



COMMITTEE FOR AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS

MINUTES OF PROCEEDINGS

**THURSDAY 23 JANUARY 2020
ROOM 30, PARLIAMENT BUILDINGS**

Present: Mr Declan McAleer MLA (Chairperson)
Mr Philip McGuigan MLA (Deputy Chairperson)
Ms Clare Bailey MLA
Mrs Rosemary Barton MLA
Mr John Blair MLA
Mr Maurice Bradley MLA
Mr John Dallat MLA
Mr Harry Harvey MLA
Mr William Irwin MLA

In attendance: Ms Stella McArdle, Committee Clerk
Ms Elaine Farrell, Assistant Assembly Clerk
Ms Marion Johnson, Clerical Supervisor
Mr Thomas Coogan, Clerical Officer

10.04 a.m. The meeting commenced in Closed Session.

The Chairperson provided an overview of the running order for the meeting.

10.22 a.m. The meeting moved in Open Session.

1. Apologies

There were no apologies.

2. Departmental Written Briefing on the backlog of Statutory Rules for the Environment, Marine and Fisheries Group

Mr David Small, Grade 3, Head of Environment, Marine and Fisheries Group and Chief Executive of the Northern Ireland Environment Agency joined the meeting at 10.25 a.m.

Mr Small briefed the Committee and this was followed by a question and answer session.

Agreed: The Committee agreed to write to the Department to request clarification on which Statutory Rules are subject to consultation.

Agreed: The Committee agreed to write to the Department to request details on the consultation that has taken place on the Fisheries Bill and the licensing of Republic of Ireland vessels and the impact of annulment for the Department and the fishing sector.

Mr Patrick Smith, Deputy Principal, Sea Fisheries Policy and Grants, joined the meeting at 10.35 a.m for agenda items 3-6.

3. SR 2018/106: The Sea Fishing (Illegal, Unreported and Unregulated) Fishing Order (Northern Ireland) 2018

The Committee considered The Sea Fishing (Illegal, Unreported and Unregulated) Fishing Order (Northern Ireland) 2018 which will implement EC Council Regulation 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing and Commission Regulation 1010/2009 laying down detailed rules for the implementation of the Council Regulation.

Agreed: The Committee considered SR 2018/106 The Sea Fishing (Illegal, Unreported and Unregulated Fishing Order (Northern Ireland) 2018 and subject to the Examiner of Statutory Rules report, had no objection to the Rule”.

4. SR 2018/185: The Sea Fishing (Miscellaneous Amendments and Revocations) Order (Northern Ireland) 2018

The Committee considered The Sea Fishing (Miscellaneous Amendments and Revocations) Order (Northern Ireland) 2018 which is being made to provide a number of minor necessary amendments and updates to existing Northern Ireland Statutory Rules before the United Kingdom leaves the European Union.

Agreed: The Committee considered SR 2018/185: The Sea Fishing (Miscellaneous Amendments and Revocations) Order (Northern Ireland) 2018 and subject to the Examiner of Statutory Rules report, had no objection to the Rule.

5. SR 2019/061: The Sea Fish Licensing Order (Northern Ireland) 2019

The Committee considered SR 2019/061: The Sea Fish Licensing Order (Northern Ireland) 2019 which will make provision about the licensing of fishing boats from outside the UK when fishing in in Northern Ireland zone after the UK leaves the EU. This provision is essential for Northern Ireland to control access from non-UK vessels to its domestic waters, and endorse any international agreements on fisheries access to UK waters post EU exit.

Agreed: The Committee agreed to defer consideration of the above Statutory Rule until the meeting on 30 January 2020.

6. SR 2019/065: The Sea Fishing (Licences and Notices) (Amendment) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/065 The Sea Fishing (Licences and Notices) (Amendment) Regulations (Northern Ireland) 2019. The principal purpose of this Rule is to make a minor amendment to the Sea Fishing (Licences and Notices) Regulations (Northern Ireland) 2014 about the manner in which a licence to fish in the Northern Ireland zone is granted after the UK leaves the EU.

