which has been spent to date. A review of the whole scheme estimate is currently being undertaken to account for the evolving detail design and associated costs, inflationary impacts on the construction industry, alignment with PAC recommendations, and the potential reprogramming of the construction of parts of the scheme.

Clearly delivery therefore carries very significant budget implications. Just before he left office in autumn 2022, Minister O'Dowd, wrote to both the UK and Irish Governments on this issue. The Irish Government issued a response confirming its commitments under Fresh Start and NDNA.

### **Next Steps**

On 13 October 2023, senior officials from the Department met with Department of Transport officials in Dublin to discuss the Irish Government's contribution to the A5WTC project. Given the broader significance of the project and its history, the Permanent Secretary then wrote directly to the Taoiseach's office on 19 January 2024. explaining the background to funding for the project and seeking views on the priority that the Irish Government affords to the project and its potential funding contribution. We are awaiting a formal response.

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## **A6 DUALLING – DERRY TO DUNGIVEN – PHASE 1: DUNGIVEN TO DRUMAHOE**

The 25.5km A6 Dungiven to Drumahoe dualling scheme is the first phase of the A6 Derry to Dungiven Executive Flagship project. The contract to design and build this c.£260m and was awarded to Sacyr Wills Somague JV in March 2018.

Construction commenced in September 2018 and the dual carriageway fully opened to traffic on 6 April 2023 with contractual Completion being achieved on 30 November 2023.

During construction the Department took the strategic decision to continue to pay the Contractor and not invoke optional contractual mechanisms to retain further payments. This decision was taken to increase the likelihood of the successful, and timely, delivery of the scheme with an understanding that the contractor has a contractual obligation to return any overpayments at defined points within the contract.

Resolution of ongoing contractual disputes, valued at c£80m, between the Department and the contractor, regarding the costs associated with various issues that occurred during the construction process (impacts of Covid /Brexit etc) will have direct implications for the monies that the Contractor has to repay. There is uncertainty over the total value of the dispute(s) as the contractor has advanced one position formally, but also provided an alternative, lower, figure during Without Prejudice discussions.

To resolve the disputes in the most efficient and effective manner possible, the Department is currently preparing to enter into a mediation process with the contractor. The mediation process is expected to be completed by summer 2024.

### **Next Steps**

Officials will present a submission, prior to the conclusion of the mediation process, setting out the mediation outcomes and a recommendation on the way forward.

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### **ACTIVE TRAVEL**

The Climate Change Act (Northern Ireland) 2022 places a statutory requirement on the Department that- *“The Department for Infrastructure must develop sectoral plans for transport which set a minimum spend on active travel from the overall transport budgets of 10%”*. [REDACTED]

[REDACTED] This is a significant increase on current Active Travel delivery and will require an equally significant increase in our delivery resource.

A range of measures are currently being implemented to increase the delivery of high quality active travel infrastructure, including significant changes in the procurement of our supply chain to address current and envisaged design resource pressures. We have reorganised internally and have added key posts to our Active Travel teams. We are also working closely with councils to better understand their five-year Active Travel programme and we are developing an appropriate grant and support framework for the delivery of Greenways.

We are progressing a Northern Ireland wide Active Travel delivery plan, including a full update of our design guidance which, when complete, will provide our teams with a firm basis for the prioritisation of the delivery of active travel infrastructure within and connecting our towns and cities. We anticipate that this will be ready for public consultation in the coming months.

Active Travel has a number of interested stakeholders. Notable amongst these are the All Party Group on Cycling. In the past, the Department’s relationship with stakeholders has led to criticism and the Department is working hard to rebuild these relationships. We have had positive feedback from key stakeholders in recent months and are continuing to engage proactively with them.

The Department currently manages the Active School Travel Programme contract, which is funded by both DfI and PHA, with PHA providing the majority of funding of late. The current contract runs until July 2024, but we have only committed funding until the end of this current financial year. We are currently engaging with PHA on the future direction of this programme, [REDACTED]

There was considerable press and social media coverage when this Programme was identified as a discretionary spend and formed part of the budgetary consultation.

