



Northern Ireland
Assembly

Committee for Agriculture, Environment and Rural Affairs

Minutes of Proceedings

Thursday 24 February 2022

Meeting Location: Room 30/Virtual Meeting via StarLeaf

Present: Declan McAleer MLA (Chairperson)
Philip McGuigan MLA (Deputy Chairperson)
Patsy McGlone MLA

Present by Video or Teleconference:

Clare Bailey MLA
Rosemary Barton MLA
Thomas Buchanan MLA
Harry Harvey MLA
William Irwin MLA

Apologies: John Blair MLA

In Attendance: Nick Henry, Clerk

Oliver Bellew, Assistant Clerk
Emma Magee, Clerical Officer

In Attendance by Video or Teleconference:

Elaine Farrell, Clerical Supervisor

The meeting commenced at 10.03 a.m. in open session

1. Apologies

John Blair MLA

2. Chairperson's Business

Christopher Stalford MLA

The Chairperson commenced proceedings by acknowledging the recent tragic passing of colleague and Principal Deputy Speaker, Christopher Stalford.

Members joined the Chair in paying tribute to Mr Stalford and expressing their sympathies to Mr Stalford's family.

Agreed: The Committee agreed to write to the family of Mr Stalford MLA to express its condolences.

Updated Environment Strategy

The Chairperson informed Members that the Department has advised that it will be unable to finalise its draft Environment Strategy without Executive endorsement.

Members noted that Officials have been invited to brief the Committee on the consultation process to date; engagements with the Office of Environmental Protection; and, actions the Department intends to take as a result of the Committee's commentary on the draft Strategy.

The Chairperson informed Members that the Officials will provide an update at the meeting on 24 March 2022.

Agreed: The Committee agreed to write to the Department for clarity on other strategies within its remit that would require Executive endorsement to confirm the way forward.

EU Commission Control Report on Compliance with SPS Checks

The Committee noted a Departmental response to its queries on the EU

Commission's Report on compliance with SPS checks including confirmation that the Report had been sent to the Chief Veterinary Officer on 4 October 2021 and that Minister Poots had requested it be laid in the Assembly on 26 January 2022.

The Committee noted that the Department had not provided any information in relation to actions in respect of the shortcomings and recommendations contained in the Report and that expectations around future checking regimes in Northern Ireland are uncertain in the context of on-going Protocol negotiations.

Agreed: The Committee agreed to write to the Department for clarity on:

- The actions taken by the CVO following receipt of the Report on 4 October 2021;
- An explanation for the three-month delay in laying the Report in the Assembly library;
- The detailed considerations of the recommendations and if any action plans have been put in place to address the shortcomings.

3. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 17 February 2022.

4. Matters Arising

DAERA Response regarding Potential SPS Checks Halt

The Committee noted a response to its queries on the potential implications of a Ministerial instruction to suspend SPS checks.

The Chairperson informed Members that, due to an ongoing judicial review, the Department has not provided the information requested and will await the outcome of the Judicial Review hearing in March 2022 before analysing the situation.

Agreed: The Committee agreed to write to the Department for assurance that appropriate contingency planning is actively underway to prepare for a scenario whereby such a Ministerial instruction is given.

Red Diesel Tax Entitlement

In relation to the issue of red diesel tax exemption, the Chairperson confirmed that a response had been sent to the Treasury to highlight the significant concerns of the Committee in respect of the impending changes. The Committee also re-offered the invitation for Treasury Officials to provide an urgent oral briefing.

Agreed: The Committee agreed to seek further information on the capacity for agricultural and industrial vehicles to use green diesel.

5. Written Briefing: DAERA – The Agriculture and Horticulture Development Board (Amendment) Order 2022

The Chairperson reminded the Committee of its consideration of regulations that will be laid by DEFRA in relation to the Agriculture and Horticulture Development Board and its subsequent correspondence with DAERA to seek clarity on the impact of the proposed regulations on the local agricultural sector.

Members recalled that, whilst the Department had purported that any impact would be minor and would only apply to local cereal and oilseed sectors, the Committee was concerned that consultation documents indicated that the Board may have authority to enter arrangements for fee paying services for any agricultural sector across the UK.

The Chairperson informed Members that a Departmental response was outstanding but that Officials had been made available to provide a briefing.

The Chairperson welcomed the following Officials and invited them to brief the Committee:

Nichola Connery – Agri-food Policy, DAERA

Steve Boyd – Agri-food Policy, DAERA

This was followed by questions from Members.

The Chairperson thanked the Officials for the briefing.

Agreed: The Committee agreed to write to the Department to express its content with the policy proposals and to seek confirmation on the number of local cereal oilseed businesses currently paying for services with the AHD Board.

6. Stakeholder Oral Evidence Session – Plant Health Common Framework and Plant Varieties and Seeds Common Framework

Agreed: Given the cross-cutting nature of the two Common Frameworks, the Committee agreed to consider them together.

The Committee noted the Common Frameworks and correspondence containing views on the draft proposals from a Member of the public.

The Chairperson welcomed the following representatives to the meeting.