Agreed: The Committee agreed to defer consideration of the above Statutory Rule until the meeting on 30 January 2020.

Agreed: The Committee agreed to write to the Department to seek clarification on the engagement that had taken place in respect of the licensing of Republic of Ireland vessels and

the impact of annulment for the Department and the fishing sector.

The Chairperson thanked Mr Small and Mr Smith for their attendance.

Mr Eamon Campbell, joined the meeting for agenda items 7-10.

7. SR 2017/81: The Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017

The Committee considered SR 2017/81: The Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017 that replaces and revokes The Water Environment (Water Quality) Regulations (Northern Ireland) 2003 and its primary purpose is to transpose the Water Framework Directive. The Regulations will continue to provide for the monitoring, assessment and improvement of the condition of water bodies in order to meet the objectives of the Water Framework Directive.

Agreed: The Committee considered SR 2017/81: The Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

8. SR 2017/085: The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

The Committee considered SR 2017/085: The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 which replaces and revokes the Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2005 ("the 2005 Regulations") and its primary purpose is to transpose Directive 2014/52/EU, which amended Directive 2011/92/EU, in respect of water management projects for agriculture which involve the abstraction of 200 cubic metres or more in any 24 hour period.

Agreed: The Committee considered SR 2017/085: The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and subject to the Examine of Statutory Rules report had no objection to the Rule.

Agreed: The Committee agreed to write to the Department to request information on the number and type of projects currently

involved in the abstraction of 200 cubic meters or more of water.

9. SR 2017/211: The Private Water Supplies Regulations (Northern Ireland) 2017

The Committee considered SR 2017/211: The Private Water Supplies Regulations (Northern Ireland) 2017. The purpose of the Rule is to replace and revoke the Private Water Supplies Regulations (Northern Ireland) 2009 (as amended) in order to transpose the provisions of Council Directive (EU) 2015/1787 of 6th October 2015 amending Annexes II and III to Council Directive 98/83/EC on the quality of water intended for human consumption.

Agreed: The Committee considered SR 2017/211: The Private Water Supplies Regulations (Northern Ireland) 2017 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

10. SR 2017/212: The Water Supply (Water Quality) Regulations (Northern Ireland) 2017

The Committee considered SR 2017/212: The Water Supply (Water Quality) Regulations (Northern Ireland) 2017. The purpose of the Rule is to make replace and revoke the Water Supply (Water Quality) Regulations (Northern Ireland) 2007 (as amended) in order to transpose the provisions of the Council Directive (EU) 2015/1787 of 6th October 2015 amending Annexes II and III to Council Directive 98/83/EC on the quality of water intended for human consumption.

Agreed: The Committee considered SR 2017/212: The Water Supply (Water Quality) Regulations (Northern Ireland) 2017 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

Mr Brian Ervine joined the meeting for agenda items 11-15.

11. SR 2017/198: The Environmental Impact Assessment (Agriculture) (Amendment No 2) Regulations (Northern Ireland) 2017

The Environmental Impact Assessment (Agriculture) (Amendment No 2) Regulations (Northern Ireland) 2017 amends our existing implementation of the Environmental Impact Assessment (EIA) Directive

2011/92/EU to bring into effect changes made in 2014 by the EU Directive 2014/52/EU (the 2014 Directive). The EIA Directive ensures that projects likely to have significant effects on the environment are subject to an environmental assessment prior to their approval or authorisation. In respect of agricultural projects, the original EIA Directive was implemented into national legislation by The Environmental Impact Assessment (Agriculture) Regulations 2007, as amended. The original EIA Directive was then amended by the 2014 Directive and it is these amendments which need to be transposed into national legislation.

Agreed: The Committee considered SR 2017/198: The Environmental Impact Assessment (Agriculture) (Amendment No 2) Regulations (Northern Ireland) 2017 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

Agreed: The Committee agreed to write to the Department to ask why the Northern Ireland Biodiversity Group and the World Wildlife Fund Northern Ireland had been removed from the list of consultees.