### **Next Steps**

To note at this stage.

## **MAJOR PROJECTS**

### **DIRECTOR: JONATHAN SAULTERS**

#### **NEWRY SOUTHERN RELIEF ROAD**

The proposed Newry Southern Relief Road aims to provide a new strategic road link to the south of Newry city, between the A1 Dublin Road dual carriageway and A2 Warrenpoint Road dual carriageway. This will provide an alternative route for strategic traffic that avoids Newry city centre. The scheme is 3km in length and consists of a Wide Single carriageway plus overtaking lane.

The project was prioritised within the Belfast Region City Deal, securing £93.4m funding. The current estimate for the project is £107.7m (under review and decisions will be required on managing the shortfall before the scheme progresses to procurement. This cost is based on a fixed bridge crossing of Newry Ship Canal, a Scheduled Monument, which is one of the main structural elements of the project.

In the absence of a Minister, the previous Permanent Secretary took the decision to progress with the fixed bridge option under the Northern Ireland (Executive Formation etc) Act 2022. Her decision was taken after detailed consideration of a range of factors, including engineering, economic, heritage impact and environmental assessments.

In advance of the publication of the draft Statutory Orders and Environmental Impact Assessment Report, planned for spring 2024, the Department held a non-statutory Community Information Event to provide an update on the emerging final proposals for the scheme from 16 to 19 October 2023.

There is a growing lobby campaigning for an opening bridge over the Newry Ship Canal. This was evident at the Community Information Event, recent media articles, and from a significant number of councillors at a presentation provided to Newry, Mourne and Down Council on 31 August 2023.

### **Next Steps**

To note at this stage.

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## **A6 DUALLING – DERRY TO DUNGIVEN – PHASE 2: DRUMAHOE TO CAW**

Phase 2 of the Flagship project is between Drumahoe and Caw roundabout. It is estimated this 7km section will cost around £200m and is not currently programmed. This section was not included in the current phase 1 construction contract.

Part of the line of phase 2 encroaches on the Mobuoy waste site. This is a contaminated landfill site due to the illegal dumping of waste material, which has been the subject of a court case taken forward by DAERA.

The Department have been liaising closely with DAERA in relation to this project to ensure that any remediation proposals take account of each parties' requirements, including those associated with Phase 2. The Department is currently awaiting DAERA's Optimum Remediation Strategy and site vision for the Mobuoy waste site, which are required to progress with the development of phase 2.

### **Next Steps**

Officials are currently developing a strategy to determine the most efficient mechanism to allow the scheme to be taken forward. A decision will be required in the coming months on the development of this final 7km section of the A6 Derry to Dungiven Flagship project. It is currently proposed by the Department that construction of phase 2 will not commence until the remediation of the Mobuoy waste site has been completed by DAERA.

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## **BELFAST RAPID TRANSIT PHASE 2**

Phase 2 of the Belfast Rapid Transit Project (BRT2) is one of 3 infrastructure projects included in the Belfast Region City Deal (BRCD). The proposal is to extend the existing east-west Belfast Rapid Transit network to serve North and South Belfast as well as extending the existing G2 Glider service (which currently operates between Belfast City Centre and Titanic Quarter) to connect with Queen's University and Belfast City Hospital.

The estimated cost to deliver BRT2 is £142m-£148m, submitted to BRCD Partners in August 2020 as part of an Interim Outline Business Case. It is envisaged that the estimated cost may change as a result of an update to the Outline Business Case (OBC) that is nearing completion.

BRT2 was not prioritised within the BRCD and therefore only £35 million has been made available to deliver the project. The project was successful in securing £20m funding from New Deal (NI) pending Treasury OBC approval, however this funding has been paused. The shortfall in funding will need to

be made up from Executive funding and will be subject to discussions and agreement between you and your Executive colleagues.

