

James O'Brien BL / Brian Little Supplementary submission – 18 March 2021

Primary Submissions – written and oral evidence on 11 February 2021

Introduction - *Since 2001 the legislation enabled Stage 2 Independent panels to only make a recommendation, and the final decision rested with DARD/DAERA where they applied their interpretation of EU / UK law and scheme regulations / rules. The only Appeal process then available to the farmer was and is a circa £100K+ Judicial Review, which is lengthy and has limited legal scope, with winning Judgments referring the decision back to DAERA for “reconsideration”. When this avenue had been used DAERA lost in both the Ian Marshall/UFU and Barnwell Farms Judgments (2) or settled (3). Crucially very few farmers could avail of this expensive and uncertain process and a Public Ombudsman was even more limited. 2001–2018 Appeals allowed farmer evidence at both Stages 1 and 2 panels. From 2018 the only farmer evidence allowed was to the Stage 1 Panel and additional/new evidence is refused at Stage 2. From 2015 circa 40% of Stage 2 cases had their Stage 1 panel decision overturned in part or full.*

OUR PRIMARY SUBMISSIONS / PROPOSALS FOR CHANGE IN LAW / process

1. When the 2021 planned change is made to the current legislation precise legal text must be applied to give effect to the final power and decision resting with the Stage 2 Independent Panel. If for any reason there should be any challenge to that in legal terms then in the first instance the appeal should be made to the Supreme Agricultural Appeal Panel (SAAP as per pages 18 – 20 in original) who will be legally empowered to consider both the legal and agricultural evidence, at an estimated case cost of £5K rather than a legally limited £100K+ Judicial Review referral back to original decision makers.
2. Another unfair element of the Appeals process was included in the UFU JR3 settlement in October 2018. It prevented any additional / new evidence being presented in advance to Stage 2 Independent Panels **“users of the Independent Stage 2 Panel shall be entitled to introduce new evidence only if exceptional circumstances or force majeure are established”**. As per our written and oral evidence on 11 February and that of Mr Rankin ACA (NI), Mr Carmichael (NIAPA) and reinforced by Mr McGlone MLA on 11 March *“Yes good point re additional Stage 2 evidence and yes David submitted a couple of weeks in advance so Panel and department can consider it.* This unjust restriction must be reversed to the original process.
3. Historical cases - use of the SAAP to arbitrate on eligible cases /category etc. Shannon/Little experience to date – over 40 approaches from Dec but only 5 eligible/willing cases. Expect perhaps a maximum of 10 -12 cases from 2001 (without ministerial sign off) & max cum £value £500k: if all were successful.

Four supplementary points to O'Brien BL/Little final draft 21 pager Dec 2020.Jan2021 and oral evidence on 11 February 2021.

1. Our engagement effort with DAERA pre-Consultation position Page 2 and Appendix 1
2. The original Stage 2 Independent Panel members at SAAP – Mr Harvey MLA and Mrs Barton MLA – Pages 2 - 3
3. The £1500 Application Fee by the Farmer for a SAAP - Mr Harvey MLA – Pages 4 -5
4. Further information / thoughts on Historical cases and process. Mr Irwin MLA and Mrs Barton MLA and Minister Poots MLA letter Pages 5-9

Point 1 Engagement with DAERA pre Consultation release in the “Spring”

1A Hansard extracts – Concluding remarks 11 February 2021

The Chairperson (Mr McAleer): I think that that is the consensus around the room as well. Thank you very much. No doubt we will be in contact and have further engagement as time progresses.

Mr Little: If we can, we hope to engage with each of the stakeholders and with the Department to try to do as much behind the scenes as we can to work our way through this so that what comes out of the consultation is as high a level of consensus as we can get in order to make things as easy as possible.

The Chairperson (Mr McAleer): Brilliant. We will also consider your evidence as part of our wider work with other stakeholders. Thank you very much, Brian and James. It has been nice to put faces to the names.

Mr O'Brien: Thank you very much.

Mr Little: Thank you

B From: DAERA Co-ordination ASD <Co-ordination.ASD@daera-ni.gov.uk>
Sent: 12 February 2021 08:48
To: brian@fortfield.com
Cc: DAERA Co-ordination ASD <Co-ordination.ASD@daera-ni.gov.uk>
Subject: Response letter from Jason Foy TOF-0083-2021

Dear Mr Little,

Please see attached response letter in relation to your email to Jason Foy on 3rd February 2021.