12. SR 2017/222: The Seed Marketing (Amendment) Regulations (Northern Ireland) 2017

The Seed Marketing (Amendment) Regulations (Northern Ireland) 2017 will transpose Commission Implementing Directive 2016/2109, changing the botanical name of hybrid ryegrass.

Agreed: The Committee considered SR 2017/222: The Seed Marketing (Amendment) Regulations (Northern Ireland) 2017 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

13. SR 2018/188: The Pesticides, Genetically Modified Organisms and Fertilisers (Miscellaneous Amendments) Regulations (Northern Ireland) 2018

The Statutory rule identified a number of amendments that are necessary to update out of date legislative references within domestic legislation. These amendments will be made under existing powers, in the European Communities Act 1972, prior to exit day. In this Statutory Rule the amendments are minor and technical and do not involve implementing any new policy. They merely ensure that references in the legislation are

correct and, in particular, that the amended provisions will operate effectively on exit day.

Agreed: The Committee considered SR 2018/188: The Pesticides, Genetically Modified Organisms and Fertilisers (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

14. SR 2019/081: The Nutrient Action Programme Regulations (Northern Ireland) 2019

The Statutory Rule sets out an action programme for the period 2019-2022 under Council Directive of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (91/676/EEC) (the Nitrates Directive), to ensure continued implementation of the Directive in Northern Ireland (NI).

Agreed: The Committee considered SR 2019/081: The Nutrient Action Programme Regulations (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

15. SR 2019/183: The Nutrient Action Programme (Amendment) Regulations (Northern Ireland) 2019

This Statutory Rule amends the Nutrient Action Programme Regulations (Northern Ireland) 2019 (the NAP Regulations) (SR 2019 No 81). This Statutory Rule amends the NAP Regulations 2019. A derogation allows the application of livestock manure up to a limit of 250kg nitrogen per hectare per year, under certain conditions, on farms in Northern Ireland with at least 80% grassland.

Agreed: The Committee considered SR 2019/183: The Nutrient Action Programme (Amendment) Regulations (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

Agreed: The Committee agreed to request the Nutrient Action Programme 2019-2022 summary document from the Department.

Mr Colin Nugent and Ms Amy Holmes joined the meeting for agenda items 16-19.

16. SR 2018/033: The Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2018

The purpose of introducing the Statutory Rule is to comply with the requirements of the EU legislation non-medium combustion plant and aims to improve air quality by controlling emissions from such plant and generators.

Agreed: The Committee considered SR 2018/033: The Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2018 and subject to the Examiner of Statutory Rule report had no objection to the Rule.

Agreed: The Committee agreed to write to the Department to request clarification on the figures referred to in the Explanatory Memorandum and whether the costs relate to the UK or Northern Ireland only.

Agreed: The Committee agreed to write to the Department to request information on the total number of medium sized Combustion Plants there are in Northern Ireland.

17. SR 2018/190: The Environmental Noise (Amendment) Regulations (Northern Ireland) 2018

The Environmental Noise Directive (Directive 2002/49/EC) relates to the assessment and management of environmental noise. It requires Member States to undertake noise mapping and prepare action plans every five years for roads, railways, airports and industrial areas.

Agreed: The Committee considered SR 2018/190: The Environmental Noise (Amendment) Regulations (Northern Ireland) 2018 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

18. SR 2018/206: The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018

The Statutory Rule aims to supplement existing Regulations in controlling Northern Ireland's emissions of fluorinated greenhouse gases ("F-gases"), in accordance with EU requirements.

Agreed: The Committee considered SR 2018/206: The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

19. SR 2018/215: The Air Quality (Amendment, etc) Regulations (Northern Ireland) 2018

The Statutory Rule also makes amendments to the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (NI) 2000, in order to update an outdated reference to Directive 2008/98/EC on waste and repealing certain directives. It also addresses Directive 2008/50/EC on ambient air quality and clean air for Europe.

Agreed: The Committee considered SR 2018/215: The Air Quality (Amendment, etc) Regulations (Northern Ireland) 2018 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

Mr Blair left the meeting at 11.55 a.m.