The preferred route for BRT2 was announced in October 2022, by Minister O'Dowd, along the Antrim Road in the north and along the Ormeau Road and Saintfield Road in the south. Minister O'Dowd decided that the north and south routes should extend to Glengormley and Carryduff, respectively with the feasibility of these extensions being further assessed as part of the detailed design. The announcement also noted that the existing G2 City Centre to Titanic Quarter Glider service will be extended to connect with Queen's University and the City Hospital.

### **Next Steps**

In line with this decision, work is almost complete to determine the feasibility of extensions to Glengormley and Carryduff. A submission will be issued to you in the coming weeks, for your consideration of the outcomes of the feasibility studies, the Outline Business Case, and recommendations on the way forward.

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## **LAGAN PEDESTRIAN AND CYCLE BRIDGE**

The Lagan Pedestrian and Cycle Bridge is also included in the BRCD. The bridge will be a key element of the walking and cycling network connecting Belfast city centre with the south and east of the city and the Connswater Community Greenway. The new bridge will also encourage people from the city centre and local communities to visit Ormeau Park for recreational use.

The project was prioritised within the City Deal, securing £12.1m funding, however the estimate has recently been revised to £24m to account for significant inflationary pressures and engineering challenges apparent following more detailed design work. Decisions on the funding shortfall will be required before the scheme progresses to procurement and construction.

An Outline Business Case was approved in January 2021 and an Addendum is being completed at present to take account of the revised estimate. The project planning is at an advanced stage, with planning permission and other statutory approvals in place. A consultant was appointed in October 2022 to complete the preliminary design, prepare procurement documents and manage the project delivery.

A design and build approach is being adopted and the programme is on target for appointing a contractor by end 2024/early 2025. Design and construction are expected to take 18 – 24 months from award of the contract.

## Next Steps

Subject to the approval of the revised OBC Addendum a submission will be prepared in the coming weeks to seek your decision on moving to the procurement phase.

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## MID-SOUTH WEST (MSW) GROWTH DEAL

Two schemes, A4 Enniskillen Southern Bypass and A29 Cookstown Bypass are included in the Mid-South West Growth Deal. Pausing of the New Deal for NI funding and subsequent delays has led to a £16.2m shortfall on Enniskillen Southern Bypass.

Following a current review of the Cookstown scheme estimate there is a £19m funding shortfall as MSW are only proposing to fund £42m of the £61m future requirement.

DoF and NIO have been working closely with DfI officials to explore the funding options with MSW.

To start procurement for the Enniskillen project in April 2024 the Department need to have confirmation that all funding is in place by mid-February 2024. Any further delay will add significant costs to the project.

The A4 Enniskillen Bypass has been flagged as potential 'Urgent Executive Business' with the principal recommendation to "Agree to fund the £27.8m A4 Enniskillen Bypass by:

1. committing the previously proposed £15m New Deal Funding, which we understand is part of the approx. £600m from existing and new UKG funds that is included in the financial package (£16.2m now required) and committing the £12.5m allocation from the Growth Deal; or
2. agreeing to fund this project as part of the MSW Growth Deal and allowing funding to flow in advance of Heads of Terms and Deal signing (subject to HMT agreement to transfer £16.2m from the Digital & Innovation pillar). "

## Next Steps

A submission will be issued to you in the coming weeks, seeking a decision on publishing the draft Statutory Orders for the Cookstown Bypass.

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## YORK STREET INTERCHANGE

The York Street Interchange project is a Strategic Road Improvement that will provide a fully grade separated interchange to replace the existing at-grade signal-controlled junction providing direct links between Westlink and the M2 and M3 motorways.

A procurement competition was run in 2016 but a legal challenge prevented the Department from awarding the contract. The competition was subsequently terminated in 2019 following an unsuccessful court hearing and appeal. The Department carried out mediation with the plaintiff contractor in December 2023 and reached a preliminary financial settlement, which will avoid the High Court being required to determine the damages. Payment of this settlement will require approval the Department of Finance.