Dear Mr Little, I write in response to your email of 3 February 2021. I also acknowledge receipt of your emails of 12 February 2021 at 7.33am, 7:50am, 7:53am and 8:54pm and note the information they contain. The Department engages in pre-consultation with recognised stakeholder groups. We will be happy to engage with you during the formal consultation process regarding changes to the Review of Decisions process.

Yours sincerely, Dr Jason Foy Director, Area-based Schemes Division

Our Final Submission

We had hoped that there would be an opportunity to engage and discuss this subject matter directly with DAERA (see below) prior to the issue of the Consultation in the Spring. Like the points which follow a discussion / consideration of the facts / evidence generally improves the outcome and its acceptance. We will of course circulate this Supplementary submission and hope it will be carefully considered by DAERA in advance of their release of the Consultation. Certainly, the last Consultation by DAERA in July 2017 on this subject matter, while there was no Assembly, was a sham and ignored completely the inputs of the nine published responses.

Point 2 Role of the Stage 2 Independent Panel members at a future SAAP.

2A Mr Harvey: OK. Just to finish, on the super appeal panel, what personal responsibility would be placed on individual panel members, given that the panel would carry the responsibility for the final decision?

Mr Little: OK. James, do you want to take that?

Mr O'Brien: I am afraid that I do not really understand your question, Harry. You might say that that is a lawyer's get-out, but it is not intended in that way. What do you mean by "responsibility"?

Mr Harvey: Obviously, they have responsibility for the decision, so I just wonder —.

Mr O'Brien: The individuals whom we have suggested to chair the panel are highly experienced lawyers; they are very capable of assessing a case and coming to a reasonable decision. It ultimately comes back to what Brian said at the beginning: if they do not find in the person's favour, there will always be an element of, "Well, I believe that the panel got it wrong", but you have that with any decision-making body. You have it at the minute where a decision is made by a DAERA official. You have a responsibility to consider it and get the proper decision. They would also, if they are making a decision as a quasijudicial body, ultimately be subject to the rules of and sanctions of judicial review.

Mr Little: That is an important point. The key is to make sure with Dr Foy that the legislation is written in such a way that it would protect, if you like, all the parties involved in this activity. By the way, I have written directly to Dr Foy since he gave evidence about a week ago, and he provided a lot of information, so I am hopeful that we will engage with him to talk through the situation

2B Mrs Barton: James and Brian, thank you very much for your presentation. It was informative and interesting. I will continue on from what William was saying about the panel. Surely a simple answer, and you have partially answered it, would be what we already have for planning and benefits appeals, whereby the applicant who has been turned down appeals to the panel. The panel makes a decision, and if the Department does not like it, surely it is up to the Department to challenge it and not up to the applicant to have to go through another appeals process.

Mr Little: You make a very good point, Rosemary, about who should be the person to push that back. You have to allow applicants to say whether they want to continue to be involved in trying to defend or explain their position. You would have to substitute that individual for the independent panel justifying its position in law or something else. I can relate to what you are saying, but the point that I am making is that, ultimately, if DAERA says no and is prepared to challenge a decision, it has to be the applicant or the independent panel then to challenge that, and it could be either.

Mrs Barton: I imagine that it would be the independent panel.

Mr Little: Yes, that is —.

Mrs Barton: Surely the independent panel would do it.

Mr Little: Yes. You could have the independent panel present the position to the supreme panel.

The Chairperson (Mr McAleer): Are you happy enough, Rosemary?

POINT 2 - OUR FINAL SUBMISSION

On further reflection we believe that Ms Barton's proposal that the Stage 2 independent panel members be available to the Applicant and SAAP is very valid.

We would suggest that when the "new" Stage 2 independent panels register is available from January 2022 that it be a requirement that Stage 2 Members be available to go to a SAAP were requested by the Applicant and/or the Chair of the SAAP.

In relation to the SAAP consideration of historic cases this may not be something that can be made mandatory but certainly some effort should be made to see whether prior Stage 2 independent panel Members would attend on a voluntary basis. Perhaps the power and authority to request for same should be with the SAAP Chair.

Point 3 - the £1500 application fee for farmer for the Supreme Agricultural Appeal Panel (SAAP)

3A. Mr Harvey: OK. On the super appeals panel, what cost would be imposed on applicants and the Department per case and even in totality, Brian?