Mr Ken Bradley and Mr Mark Preston joined the meeting for agenda items 20-23

20. SR 2019/068: The Humane Trapping Standards Regulation (Northern Ireland) 2019

The purpose of these Regulations is to amend the Wildlife (NI) Order 1985 in order to implement requirements contained in the Agreement on International Humane Trapping Standards between the European Community, the Government of Canada and the Government of the Russian Federation.

Agreed: The Committee considered SR 2019/068: The Humane Trapping Standards Regulation (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

21. SR 2019/069: The Spring Traps Approval Order (Northern Ireland) 2019

This Order revokes and replaces the Spring Traps Approval Order (Northern Ireland) 2012. The purpose of the Order is to update the list of the makes and models of spring traps that are authorised for use in Northern Ireland.

The Order adds a further 9 types of traps to those approved under the previous Order.

The Order also describes those traps authorised solely for the destruction of rats, mice or other small vermin.

Agreed: The Committee considered SR 2019/069: The Spring Traps Approval Order (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

22. SR 2019/159: The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019

The purpose of the statutory rule is to introduce penalties and sanctions to implement the requirements of Regulation (EU) 1143/2014 of European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species.

Agreed: The Committee considered SR 2019/159: The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules had no objection to the Rule.

23. SR 2019/223: The Genetically Modified Organisms (Deliberate Release) (Amendment) Regulations (Northern Ireland) 2019

The purpose of these Regulations is to implement, in relation to Northern Ireland, Commission Directive (EU) 2018/350 amending Directive 2001/18/EC of the European Parliament and of the Council. These regulations achieve this by amending the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003 (the 2003 Regulations). Directive (EU) 2018/350 makes more detailed provision in respect of the environmental risk assessments which must be made before the release of Genetically Modified Organisms (GMOs).

Agreed: The Committee considered SR 2019/223: The Genetically Modified Organisms (Deliberate Release) (Amendment) Regulations (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

Mr Anthony Courtney joined the meeting for agenda item 24.

24. SR 2017/202: The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2017

The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2017 (the 2017 Regulations) will amend Schedule 6 to The Waste Management Licensing Regulations (Northern Ireland) 2003 (the 2003 Regulations) to clarify and update the list of prescribed offences

Agreed: The Committee considered SR 2017/202: The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2017 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

Ms Wendy Lindsay joined the meeting for agenda item 25.

25. SR 2017/230: The Producer Responsibility Obligations (Packaging Waste) (Amendment No.2) Regulations (Northern Ireland) 2017

Amendment Regulations are required to set new recycling business targets for plastic and glass packaging waste for a five-year period from 2016 to 2020 (they would otherwise expire in April 2017). Statutory minimum recycling and recovery targets on packaging producers are set down in the EC Directive on Packaging and Packaging Waste (94/62/EC). The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 (the regulations) implement the Directive whose aim is to minimise the impact of packaging waste on the environment by preventing waste going to landfill and reducing the amount of packaging used. The Regulations apply to "obligated" businesses i.e. those with a turnover >£2m and which handle >50 tonnes of packaging per annum. In Northern Ireland there are 374 obligated businesses including local businesses and businesses such as Tesco that operates across the UK.

Agreed: The Committee considered SR 2017/230: The Producer Responsibility Obligations (Packaging Waste) (Amendment No.2) Regulations (Northern Ireland) 2017 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

Ms Emma Finlay joined the meeting for agenda item 26.

26. SR 2018/171: The Ship Recycling Facilities (Amendment) Regulations (Northern Ireland) 2018

These Regulations contribute to ensuring that the legal framework relating to ship recycling remains legally operable when the EU withdraws from the EU. This will ensure that ships, when being recycled after reaching the end of their operational lives, do not pose any unnecessary risks to human health, safety and to the environment.

Agreed: The Committee considered SR 2018/171: The Ship Recycling Facilities (Amendment) Regulations (Northern Ireland) 2018 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

Mr Richard Coey joined the meeting for agenda item 27.

