

COMMITTEE FOR AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS

MINUTES OF PROCEEDINGS

THURSDAY 17 DECEMBER 2020
ROOM 30, PARLIAMENT BUILDINGS

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

In attendance: Ms Barbara Love, Committee Clerk
Ms Elaine Farrell, Assistant Clerk
Ms Marion Johnson, Clerical Supervisor (via StarLeaf)
Ms Kate Duffy, Clerical Officer (via StarLeaf)

The meeting commenced in open session at 9.21 a.m.

1. Ministerial Briefing: EU Exit Preparedness and Priorities for 2021

Minister Poots and the following officials joined the meeting at 9.22 a.m.:

Dr Denis McMahon, Permanent Secretary
Robert Huey, Head of Veterinary Services and Animal Health
Norman Fulton, Head of Food and Farming Group (via StarLeaf)
Mark Livingstone, Brexit Contingency Planning Group (via StarLeaf)

The Minister and the officials briefed the Committee and this was followed by a question and answer session.

The oral evidence session was reported by Hansard.

The Chairperson thanked the Minister and his officials for their attendance.

Agreed: The Committee agreed to request further information on the landing of fishing catches and exportation and the processes once the Department has had time to clarify the situation.

Agreed: The Committee agreed to request officials to cover key priorities at the meeting on 14 January 2021 and to invite the Minister to discuss key priorities for 2021 and the proposed Climate Change Bill.

2. Apologies

None

3. Chairperson's Business

The Chairperson advised the Committee that an informal meeting had taken place with Youth Climate Action Northern Ireland (YCANI) which he, Philip McGuigan and Clare Bailey had attended.

Agreed: The Committee agreed to forward the presentation from YCANI to the Committees for Infrastructure and Economy to ask that their departmental leads meet with the YCANI representatives to discuss their climate change issues.

Noted: The Committee noted the note of the informal meeting with YCANI.

Noted: The Committee noted the correspondence from the Speaker's Office on the Public Petition presented by Rachel Woods MLA calling on the Minister to bring forward legislation similar to Lucy's Law.

4. Minutes of the meeting on 10 December 2020

Agreed: The Committee agreed the minutes of the meeting held on 10 December 2020.

5. Matters arising

None.

6. Oral briefing DAERA: January Monitoring Round

The following departmental officials joined the meeting via StarLeaf at 10.53 a.m.:

David Reid, Finance Director
Roget Downey, Deputy Finance Director
Lynda Lowe, Head of Financial Planning

The officials briefed the Committee on the January Monitoring Round and this was followed by a question and answer session.

The Chairperson thanked the officials for their attendance.

Agreed: The Committee agreed that it was content to support the Department's proposals for the January Monitoring Round

7. Oral briefing DAERA: Discussion Document on Climate Change

The following departmental officials joined the meeting via StarLeaf at 10.59 a.m.

Owen Lyttle, Director of Environmental Policy
Arlene McGowan, Grade 7, Climate Change Bill Team

The officials briefed the Committee and this was followed by a question and answer session.

The oral briefing was reported by Hansard.

Mr Irwin left the meeting at 11.02 a.m.

Mr McAleer left the meeting at 11.09 a.m. Mr McGuigan assumed the Chair.

Mr Blair left the meeting at 11.16 a.m.

Mr McAleer rejoined the meeting at 11.17 a.m. and resumed the Chair.

Mr Blair rejoined the meeting at 11.22 a.m.

Mr Irwin rejoined the meeting at 11.25 a.m.

Mr Harvey left the meeting at 11.40 a.m.

The Chairperson thanked the officials for their attendance.

Agreed: The Committee agreed to write to the Department to request a timeline for the introduction and anticipated progress of the Climate Change Bill.

8. Written Briefing DAERA: SL1 The Animals (Health, Identification, Trade and Veterinary Medicines) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

The following departmental officials joined the meeting via StarLeaf at 11.43 a.m.