An Independent Assurance Review of the York Street Interchange project, initiated at the request of Minister Mallon, to provide assurance on how and to what extent the proposed scheme reflected and accommodated key Ministerial, Executive and Belfast City Council objectives and priorities (or could be adjusted to do so) was completed and published in March 2021.

One of the recommendations was the completion of a further review to ensure the scheme aligns with the concept of “placemaking” and new best practice in terms of urban transport design.

Further work was undertaken to provide proposals to strengthen the placemaking and active travel provision of the project and advises that additional measures could be implemented in tandem with it, to maximize the benefits for communities. The outcome of this was a Placemaking and Active Travel report, published by Minister O’Dowd in October 2022, recommending that three of the enhancement options are further developed and refined to allow an informed decision to be taken on the way forward.

### **Next Steps**

Work is ongoing to refine the three shortlisted options, explore implementation issues and engage further with stakeholders. This work is expected to be completed in spring 2024, after which a report will be made available to you.

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## **A1 JUNCTIONS**

The A1J2 scheme continues to attract significant public, political and media interest. A petition, containing over 12,700 signatures, supporting the implementation of the A1J2 scheme proposals as soon as possible, was received by the Department in January 2024.

The Department has also recently received notification of a potential Judicial Review. The grounds for the application relate to the opinion that the Department has not progressed the A1J2 scheme as expeditiously as possible following the recommendation and outcome of the Public Inquiry in 2020.

The scheme has been elevated above most other schemes within the current major works programme, sitting in Tier 3. At this stage there is no dedicated funding identified for projects in Tier

3, but they remain a high priority within the Department. The scheme will, therefore, continue to progress towards the next key decision on procurement, which will be informed by the Department's emerging transport plans, budget availability and public expenditure processes.

More certainty around future funding availability is required before a procurement process can be started. The project has been taken forward in the interim, through the development of contract documents and Business Case, Departmental finalisation, which is expected to be completed by Spring 2024. Internal Departmental approval is being sought on the Business Case, but Department of Finance approval will be subject to the public expenditure process and budget availability.

In recognition of current and future potential funding challenges, the Department is currently exploring options to deliver the project in phases. This could increase the opportunities for parts of the project to be delivered earlier, subject to future funding envelopes and opportunities.

### **Next Steps**

Subject to available funding and a positive Decision to commence the procurement stage, the indicative timescale is approximately 15 months to the start of construction, followed by a 3-year contract period to complete the scheme.

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## **PRIORITISATION OF THE MAJOR ROADS PROGRAMME**

On 14 August 2023, the Department published a prioritised list of major road schemes that will continue to be progressed. The decision was taken by Dr Julie Harrison, then Permanent Secretary under the Northern Ireland (Executive Formation etc) Act 2022. This prioritised the continued development of Flagship and City / Growth Deal schemes.

The prioritisation of the programme was needed due to; the challenging budgetary position, the pressures on departmental delivery capacity and the Department's commitments under the Climate Change (NI) Act 2022.

The announcement also confirmed that work on the A1 Junctions Phase 2 scheme will continue to finalise the Business Case and complete the preparation of the contract documents. In addition, the current work streams on York Street Interchange and A32 Cornamuck schemes would be completed. The next key decision on these schemes would be considered following confirmation of the emerging transport plans.

In view of financial and resourcing pressures within the Department, development work on the following schemes has been paused: -

- A32 Kilgortnalegue
- M1 / A1 Sprucefield Bypass
- A3 Portadown to Richill Dualling
- A26 Ballymoney to Coleraine
- A26 Nutts Corner to Moira
- A4 Fivemiletown Bypass
- M2 / A8(M) Sandyknowes Junction Upgrade
- Shaftesbury Link
- M1 Slip Roads at Blacks Road
- A2 Buncrana Road Improvements
- A24 Ballynahinch Bypass
- A55 Knock Road Widening
- A28 Armagh East Link
- A32 Esker Bog
- A3 Armagh North and West Link
- A2 Ballykelly Bypass
- A2 Sydenham Bypass

### **Next Steps**

To note at this stage.