- Ian Duff – Member, Ulster Arable Society
- Bruce Steele – Ulster Arable Society
- Sally Cullimore – Technical Policy Manager, Horticultural Trades Association
- Doug Thomason – Member, Growers NI
- Peter Donnelly – Member, NI Soft Fruit Growers Association □ John Shannon – Horticultural Trades Association

The Committee discussed the proposed framework with the representatives.

The Chairperson thanked the representatives for their engagement.

7. Written Briefing: DAERA - Fisheries and Seafood Delivery Programme

The Committee noted a Departmental written briefing in relation to the Fisheries and Seafood Delivery Programme and its proposals to deliver major infrastructural developments at Ardglass, Kilkeel and Portavogie Harbours.

The Chairperson informed Members of the indicative timeframe for the project and the scheduled start date of 2025 for building works.

8. Written Briefing: DAERA – Register of those Convicted of Animal Cruelty

Agreed: As the Department had failed to provide papers in relation to the Register of those Convicted of Animal Cruelty, the Committee agreed to defer its consideration of the matter to a future meeting. The Committee agreed to write to the Department to express its concern at the lack of availability of briefing papers.

9. Written Briefing: DAERA – Update on AFBI, QUB and Teagasc Work on Carbon Sequestration

The Committee noted a Departmental written update on AFBI, QUB and Teagasc's joint work on soil carbon sequestration and greenhouse gas emissions.

The Chairperson informed Members that a process to recruit researchers to two of the projects is underway. Members also noted that data to inform the Europe-wide soil organic sequestration potential initiative is being collated.

Agreed: The Committee agreed to seek an oral update from officials actively involved in the research programmes on carbon sequestration and understanding methane.

Agreed: The Committee also agreed to request sight of any publications on the research projects, including Executive Summaries and Publication Posters where possible.

10. Written Briefing: DAERA – Consultation on Proposals for Inshore Vessel Monitoring System for Fishing Vessels under 12m Overall Length

Agreed: As the Department failed to provide papers in relation to its consultation on Proposals for Inshore Vessel Monitoring System for Fishing Vessels under 12m Overall Length, the Committee agreed to defer its consideration of the matter to a

future meeting. The Committee agreed to write to the Department to express its concern at the lack of availability of briefing papers.

11. Written Briefing: DAERA – Review of Environmental Powers of Entry and Draft Code of Practice

The Committee noted briefing papers in relation to the Review of the Department's Environmental Powers of Entry and Draft Code of Practice.

The Chairperson informed Members that whilst the vast majority of the Department's powers will remain unchanged, a number have been identified for potential repeal or revision including:

- Those to enter a premise to enforce the Control of Major Accident Hazards Regulations 2015;
- Safeguards to stipulate that an NI Environment Agency inspector accessing premises mainly as a dwelling will require a warrant when inspecting landfill sites or consent of the owner; and,
- The consideration of the consolidation of o-zone depleting substance regulations.

12. Correspondence

- i. Response from Moy Park to the Committee's correspondence regarding workforce shortages and how this has impacted on its operations. Moy Park has temporarily relocated staff at its Ballymena site from its live processing line to its further processing line in response to these challenges. No jobs will be affected and live processing will resume in September 2022. Moy Park has also highlighted a number of measures which could be introduced to ameliorate the workforce issues including provision of temporary visas for overseas workers at time of high seasonal demand.
- ii. Correspondence from the Business Office to advise that the Department has laid the Gangmasters and Labour Abuse Authority Annual Report for 2020-21.
- iii. Departmental correspondence to confirm that an updated version of its Regulatory Impact Assessment in respect of the Climate Change (No.2) Bill will be provided to the Committee when the Bill has been agreed and finalised by the Assembly.
- iv. Departmental correspondence to confirm receipt of the Committee's position paper and provision of information on the safeguards to prevent dumping of radioactive material locally.
- v. Departmental acknowledgement of receipt of the Committee's position paper on the bovine TB eradication proposals.

- vi. Departmental response to the Committee's questions regarding the EU Commission Control Report on SPS Checks which was laid in the Assembly library in January 2022.
- vii. Departmental response to the Committee's queries as to how Operation Encompass may impact on CAFRE's activities.
Agreed: The Committee agreed to forward the correspondence to the Committee for Justice for information.
- viii. Departmental correspondence to outline issues and points it wishes to make the Committee aware of in respect of the Common Frameworks which were published on 9 February 2022.
Agreed: The Committee agreed to include the correspondence in the relevant Common Framework Committee Position Paper.
- ix. Departmental notification of its intention to carry out a technical consultation on Charges for NI Registered Aeroplane Operators in the Carbon Offsetting and Reduction Scheme which will run to mid-March 2022.
- x. Correspondence from the Speaker to the Chairs of all Committees outlining the actions the Business Office is taking to manage plenary time before the end of the Mandate.
- xi. Correspondence from the Chairperson's Liaison Group in relation to a report undertaken by the Ad Hoc Committee on a Bill of Rights to outline how Committees can promote greater diversity in their witness selection. xii.
Ministerial response to the Committee's suggestion for short-term compensatory support to be provided to the meat processing sector.
Agreed: The Committee agreed to reply to the Minister with thanks and to seek his support to engage in all means to support the sector. The Committee also agreed to forward a copy of the Minister's response to the NI Pork and Bacon Forum.
- xiii. A copy of the Department's Air Quality Pollution Report for 2020.
- xiv. Departmental correspondence to advise of the Minister's intention to schedule a motion debate on 1 March 2022 in respect of the Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2022.
- xv. Tabled correspondence from the Department to confirm that there is a geographical distance of 65 miles between the sites of the fifth and sixth confirmed avian influenza cases locally.
- xvi. Tabled Departmental breakdown of the £18.8m funding allocation for EU Exit Activities which has been expended in 2021-22.
Agreed: The Committee agreed to respond to the Department for clarity on whether the funded staff are all in post and what the variance is in respect of in-year spend on these staffing positions.
- xvii. Tabled Departmental response to the Committee's request about contingency measures should an instruction to halt SPS checks be followed through.
- xviii. Tabled Departmental advice that Committee queries on Planning Capacity Issues will be addressed in the oral briefing on 3 March 2022.