Neil Gartland, Director of Animal Health and Welfare Policy Division
Frances Kearney, Veterinary Officer, Animal Health Group
Darrin Fullerton, EU Transition and Legislation Branch

The officials briefed the Committee and this was followed by a question and answer session.

Mr Harvey rejoined the meeting at 11.45 a.m.

The Committee considered SL1 The Animals (Health, Identification, Trade and Veterinary Medicines) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020, which will amend legislation relating to trade in animals and animal products to reflect that those moving these products into this jurisdiction from GB are to be regarded as third country importers.

Mrs Barton raised an objection to the merits of the policy.

Agreed: The Committee agreed, with the exception of Mrs Barton, with the merits of the policy and it should move to the next legislative stage.

9. Written Briefing DAERA: SL1 The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020

The following departmental officials joined the meeting via StarLeaf at 11.52 a.m.

Lesley Roberts, DP, Brexit Waste Strategy
Janice Harris, Assistant Director Environment Policy

The officials briefed the Committee and this was followed by a question and answer session.

The Committee considered SL1 The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 which will amend the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 in order to update packaging waste targets for

2021 and 2022 and to implement the Packaging and Packaging Waste Directive in Northern Ireland.

Mrs Barton raised an objection to the merits of the policy subject to clarification from the Department if other legislatures within the UK are retaining the Directive.

Agreed: The Committee agreed, with the exception of Mrs Barton subject to clarification of the above, with the merits of the policy and that it should move to the next legislative stage.

10. Written Briefing DAERA: SR 2020/284 The Waste (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

The Committee considered SR 2020/284 The Waste (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 which makes minor and technical amendments to the Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011 and two Statutory Instruments to ensure that the legislation amended continues to operate effectively at the end of the transition period.

Mrs Barton raised an objection to the SR subject to clarification from the Department if other legislatures within the UK are retaining the Directive.

Question put and agreed:

‘That the Committee for Agriculture, Environment and Rural Affairs has considered SR 2020/284 The Waste (Amendment) (EU Exit) Regulations (Northern Ireland) and has no objection to the Rule.’

11. Written Briefing DAERA: SR 2020/285 The Waste (Circular Economy) (Amendment) Regulations (Northern Ireland) 2020

The Committee considered SR 2020/285 The Waste (Circular Economy) (Amendment) Regulations (Northern Ireland) 2020 which will amend domestic legislation in order to reflect the main changes to the key waste Directives by the Circular Economy Waste Package which entered into force in 2018 and amended six existing Directives.

Mrs Barton raised an objection to the SR subject to clarification from the Department if other legislatures within the UK are retaining the Directive.

Question put and agreed:

‘That the Committee for Agriculture, Environment and Rural Affairs has considered SR 2020/285 The Waste (Circular Economy) (Amendment) Regulations (Northern Ireland) 2020 and has no objections to the Rule.’

12. Written Briefing DAERA: SR 2020/293 The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020

The Committee considered SR 2020/293 The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 which will revoke and replace the 2019 regulations as it contains unnecessary legal references to ensure the necessary and appropriate enforcement powers are in place.

Mrs Barton raised an objection to the SR subject to clarification from the Department on the impact on sales of plants coming from GB to NI.

Question put and agreed:

‘That the Committee for Agriculture, Environment and Rural Affairs has considered SR 2020/293 The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 and subject to the ESR’s report has no objection to the rule.’

13. Written Briefing DAERA: SR 2020/294 The Marketing of Fruit Plant and Propagating Material (Amendment) Regulations (Northern Ireland) 2020

The Committee considered SR 2020/294 The Marketing of Fruit Plant and Propagating Material (Amendment) Regulations (Northern Ireland) 2020 which will amend the 2017 regulations to implement Commission Implementing Directive (EU) 2019/1813, which amends Directive (EU) 2014/96 in respect of colour and content of a supplier’s document.

The Committee noted the ESR report which has drawn attention to a drafting error and that the Department aims to correct this.