## **ROAD ENGINEERING**

**DIRECTOR – DAVID PORTER**

### **RESURFACING CONTRACTS**

Northstone (NI) Ltd successfully challenged the former Department for Regional Development's handling and determination of a tender process for road resurfacing contracts in 2015. This decision was unsuccessfully appealed by the Department. Officials are currently engaged in mediation with the plaintiff contractor to determine if a financial settlement can be reached to avoid the High Court being required to rule on the damages. A decision on the potential settlement is likely to be required early in 2024.

An independent investigation was carried out into the 2015 procurement competition following the Court of Appeal judgement. This is known as the Hannaford Report and it was published at the end of 2023.

### **Next Steps**

Since the Court of Appeal ruling, the Department has worked to develop a new interim procurement strategy for asphalt resurfacing. The Department is also engaged in a mediation process to seek to settle this case and a detailed update will be provided in due course.

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## **HIGHWAY STRUCTURES (BRIDGES)**

DFI is responsible for approximately 6,000 bridges ranging in size from small single span culverts to larger multi span complex structures such as the Foyle Bridge.

It is recognised that the risks associated with the management of structures has increased over recent years. Reducing staff resources, limited funding levels, and the loss of engineering skills and experience, have all contributed to the increased risk.

To improve our management of this risk, responsibility for the management of highway bridges was consolidated under the Engineering Directorate in April 2023. We have recently undertaken a review of the management of the structures function and brought forward proposals on the organisational structure and staffing numbers required to manage the function in a manner that returns the risk to an acceptable level.

### **Next Steps**

An Action Plan has been developed to implement the proposals however addition staff resources are required and these will be discussed with you in the context of the wider staffing pressures in the Department.

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## **FOYLE BRIDGE**

The Department is working with other organisations to explore how the suicide risk at the Foyle Bridge can be reduced. Given the large and complex nature of the bridge, the Department needs to consider a range of options that are both deliverable and take into account our challenging financial position.

The Department has prepared a Strategic Outline Case (SOC) which establishes the strategic context for the spending proposal, evidences the case for change, and proposes the preferred way forward.

The SOC, which was completed in October 2022, recommended that the Department should consider increasing the height of the parapet railings on the bridge to improve general safety for users of the bridge. The SOC recommended that the Department should undertake a detailed structural assessment of the bridge to identify the type and maximum height of parapet railings the bridge could accommodate without compromising its structural integrity. The previous Minister took the decision that the Department should undertake this assessment to inform the next steps.

In an effort to manage costs, we worked to determine if it was possible to use the previous structural assessment model in 2010. Given the time that has passed and the advancement of technology this was not possible, and a new model will need to be built from scratch and this is estimated to cost

between £150k to £750k. It would be prudent to assume that this work will be at the top end of the estimated range. This work is currently not funded.

### **Next Steps**

The Department is working with key stakeholders, including the Mental Health Champion, Professor Siobhan O'Neill, Public Health Agency and the local Council to seek to ensure that any proposals help address wider societal issues in this area. The Mental Health Champion will be writing to you seeking a meeting to discuss the priority of this work.

## **TRANSPORT PLANNING & POLICY**

### **DIRECTOR: SIAN KERR**

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### **TRANSPORT STRATEGY FOR NORTHERN IRELAND**

The Department is currently developing a new Transport Strategy for Northern Ireland that will set the vision and strategic priorities for transport through to 2035.

### **Next Steps**

A draft will be with you in the coming weeks for your consideration.

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### **TRANSPORT PLANS**

Four Transport Plans are being prepared:

- The Eastern Transport Plan (ETP);
- The North West Transport Plan (NWTP);
- The Sub-Regional Transport Plans (SRTPs); and
- The Regional Strategic Transport Network Transport Plan (RSTNTP).