27. SR 2018/200: The Environment (Miscellaneous Amendments) Regulations (Northern Ireland) 2018

These Regulations contribute to ensuring that the legal framework relating to various environmental legislation remains legally operable when the UK withdraws from the EU. This will ensure that The Statutory Rule amends existing Northern Ireland environmental legislation such as Waste, Water, Air, Aquatic Animal Health, Fisheries, Marine and Sea Fisheries, Conservation and Environmental Impact Assessments. This is to allow it to function following the UK's departure from the European Union (EU). It makes technical amendments only and no changes to policy.

Agreed: The Committee considered SR 2018/200: The Environment (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

Ms Alison Jeynes and Ms Gillian Wasson joined the meeting for agenda item 28.

28. SR 2018/116: The Radioactive Substances (Modification of Enactments) Regulations (Northern Ireland) 2018

These Regulations are part of a package of measures to transpose Council Directive 2013/59/EURATOM laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation and repealing Council Directive 89/618/Euratom, 4/491/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (the Basic Safety Standards Directive). The Regulations cover provisions in relation to planned public exposure situations and existing public exposure provisions by amending the Radioactive Substances Act 1993, the Radioactive Substances Exemption (Northern Ireland) Order 2011, the High-activity Sealed Radioactive Sources and Orphan Sources Regulations 2005, the Radioactive Substances (Basic Safety Standards) Regulations (Northern Ireland) 2003 and the Radioactive Contaminated Land Regulations (Northern Ireland) 2006. These Regulations also implement some additional measures to streamline and clarify existing legislation.

Agreed: The Committee considered SR 2018/116: The Radioactive Substances (Modification of Enactments) Regulations (Northern Ireland) 2018 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

Mr Paul Black joined the meeting for agenda item 29.

29. SR 2018/104: The Quality of Bathing Water (Amendment) Regulations (Northern Ireland) 2018

The Statutory Rule amends The Quality of Bathing Water Regulations (Northern Ireland) 2008 (as amended) so as to add Cloughey, Kilclief and Ballyhornan to the list of identified bathing waters in Schedule 1 to those Regulations.

Agreed: The Committee considered SR 2018/104: The Quality of Bathing Water (Amendment) Regulations (Northern Ireland) 2018 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

Ms Susan Cramer joined the meeting for agenda item 30.

30. SR 2019/018: The Environmental Protection (Microbeads) Regulations (Northern Ireland) 2019

These Regulations ban the manufacture and sale of rinse-off personal care products containing microbeads. This will reduce the release of plastic into the aquatic environment and lessen harm to aquatic organisms caused by this form of microplastic. Microbeads are an avoidable source

of aquatic pollution. Up to 680 tonnes of plastic microbeads are used in personal care products in the UK every year, billions of which are being washed into drainage systems and entering our seas. Microbeads accumulate in the aquatic environment because they do not biodegrade and because it is impossible to recover them once released.

Agreed: The Committee considered SR 2019/018: The Environmental Protection (Microbeads) Regulations (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

Mr Michael Oliver joined the meeting for agenda item 31.

31. SR 2018/137: The Water Environment (Floods directive) (Amendment) Regulations (Northern Ireland) 2018

These regulations make provision to amend the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009 to transfer statutory responsibility (as competent authority) for the implementation of the Floods Directive from the Department of Agriculture, Environment and Rural Affairs to the Department for Infrastructure (DfI)

Agreed: The Committee considered SR 2018/137: The Water Environment (Floods directive) (Amendment) Regulations (Northern Ireland) 2018 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

Agreed: The Committee agreed to write to the Department to request information on the number of projected flood plains.

32. AOB

There was no other business.

33. Date, time and place of the next meeting

The next meeting of the Committee for Agriculture, Environment and Rural Affairs will take place on Tuesday 28 January 2020 at 10.00 a.m. in Room 30.

12.36 p.m. *The meeting adjourned.*

Declan McAleer

Declan McAleer, Chairperson, Committee for Agriculture and Rural Development

30/1/20

Date