Mr Little: We have put in a proposal that the farmer would pay up to potentially £1,500. Our current proposal is that that would not be refunded, although we are thinking about that. I will come back to it in a minute. In principle, the aim being looked at is greater than £5,000. Taking into account the judge's rate for a day and the rate of a preparation day across the other panels, we estimate the cost to be about £5,000. That is 5% of what it currently is to do that. We also anticipate, by the way, that there probably will not be any more than there have been historically. There will not be any more than maybe three or five [Inaudible] a year. I am probably going to get a question on the historical thing; I will come back to you later. That is our estimate and the process. It is important that we recognise that DAERA has a statutory responsibility to meet the law, but what we do not need as a solution is a £100,000 judicial review. That is quite wrong.

Harry, you asked about the £1,500 — Mr Harvey: Yes.

Mr Little: — and I did not respond. We have reconsidered that since. The current situation would probably be that in stage 2 you would get your money back; therefore you could have that position here. **In my view, the supreme appeal panel should decide what proportion of that money would be**

returned to the applicant. If the applicant is confident in their case, they would have a 300%-plus return in that the claim, if they win it, is greater than £5,000.

Mr Harvey: OK, thank you very much, gentlemen

POINT 3 - OUR FINAL SUBMISSION

We confirm our thoughts at the oral evidence that the decision to repay all or any part of the £1500 Application fee from the farmer should be a matter for determination by the SAAP. Our original 21 pager submission is therefore changed on this item. The £1500 is expected to be about 30% of the SAAP £5K case cost, ie similar proportion to the £200 Stage 2 fee/£600 est. by DAERA.

Point 4 - HISTORICAL / PAST CASES - more thoughts on category / process

4A Mr Irwin: On the matter of historical cases, the Assembly was not in operation from 2017 for almost three years. A number of decisions were made during that time, one of which I have sitting on my desk. It is a similar situation, whereby the independent panel ruled in favour of a young farmer but the Department subsequently overruled. Can you see a way forward with that situation?

Mr Little: I will deal with that as a historical case. Some of you may have heard me on the 'Farm Gate' radio programme sandwiched between Jason Foy's evidence, yourselves and the Chair's comment about the mini-inquiry, where I referred to the number of people calling into Mr Shannon's office or into me or wherever. I will summarise that for you, and then deal with the point that Rosemary quite rightly raised the last time. So far, 37 cases have come to Jim or me. There are cases from between 2001 and 2012, cases from 2012 up until 2017, and cases after 2017. I have heard of only six people so far who are prepared to go forward to a panel to have the decision challenged. In my view, we have sufficient evidence to justify that position.

The vast majority of people are too scared of the Department or too scared of their wife to raise the issue again and have instead moved on with their life. I can relate to that. I referred earlier to the business banking scheme back to 2001. Although there is potentially a reservoir of 60,000 people involved, there are probably only 300 to 400 people affected. It will therefore not surprise you, I hope, that my provisional view is that, even if you were to let all those people go forward to the supreme panel with a historical case, I doubt whether there would be more than 10 or 12 cases taken.

A lot of you may decide, "Well, we don't legally need to do this, and it doesn't really matter". I can tell you that, for those 10 individuals, which probably includes the young farmer whom you just mentioned, this is something that they get up most days and think about. From a mental health point of view and whatever else, we should try to find a way of allowing those historical cases to be assessed. I have also had a whole lot of people tell me that £1,500 is really too much in order to do it, yet, in the same breath, they tell me that they are owed £70,000 or £80,000. If they know how to make more money out of farming with that return and are confident of their position, that is up to them, but it is insane.

If they are confident in their case and in what they are doing, they should have the confidence to go forward and spend £1,500 to do that. It is not a large amount of money to spend if the claim is greater than £5,000. I will finish by saying that my current assessment is that I very much doubt whether the total value of all that will come forward — we will find out in the next month — will be more than the

amount of money that has been wasted on judicial reviews by the Department or by the trade union on trying to support this. It will be less than half a million quid, but it is important to those individuals.

4B Mrs Barton: James and Brian, thank you very much for your presentation. It was informative and interesting. I will continue on from what William was saying about the panel. Surely a simple answer, and you have partially answered it, would be what we already have for planning and benefits appeals, whereby the applicant who has been turned down appeals to the panel. The panel makes a decision, and if the Department does not like it, surely it is up to the Department to challenge it and not up to the applicant to have to go through another appeals process.