The Transport Plans aim to maximise integration between Transport Planning and Local Development Planning and are being prepared in conjunction with the Councils' Local Development Plans (LDPs). There are inter-relationships between transport and economic, environmental and social objectives; and the Transport Plans will be the primary means through which the Department will seek to meet its climate change target for transport. This creates quite a complex environment with many participants and with each of the 11 councils delivering their LDPs to different timetables.

The Transport Plan that is most advanced is the Eastern Transport Plan (ETP). The ETP (which encompasses the five councils: Antrim and Newtownabbey Borough Council, Ards and North Down

Borough Council, Belfast City Council, Lisburn and Castlereagh City Council and Mid and East Antrim Borough Council) was publicly launched in September 2023 with an online engagement survey. This involved publishing the draft Vision, Objectives and Guiding Principles on the Departmental website and using both our social media and that of our key stakeholders, to direct members of the local community to the website and survey. The survey concluded at the end of October and received over 500 responses. While it will take some time to review and report on the survey results, at a glance, the responses have been very supportive of the plan's vision, Objectives and Guiding Principles.

### **Next Steps**

A draft version of the Belfast City Council element of the ETP is expected to be completed and issued publicly by late 2024. The current focus is on developing a Belfast City Centre Network proposal.

Early engagement on the Fermanagh & Omagh SRTP is currently ongoing and an online questionnaire seeking views runs until 9<sup>th</sup> February 2024.

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## **CLIMATE ACTION PLAN**

The Climate Change (Northern Ireland) Act 2022 places significant obligations on all departments and will have implications for much of the work being undertaken by DfI.

Within the legislation, DfI has been identified as the responsible Department for the development and implementation of two significant plans – an Infrastructure Sectoral Plan and a Transport Sectoral Plan.

The focus at present is on developing our transport sector input to the Climate Action Plan and its transport emission quantification exercise. The latest draft transport chapter of the Climate Action Plan outlines three high level policy initiatives to reduce emissions across the sector:

- Reduce Vehicle Kilometres Travelled by reducing the need for trips;
- Reduce Vehicle Kilometres Travelled by shifting modes of transport away from private car trip to sustainable travel alternatives; and
- Reduce vehicle emissions by switching fuels to low emission alternatives.

## **Next Steps**

The level and scope of actions required to input into the Climate Action Plan and sectoral plans is significant and DfI will require additional staff, technical expertise and funding to meet the challenging obligations and deadlines outlined in the Climate Change Act.

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## **A BOLDER VISION FOR BELFAST**

The previous Ministers for Infrastructure and Communities committed to the delivery of the A Bolder Vision (ABV) for how Belfast city centre will be shaped in relation to planning, regeneration and infrastructure, aiming to transform the City Centre into a more accessible, attractive, vibrant and globally competitive city. The Department, in partnership with Department for Communities and Belfast City Council, developed 'A Bolder Vision' strategy document for Belfast City Centre

The Department remains fully committed to the vision and its themes for change, that will facilitate the creation of an accessible, safe, green and attractive city centre, which meets the needs of established and new communities and visitors alike. These visioning principles align with the policy context and objectives setting that the Climate Change Act obligations and the Eastern Transport Plan (ETP) 2035 is being developed and measured through.

As outlined above, the Eastern Transport Plan 2035 is currently under its development and this plan will set out how the schemes presented in the ABV, other strategies and plans could co-exist in a future transport network.

In the meantime, to show DfI commitment to the Belfast Bolder Vision the previous Permanent Secretary agreed that Senior Management continue to be actively involved on the steering group and other partnership groups with Belfast City Council and the Department for Communities. In addition, a number of interventions have been identified by colleagues that could be advanced whilst the ETP work is completed.

For example, the 'ABV Key Move 1-Creation of a Civic Spine with focus on people', technical work has already commenced along Royal Avenue, with the aim to help inform the public transport route arrangement (either one-way or two-way running) and the Belfast Streets Ahead 3 design. Due to the importance of this design work for the future shaping and planning of the Belfast City Centre transformation, this has been prioritised by the Department.

## **Next Steps**

To note at this stage.