Mrs Barton raised an objection to the SR subject to clarification from the Department if other legislatures within the UK are retaining the Directive.

Question put and agreed:

‘That the Committee for Agriculture, Environment and Rural Affairs has considered SR 2020/294 The Marketing of Fruit Plant and Propagating Material (Amendment) Regulations (Northern Ireland) 2020 and has no objection to the Rule.’

14. Written Briefing DAERA: SR 2020/301 The Seed Marketing (Amendment) Regulations (Northern Ireland) 2020

The Committee considered SR 2020/301 The Seed Marketing (Amendment) Regulations (Northern Ireland) 2020 and noted that the ESR has advised the Department that the coming into operation dates in regulation 1 has not been completed properly.

Agreed: The Committee agreed to process the amended regulations when they are available without the a further SL1 being considered as the original regulations have already been considered in full.

Noted: The Committee noted that the ESR has not yet reported on the Rule.

Question put and agreed:

‘That the Committee for Agriculture, Environment and Rural Affairs has considered SR 2020/301 The Seed Marketing (Amendment) Regulations (Northern Ireland) 2020 and subject to the ESR’s report, has no objection to the Rule’.

15. Written Briefing DAERA: SR 2020/322 The Seed Marketing (Amendment) (No.2) Regulations (Northern Ireland) 2020

Noted: The Committee noted that the SR corrects an error in the original regulation and does not implement any policy.

Noted: The Committee noted that the ESR has not yet reported on the Rule.

Question put and agreed:

‘That the Committee for Agriculture, Environment and Rural Affairs has considered SR 2020/322 The Seed Marketing (Amendment) (No.2) Regulations (Northern Ireland) 2020 and, subject to the ESR’s report, has no objections to the Rule.’

16. Written Briefing DAERA: SR 2020/302 The Seeds (Variety Lists) Regulations (Northern Ireland) 2020

The Committee considered SR 2020/302: The Seeds (Variety Lists) Regulations (Northern Ireland) 2020 which will create a NI Variety List for agricultural plant and vegetable varieties.

Noted: The Committee noted that the ESR has not yet reported on the Rule.

Mrs Barton raised an objection to the SR subject to clarification from the Department if other legislatures within the UK are retaining the Directive.

Question put and agreed:

'The Committee for Agriculture, Environment Rural Affairs has considered SR 2020/302: The Seeds (Variety Lists) Regulations (Northern Ireland) 2020 and, subject to the ESR's report, has no objections to the Rule.'

17. Written Briefing DAERA: SR 2020/303 The EU Fertilising Products Regulations (Northern Ireland) 2020

The Committee considered SR 2020/303 The EU Fertilising Products Regulations (Northern Ireland) 2020 which will replicate the Organic Produce Regulations 2009 in order to provide the appropriate powers for the administration and enforcement of EU legislation in Northern Ireland as per the requirements in the Protocol.

Noted: The Committee noted that the ESR has not yet reported on the Rule.

Mrs Barton raised an objection to the SR subject to clarification from the Department if this will put an impediment on Northern Ireland.

Question put and agreed:

'The Committee for Agriculture, Environment and Rural Affairs has considered SR 2020/303 The EU Fertilising Products Regulations (Northern Ireland) 2020 and, subject to the ESR's report, has no objections to the Rule'.

18. Written Briefing DAERA: Statutory Instrument BEIS TP-047 The Greenhouse Gas Emissions Trading Scheme Order 2020 (Amendment) Regulations 2020

The following departmental officials joined the meeting at 12.08 p.m.

John Mills, Head of Environmental Policy Division
Richard Coey, Grade 7, Brexit Environment & EU ETS Team

The officials briefed the Committee and this was followed by a question and answer session.

Mr Blair left the meeting at 12.09 p.m.

Noted: The Committee noted the departmental written briefing on Statutory Instrument BEIS TP-047 The Greenhouse Gas Emissions Trading Scheme Order 2020 (Amendment) Regulations 2020.