Mr Little: You make a very good point, Rosemary, about who should be the person to push that back. You have to allow applicants to say whether they want to continue to be involved in trying to defend or explain their position. You would have to substitute that individual for the independent panel justifying its position in law or something else. I can relate to what you are saying, but the point that I am making is that, ultimately, if DAERA says no and is prepared to challenge a decision, it has to be the applicant or the independent panel then to challenge that, and it could be either. Mrs Barton: I imagine that it would be the independent panel.

Mr Little: Yes, that is —.

Mrs Barton: Surely the independent panel would do it.

Mr Little: Yes. You could have the independent panel present the position to the supreme panel.

The Chairperson (Mr McAleer): Are you happy enough, Rosemary?

Mrs Barton: Thank you. I have one more point, Chair. You are quite interested in historical cases. You believe that thought should be given to looking at historical cases, especially those from during the time when the Assembly was not sitting.

Mr Little: Rosemary, I believe that cases should be looked at in their entirety. I am largely coming at it from the point of view of what is fair and reasonable. A fortnight ago, you asked a very good question about what the position is in the devolved Governments etc. You were told that, with the exception of our country, all the other countries' Ministers are involved. A couple of weeks ago, Jim Shannon was able to confirm to me that, in both England and Wales, Ministers sign off these things. You have probably already seen this in Hansard, but subsequent research found that, in 2012, that was essentially changed here. I therefore question why, if there had never been any political discussion or debate on the issue, the Minister suddenly came out of the loop. Harry previously asked a question — I did not realise its significance at the time — about whether we have ever had the Minister challenge an independent panel, and the short answer is that, after 2012, Ministers did not see the decisions. As Edwin basically said, "Now I know why nobody is giving me any of the things that the Department is turning down. People are not giving them to me".

Mrs Barton: Thank you.

OUR FINAL SUBMISSION

We believe it is important that in any consideration of historic cases there is both an absolute cut off and some sense of the maximum cumulative monies awarded for successful cases from taxpayer funds. To achieve this we submit that

1. The DAERA Consultation closure date should be the last date on which any historic cases can be registered for consideration by a SAAP. Farmers can come forward to have their initial eligibility checked by either

A for initial confidentiality, until there is a definitive historical scheme, the farm lobby member organisation (UFU/NIAPA) where their eligibility, category a, b, c below, maximum £ claim value etc, can be checked. In doing so the Farm lobby group must be able to confirm that the Group will fund the £1500 Application fee OR that they hold a returnable (if scheme does not proceed) £1500 deposit for the Application fee. Obviously if an historical scheme / SAAP does proceed their application and funding will be provided to the SAAP where obviously any confidentiality lapses.

OR B. Non UFU / NIAPA members (or their Members if they choose) may respond directly to the DAERA Consultation and confirm in writing that they authorise DAERA to deduct the £1500 application payment fee from future payments e.g. their October 2021 Single Farm Payment if they are eligible for any historic scheme and it proceeds.

2. We have considered extending the categorisation of the original Stage 2 DAERA refusal (in part or whole) recommendation date to collect and have available the information as follows

A. December 2001 to December 2011 - theoretically a Minister was signing off / involved in all Stage 2 DAERA letters. If DARD have no documentary evidence of sign off by Minister then would be eligible. Can be ascertained by Subject Access Request (SAR) application for individuals and partnerships. Consistent with England and Wales.

B. January 2012 to 2 March 2017 - NI Assembly in place but no Ministerial sign off of DAERA decision – retained by officials. Hansard Mr Lamont evidence – 22 September 2015 and Dr Foye – 28 January 2021.

C. 2 March 2017 - NI Assembly suspended to 14 January 2020 when Minister Poots was appointed. He has had no direct involvement since, hence the 9 decisions (at 4 Dec 2020) which remain outstanding with Stage 2 independent panel recommendations in full or part.

Our recommendation to the DAERA Assembly Committee in their mini inquiry report, if they believe an historical scheme and SAAP should at least be considered, is that these proposals form part of the forthcoming Consultation by DAERA to be issued in the Spring.