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## ZERO-EMISSION VEHICLE (ZEV) MANDATE

Regulations were laid before Westminster on 16 October 2023, which mandate manufacturers to sell annual quotas of new zero-emission cars and vans from January 2024. At present, the specific regulations on the Mandate and associated trading schemes, The Vehicle Emissions Trading Schemes Order 2023 (VETS), do not extend to Northern Ireland.

In the absence of Ministers, we have worked with Department for Transport (DfT) colleagues and DSO to bring forward a scheme for Northern Ireland whereby existing EU CO2 regulations will continue to apply here until such time as a decision is able to be taken on whether or not to extend the Mandate to NI.

### Next Steps

Briefing will be provided outlining further detail on the current position and options on the way forward.

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## PORTS FUNDING RISKS

### Trust Ports - Legislation and Borrowing Levels Background

The Department has powers under Section 2 of the Harbours (Northern Ireland) Act 1970 to provide financial assistance to Harbour Authorities. The Department is responsible for administering grant and loan requests from the four Trust ports within Northern Ireland (Belfast Harbour Commissioners (BHC), Warrenpoint Harbour Authority (WHA), Londonderry Port and Harbour Commissioners (LPHC/ Foyle Port) and Coleraine Harbour).

### Budget Risks

Ports fund their own capital investment and when they need to borrow to facilitate this, as set out in the legislation, they may approach the Department for that loan. Under their 2002 Harbour Orders, each Trust Port has a commercial borrowing limit, and they can borrow commercially up to that limit without approval from the Department. LPHC and WHA have a limit of £2.5m, BHC £45m and Coleraine £250k.

As Trust Ports are classified as Public Corporations by the Office for National Statistics (ONS) any borrowings by Trust Ports, irrespective of where the funds are sourced, count against the Department's Capital Delegated Expenditure Limit (CDEL).

**This means that the Department has no statutory approval mechanism of Trust Ports borrowing up to these limits, yet the borrowing scores against the Department's CDEL.**

To help mitigate the risks associated with this, Ports are formally asked on a bi-annual basis to anticipate their required borrowings (if any) for the next five years. Borrowings are also discussed at regular meetings between Ports and the Department.

The Department's budget allocation and the range of pressures faced across the Department have meant that many difficult decisions have had to be taken. A consequence of this is that it has not been possible to allocate a capital budget to cover the Ports borrowing requirements for 2023/24. Warrenpoint Harbour Authority (WHA) requested £1m in Departmental funding however they have been advised that the Department currently does not have the Capital budget available to facilitate this funding. If WHA decide to borrow the £1m commercially, the Department will require capital budget cover to the same value. As the Ports can borrow commercially without Departmental approval up to the limits set out above there is potential for a significant budgetary pressure to be created which is currently outside of the Department's control.

### **Next Steps**

To note at this stage.

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## **PORTS REVIEW**

The Department has been undertaking a ports policy review during the last year. A consultation paper is currently being developed that considers trust port status and governance, and the powers available to our trust ports. Some of the proposed policy changes will require changes to both primary and secondary legislation.

### **Next Steps**

A draft of the consultation paper will be with you in the coming weeks for your consideration.

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## **THE REAPPOINTMENT OF THREE NON-EXECUTIVE COUNCILLOR MEMBERS TO THE BOARDS OF BELFAST HARBOUR COMMISSIONERS AND LONDONDERRY PORT AND HARBOUR COMMISSIONERS.**

In the absence of Ministers, the Permanent Secretary agreed under the EF Act on 11 January 2024 to offer an automatic reappointment to those Trust Port Councillors who have successfully served their first terms on the Boards. A submission will be with you imminently providing details of the appointees and draft appointment letters. The timing of these appointments is deemed urgent given that one Board Member's current term is due to expire on 28 February 2024 leaving a risk that Londonderry Port and Harbour Commissions/Foyle Port would not be able to adhere to its minimum statutory membership requirements.

## **Next Steps**

A submission will follow.