19. Written Briefing DAERA: Statutory Instrument Defra AGS/09 The World Trade Organisation Agreement on Agriculture (Domestic Support) Regulations 2020

The Committee noted the late receipt of the Statutory Instrument from the Department.

Agreed: The Committee wishes it to be clearly understood that due to the lack of information on Statutory Instrument Defra AGS/09 The World Trade Organisation Agreement on Agriculture (Domestic Support) Regulations 2020 and the limited time that it has had to consider it, it has been unable to fully explore and understand the potential impacts and implications to this jurisdiction. This difficulty has been further compounded by the fact that it is being asked to do so in the context of the legal uncertainties around the UK Internal Market Bill and the Withdrawal Agreement.

20. Written Briefing DAERA: Common Framework for Plant Varieties and Seeds

The Committee considered the departmental briefing on the Common Framework for Plant Varieties and Seeds and that the Concordat will not be finalised before the end of the Transition Period due to resource pressures. The Committee further noted that the Department will keep the Committee advised of progression into Phase 4 by way of a further briefing in due course.

Mr Blair rejoined the meeting at 12.14 p.m.

Agreed: The Committee agreed to write to the Department to seek clarification on the potential impact the Common Framework may have on the importation of plants and seeds from GB to NI.

21. Written Briefing DAERA: Common Framework for Fertilisers

The Committee considered the departmental written briefing on the Common Framework for Fertilisers and that is currently under development

with the Committee being given the opportunity to scrutinise the provisional framework in early 2021.

Agreed: The Committee agreed to write to the Department to seek clarification on the potential impact the Common Framework may have on the importation of fertilisers from GB to NI.

22. Written Briefing DAERA: 30 Year Strategy, Sustainability for the Future – DAERA’s 30-year plan to 2050

The Committee considered the written briefing on the 30 Year Strategy, Sustainability for the Future – DAERA’s 30-year plan to 2050.

Agreed: The Committee agreed to request an oral briefing on the draft strategy.

23. Written Briefing DAERA: Update on the Introduction of “Finn’s Law” to Northern Ireland and the proposed public consultation

The Committee considered the written briefing on the Introduction of “Finn’s Law” to Northern Ireland and the proposed public consultation.

Agreed: The Committee agreed to seek a further update once the consultation document has been prepared for issue.

24. Written Briefing DAERA: Consultation Response to the NI Animal Health and Welfare Strategic Framework

The Committee considered the departmental written briefing on the Consultation Response to the NI Animal Health and Welfare Strategic Framework.

Agreed: The Committee agreed to further consider the amended framework prior to its launch in due course.

25. Written Briefing DAERA: Discussion Document on Environmental Plans, Principles and Governance

The Committee considered the departmental written briefing on the Discussion Document on Environmental Plans, Principles and Governance and noted that the Minister is satisfied with the scope of the discussion document.

Agreed: The Committee agreed to write to the Department to seek clarification on a line which states that, ‘Northern Ireland should participate as far as is practicable’.

26. Correspondence

The Committee noted the following:

- i. Correspondence from DAERA on the AFBI 2019/20 Annual Report and Statement of Accounts;
- ii. Correspondence from DAERA on follow-up on issues raised at the meeting on 26/11/20 on the Common Framework for Fluorinated Greenhouse Gases and Ozone Depleting Substances;
- iii. Correspondence from Jim Shannon MP regarding a timeline of judicial reviews in cases against DAERA in the last 6 years;
- iv. Correspondence from the Committee for the Economy on the Common Framework for Chemicals and Pesticides.
- v. Correspondence from Pivatol on its latest report "Education, training and skills for young people aged 14-19 years' old";
- vi. Correspondence from the Department on the Climate Change Committee Sixth Carbon Budget Report;
- vii. Correspondence from the Department on The Hazardous Substances and Packaging (Legislation Functions and Amendment) (EU Exit) Regulations 2020 DAERA which advises that WST-09 was shared with the Department for the Economy;
- viii. Correspondence from the Department on Statutory instrument Defra/AG/34 The Spirits Drinks, Wine and European Union Withdrawal (Consequential Modifications) (Amendment)(EU Exit) Regulations 2020 which was received too late for the Committee to consider;
- ix. Correspondence from the Minister on the publication of the Rural Needs Annual Monitoring Report (1 April 2019-31 March 2020);
- x. Correspondence from a member of the public raising an issue of a DAERA decision to disallow appeal because of late arrival of papers;
- xi. Correspondence from the Examiner of Statutory Rules on the Seventeenth Report of Session 2020-2021.