This, we believe, would be consistent with Minister Poots letter to Mr Jim Wells MLA dated 1 February 2021 when he wrote “My officials will consider this option as part of their work to make the panel the final decision maker in Review of Decision cases.” See overleaf

Mr James O’Brien BL

Mr Brian Little

18 March 2021

From the Office of the
Minister of Agriculture,
Environment and Rural Affairs



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk

Jim Wells MLA
[Redacted]

Room [Redacted]
Dundonald House
Upper Newtownards Road
Ballymiscaw
Belfast
BT4 3SB
Telephone: [Redacted]
Email: [Redacted]

Your ref: [Redacted]
Our reference: [Redacted]
Date: 01 February 2021

Dear Jim

[Redacted] **Stage 2 Review of Decision**

Thank you for your correspondence of 18 January on behalf of [Redacted]

You have asked whether my instruction that the independent panel should make the final decision in Review of Decision cases referred to it would apply to past cases, including that of [Redacted]

My officials will consider this option as part of their work to make the panel the final decision maker in Review of Decision cases.

Yours sincerely

EDWIN POOTS MLA
Minister of Agriculture, Environment and Rural Affairs

Sustainability at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



Appendix A Background correspondence re DAERA - Dr Jason Foye

After oral evidence by Dr Foye – DAERA on 28 January 2021

- From:** brian@fortfield.com
Sent: 03 February 2021 03:48
To: 'jason.foy@daera-ni.gov.uk' <jason.foy@daera-ni.gov.uk>
Cc: McComiskey, Siobhan <Siobhan.McComiskey@daera-ni.gov.uk>; 'Private.Office@daera-ni.gov.uk' <Private.Office@daera-ni.gov.uk>; 'SHANNON, Jim' <jim.shannon.mp@parliament.uk>; 'James O'Brien' <james.obrien@barlibrary.com>
Subject: Discussion - pre Consultation issue in Spring- Area Based Schemes

Dear Dr Foye

I listened with interest to your very comprehensive and capable briefing of the DAERA Assembly Committee last Thursday.

As you may know I have been working with Jim Shannon MP and his parliamentary aide Naomi Armstrong Cotter since we first took an interest in the Barnwell Farms case in late July 2020 with the Calverts. The late Michael Calvert as you may know was my cousin from BBC Radio Ulster's Farmgate last week. Early on we all realised the public interest aspects which could be associated with the story and wider strategy for the future. This has significantly developed since then and of course Direct Farm payments and the future will be different post BREXIT.

In a discussion last Friday Mr Shannon MP and I agreed that we should follow up with Minister Poots and that I should write directly to you and ask if you would like to engage with us in this preconsultation phase while the DAERA Assembly Committee hold their parallel mini inquiry. Minister Poots as you may know had his surgery yesterday and has stood down for a few weeks. We think there would be considerable value in doing so prior to issuing your DAERA consultation in the "Spring." We expect that you will have copies of all the paperwork we have provided to Dr Mc Mahon and Minister Poots. If you can identify what you have I can ensure that there is nothing missing in your considerations if you wish.

I learned last evening, in discussing another historic case that came forward to Naomi last week from the agricultural consultant involved, that you had your quarterly meeting with ACA (NI) yesterday and that included this subject as one part of your agenda. You will therefore be aware that the ACA (NI) and NIAPA, in response to their letters to the DAERA Committee referred to in correspondence <80 – 88> prior to your Opening Statement, have been invited to give their evidence to the mini inquiry by the Committee on 11 March 2021.

Perhaps you would consider whether a ZOOM or similar call with myself (and possibly James O'Brien if available) for say an hour would be of some value in this preconsultation phase. If you would find it of value to have others (e.g. Mr John McGrath whose team has been very helpful as part of our research) to participate then please feel free to do so.

Once you have had the opportunity to consider, and if you decide to proceed, then please let us have a couple of dates/time slots and I am sure I can organize myself in such a way that one of those could work for me, and perhaps Mr O'Brien BL if available

Many thanks and kind regards

Brian Little

Before O'Brien / Little Oral evidence to NI DAERA Assembly Committee

2. **From:** brian@fortfield.com

Sent: 11 February 2021 07:33

To: jason.foy@daera-ni.gov.uk

Cc: McComiskey, Siobhan <Siobhan.McComiskey@daera-ni.gov.uk>; Private.Office@daera-ni.gov.uk; jim.shannon.mp@parliament.uk; James O'Brien <james.obrien@barlibrary.com>; cjcarmichael@hotmail.com; D RANKIN <d.rankin201@btinternet.com>; James McCluggage <JMcCluggage@ufuhq.com>; samuelwchesney@hotmail.com; 'Vi Calvert (vi.calvert@hotmail.co.uk)' <vi.calvert@hotmail.co.uk>; robert@3fatpigs.co.uk

Subject: FW: Discussion - pre Consultation issue in Spring- Area Based Schemes _ ADVANCE INFORMATION re DAERA Assembly Committee evidence this morning - O'Brien / Little



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y.2021.m4a



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Only.One.Winner.i
n.a.Judicial.Review.F



Editorial.Issues to
be resolved in new ;

Dear Dr Foy (*or may I call you Jason please*)

While I received read receipts for my email below last Wednesday to my knowledge I have not received any response from you yet.