- xix. Tabled Ministerial notification of his intention to make a statement to the Assembly on 28 February 2022 in respect of the protection of blue carbon habitats.
- xx. Tabled correspondence from the Minister's Office to advise that the O-Zone Depleting Substances and F-Gases Common Framework has been published.
- xxi. Tabled Ministerial response to the Committee's correspondence regarding the impending changes to red diesel fuel tax entitlement. The Minister outlines that he shares the Committee's concerns about the impact of the use of agricultural vehicles for activities that will no longer be permitted and that he has written to the Chief Secretary to the Treasury asking him to reconsider the guidance relating to the use of rebated fuels to permit their use in agricultural vehicles or machines when used for community activities including charity events.
- xxii. Tabled correspondence from DEFRA to the HOL Protocol Scrutiny Committee on queries it has raised regarding regulations covering the transport of ungulates, animal by-products and transit of products of animal origin back to
 NI after being moved to GB xxiii. Tabled correspondence from DEFRA to the HOL Protocol Scrutiny Committee regarding queries about the transit of waste from NI to GB for processing and incineration. DEFRA advises that this is routine practice and that there are well-established processes to manage it.
- xxiv. Tabled correspondence from DEFRA to the HOL Protocol Scrutiny Committee regarding queries about implications for labelling in the fruit and vegetable sector. DEFRA has confirmed with stakeholders that the changes are expected to be very minor/technical and will not necessitate any revision of legislation
- xxv. Tabled correspondence from DEFRA to the HOL Protocol Scrutiny Committee regarding livestock identification for animals moved from GB to NI. DEFRA outlines that the EU is maintaining a position that the full requirements must be implemented and no compromise has been agreed. Discussions around this matter are on-going.
- xxvi. Tabled correspondence from DEFRA to the HOL Protocol Scrutiny Committee outlining that it does not propose to take steps to implement or supplement Regulation (EU) 2019/6 in Northern Ireland which would set additional obligations on producers and users of veterinary medicines in terms of Good Manufacturing Practice and regulation requirements.

13. Forward Work Programme

Agreed: The Committee agreed the draft Forward Work Programme.

14. Any other Business None.

15. Date, time and place of the next meeting

The next meeting of the Committee for Agriculture, Environment and Rural Affairs will take place on Thursday 3 March 2022 at 10.00 a.m. and will be a hybrid meeting streamed on the Assembly's website.

Agreed: The Committee agreed to move to closed session.

11.22 a.m. The Committee moved to closed session.

16. Written Briefing: Chairpersons' Liaison Group – Strengthening Committee Scrutiny

The Committee noted a draft report by the Chairpersons' Liaison Group in relation to Strengthening Committee Scrutiny.

Members noted that the Report made 33 recommendations centring on legislative scrutiny, member resources, engagement, innovation and the role and powers of the Examiner of Statutory Rules.

The Chairperson invited the Clerk to brief the Committee.

Agreed: It was agreed that the Clerk would draft a Committee position paper on the Report and forward this to the Chairperson's Liaison Group

17. Clerk's Written Briefing – Women in Agriculture Summary Draft Report and Proposed Committee Motion

The Chairperson invited the Clerk to brief Members on the Committee's draft Report on Women in Agriculture; a suggested motion for Plenary debate; and, the next steps in launching the Report.

Agreed: The Committee noted a draft title for the proposed motion and agreed that it be amended to 'Challenges Experienced by Women in the Local Agricultural Sector'.

Agreed: The Committee noted the amended title and proposed motion, and agreed that they be forwarded to the Business Office for inclusion on the Provisional Order Paper.

Agreed: Members noted the Committee Report and Summary Report on Women in Agriculture as drafted and agreed that it be published.

The Chairperson thanked Members and key stakeholders for their contribution to the Inquiry.

The Chairperson also thanked the Clerk and Committee Staff for their efforts in progressing and producing the Report.

The meeting was adjourned at 11.58p.m.

**Philip McGuigan MLA Deputy Chairperson, Committee for Agriculture,
Environment and Rural Affairs 3 March 2022**