The Committee considered correspondence from Mid Ulster Council in response to a Committee letter concerning the development of mountain bike trails following a meeting with Grassroots Mountain Bikes.

Agreed: The Committee agreed to write to Grassroots Mountain Bikes to advise that Mid Ulster Council has responded positively and are considering how their views can be integrated into the development of mountain bike trails.

The Committee considered correspondence from Newry and Mourne District Council in response to a Committee letter concerning the

development of mountain bike trails following a meeting with Grassroots Mountain Bikes.

Agreed: The Committee agreed to write to Grassroots Mountain Bikes to advise that Newry and Mourne Council has confirmed that engagement has already taken place and will again when it is appropriate to do so.

The Committee considered correspondence from the Department providing an update on the Forests for Our Future' Afforestation Programme.

Agreed: The Committee agreed to write to the Department to welcome the progress with the programme and seek regular updates as the programme goes forward.

The Committee considered correspondence from the Department on the importation of sheep from Scotland from 1/1/21 and the enhanced regulations to prevent disease which advises that DAERA cannot unilaterally grant a derogation in respect of this EU requirement. The Minister, therefore, intends to engage with his Ministerial counterparts across the UK on this issue. Departmental officials are also imminently liaising with their counterparts in the other UK administrations in relation to the matter.

Agreed: The Committee agreed to write to the Department to request updates on the outcome of any engagement in relation to this matter.

The Committee considered correspondence from the Department on clarification on the Covid restrictions on angling and whether it is considered an elite sport.

Agreed: The Committee agreed to write to the Ulster Angling Federation to advise them of the response from the Department and to advise them to contact Sport NI for further advice and guidance on the issues they have raised.

The Committee considered correspondence from the Committee for Justice on the Health Protection Regulations which were debated in the Assembly on 8/12/20 and which advises that while the responsibility for the Regulations is with the Department for Health, it is concerned that there may be a more widespread scrutiny deficit, with Statutory Committees.

Agreed: The Committee agreed to write to the Department to request a written briefing which highlights any relevant aspects of the Regulations that cover policy areas within its remit.

The Committee considered correspondence forwarded by Mr Daniel McCrossan MLA on behalf of the Foyle Association of Salmon & Trout Anglers (FASTA) on the issue of the Meenbog landslip and requesting the Committee to investigate and also to meet with the Committee to discuss further.

Agreed: The Committee agreed to write to FASTA to advise that it not the role or remit of the Committee to investigate issues such as this and that the matter is currently with the Loughs Agency. Furthermore, the Committee agreed to advise FASTA that the Loughs Agency will be presenting to the Committee on 21 January 2021 and they may wish to watch the proceedings online.

27. Forward Work Programme

Noted: The Committee noted the scheduled items of business for the meeting on 14 January 2021.

Agreed: The Committee agreed the Forward Work Programme.

28. AOB

None.

29. 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 14 January 2021 at 9.15 a.m. in Room 30, Parliament Buildings.

Agreed: The Committee agreed to consider its approach to scrutiny of Common Frameworks when it has considered further information requested from the Department.

The meeting adjourned at 12.31 p.m.

Declan McAleer, Chairperson, Committee for Agriculture and Rural Development

Date