You may or may not aware that Mr James O'Brien BL and I have been invited to give evidence to the mini inquiry by the DAERA Assembly Committee this morning. I attach for your information the three pager which we will use to help guide us through the Session.

I made an error on Page 2 in referring to 6.2 where I wrote **Ref F.P10**. I meant to refer to the attached document I P1.P6 which I furnished to the Clerk of the Committee after they had circulated the original correspondence files to Members on Monday. I have attached it here. I believe you should have all the other docs already (other than Ref D, as it will be a matter for the mini inquiry as to whether they wish to call Mr Mercer QC to give oral evidence too. He has indicated to Mr Shannon MP and us he would be willing to do so. If you don't have any of the other documents already then please just ask.

Finally I have just read the IFJ this morning. It has a second editorial "*Issues to be resolved in new appeal process*" and follows their Northern Editor Mr Wright's first editorial last November (reattached for convenience) "*Only one winner in a Judicial Review*".

I hope you find this helpful, whether or not you have the opportunity to watch live or afterwards.

Of course we remain available to speak at your convenience.

Many thanks and kind regards

Brian Little

PS We did provide two emails attaching the four audio clips from BBC Radio Ulster to the DAERA Assembly Committee to and I will forward those for completeness. A BBC TV piece suggested by them has been postponed re COVID restrictions at present.

After O'Brien / Little Oral Evidence to NI Assembly DAERA Committee

3. **From:** brian@fortfield.com
Sent: 11 February 2021 20:53
To: jason.foy@daera-ni.gov.uk; James McCluggage <JMcCluggage@ufuhq.com>;
cjcarmichael@hotmail.com; D RANKIN <d.rankin201@btinternet.com>
Cc: McComiskey, Siobhan <Siobhan.McComiskey@daera-ni.gov.uk>; Private.Office@daera-
ni.gov.uk; jim.shannon.mp@parliament.uk; samuelwchesney@hotmail.com; 'Vi Calvert
(vi.calvert@hotmail.co.uk)' <vi.calvert@hotmail.co.uk>; robert@3fatpigs.co.uk; +Comm Agri-
Env-Rural Public Email <Committee.AgriEnvRural@niassembly.gov.uk>
Subject: FW: Discussion - pre Consultation issue in Spring- Area Based Schemes _ ADVANCE
INFORMATION re DAERA Assembly Committee evidence this morning - O'Brien / Little

Dear all,

Further to my email below please find attached the relevant oral evidence session at the DAERA
Assembly Committee from 1.42 to 2.50 this morning.

You will note in the final couple of minutes our offer to DAERA and the various main
stakeholders, including obviously the Members of the NI ACA , the NIAPA Executive and any members
of the UFU Executive, then if you wish to set a couple of suitable dates, prior to giving evidence that I
(and James if available) are content to take any questions or explanation of our current thoughts /
proposals via a ZOOM meeting , prior to that next oral evidence scheduled for a month's time -- the 11
March 2021.

[Committee for Agriculture, Environment and Rural Affairs Meeting Thursday 11 February 2021 -
YouTube](#)

[Public Accounts Committee Meeting Thursday 11 February 2021 - YouTube](#) from 10 to 13 mins today
Re Ref H

Many thanks and kind regards

Brian

Our recommendation to the DAERA Assembly Committee in their mini inquiry report, if they believe an historical scheme and SAAP should at least be considered, is that these proposals form part of the forthcoming Consultation by DAERA to be issued in the Spring.

This, we believe, would be consistent with Minister Poots letter to Mr Jim Wells MLA dated 1 February 2021 when he wrote "My officials will consider this option as part of their work to make the panel the final decision maker in Review of Decision cases." See overleaf

James O'Brien

Mr James O'Brien BL

18 March 2021

Brian A Little

Mr Brian Little

SCANNED PAGE AT FEUD/13

13 (8 repetition)