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Assembly

# Committee for Agriculture, Environment and Rural Affairs

## Minutes of Proceedings

Thursday 4 November 2021

**Meeting Location:** Room 30/Virtual Meeting via StarLeaf

**Present by Video or Teleconference:**

Declan McAleer MLA (Chairperson)  
Philip McGuigan MLA (Deputy Chairperson)  
Clare Bailey MLA  
Rosemary Barton MLA  
Thomas Buchanan MLA  
Patsy McGlone MLA

**Apologies:** John Blair MLA  
Harry Harvey MLA  
William Irwin MLA

**Present:** 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



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### 1. Apologies

John Blair MLA  
Harry Harvey MLA  
William Irwin MLA

### 2. Chairperson's Business

The Chairperson welcomed Thomas Buchanan MLA following his recent appointment to the Committee.

The Chairperson also thanked Maurice Bradley MLA for his work on the Committee.

#### Committee Visit to Peatlands Park, Dungannon

The Chairperson provided an overview of the Committee's recent visit to Peatlands Park, Dungannon.

**Agreed:** The Committee agreed to write to representatives of the Park and DAERA Officials to thank them for facilitating the visit.

#### Climate Change Question and Answer Session with Schools

The Chairperson reminded Members that the Committee would reconvene in the afternoon to host a Climate Change question and answer session with pupils from Banbridge Academy; Ulidia Integrated College, Carrickfergus; and, St Patricks College, Dungannon.



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### 3. Draft Minutes

**Agreed:** The Committee agreed the minutes of the meeting held on 21 October 2021.

### 4. Matters Arising

The Chairperson drew Members' attention to Departmental correspondence relating to contractors who had lost income due to delays in implementing ports of entry protocol infrastructure.

**Agreed:** The Committee agreed to write to the Department to ask whether it anticipated compensation costs continuing to grow as a result of lost income and what financial provisions, if any, it had made to accommodate the costs.

The Committee noted further correspondence from the Department, which related to a £1.2 million resource budget allocation for the Green Growth fund.

**Agreed:** The Committee agreed to write to the Department to seek a breakdown of allocations to the different Green Growth work streams.

### 5. Written Briefing - DAERA: SL1 The Direct Payments to Farmers (Simplifications) Regulations (NI) 2022

Members noted a Departmental written briefing on the SL1- The Direct Payments to Farmers (Simplifications) Regulations (NI) 2022. The SL1 is intended to be laid by 1 January 2022 and proposes to simplify direct payments to farmers.

**Agreed:** The Committee noted the written briefing and agreed to seek clarity on the clause relating to the prevention of entitlements from the Regional Reserve being transferred. Given the urgency of the subordinate legislation, the Committee agreed



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to write to the Department to express its content with the policy proposals in principle.

**6. Written Briefing, DAERA: SL1 The Direct Payments to Farmers (Review of Decisions) Regulations (NI) 2022; and, Results of Consultation**

The Committee noted a summary of responses in relation to the Department's consultation on a process for making determinations on appeals on area-based payments.

This was accompanied by a proposal for subordinate legislation which would compel DAERA to accept the decisions of an independent panel, except in cases where an error of law had been made.

The Committee noted that the independent panel would not have Departmental representation and that a pool of panel members with relevant expertise would be recruited by February 2022.

**Agreed:** The Committee noted the results of the consultation and agreed to write to the Department to express its content with the policy proposals in principle.

**7. Written Briefing, DAERA: Update on the Science Transformation Programme**

The Committee noted a Departmental written briefing on the Science Transformation Programme (STP). The Chairperson informed Members that a Gateway Review on the STP had been conducted and concluded that the Programme should have a more explicit purpose and outcome.



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**8. Written Briefing, DAERA: Review of Marine Licensing (Exempted Activities) Order (NI) 2021 – Consultation Response**

Members noted a written briefing on the outcome of a Departmental consultation on proposed amendments to the Marine Licensing (Exempted Activities) Order (NI) 2021.

The Chairperson informed Members that the Department had received 29 responses to its consultation on extending the scope of activities for which a marine license is not required, and that those responses were generally supportive of the proposed amendments.

**Agreed:** the Committee agreed to notify the Department that it is content for the relevant regulations to proceed to the next legislative phase

**9. Written Briefing, DAERA: Pre-consultation on a draft Environment Strategy for Northern Ireland**

The Committee noted correspondence from the Department outlining its intention to launch a consultation, subject to Executive approval, on a draft Environment Strategy for Northern Ireland.

The Chairperson informed Members that a copy of the consultation document would be forwarded to the Committee for information in due course.

**10. Written Briefing, Committee Clerk: Climate Change Bills – Harnessing Biogenic Methane in the Gas Network**

The Committee noted a briefing paper by the Clerk in relation to harnessing biogenic methane in the gas network.

The Chairperson invited the Clerk to brief Members on his discussions with a number of gas energy suppliers in relation to the injection of excess biogenic methane, particularly from farms, into the local gas supply.



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The Committee discussed the need for a holistic approach to supplementing the existing natural gas supply, particularly in relation to a fit for purpose planning system to facilitate anaerobic digesters.

**Agreed:** The Committee agreed to:

- commission a research paper by RalSe on the differences in Green and Blue hydrogen;
- seek an update from the Minister for Infrastructure on the Assembly's motion to conduct a review on planning application processes; and,
- write to the Minister for Agriculture, Environment and Rural Affairs to seek an update on the Ammonia Strategy.

**Agreed:** The Clerk agreed to provide Members with maps of the existing gas network in Northern Ireland.

### **11. Oral Briefing, Committee Clerk: Topics for a Mini Investigation**

The Chairperson reminded Members that, during its strategic planning discussions in September 2020, the Committee agreed to seek to conduct a mini investigation before the end of the current mandate.

The Chairperson invited the Clerk to brief Members on a range of subject areas which the Committee may wish to consider.

The Clerk set out a number of strategic areas which had been previously . These included:

- An evaluation of the impact of the Rural Needs Act;
- The Impact of Covid-19 on Rural Areas;
- Women in Farm Management; and,
- Attitudes to Brexit in Rural Areas.

**Agreed:** Members agreed that the Impact of Covid-19 in Rural Areas and Women in Farm Management were the two areas which the Committee should seek to explore



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further. The Committee requested sight of a proposed methodology for conducting each inquiry and agreed to revisit the issue at a future meeting.

### **12. Oral Evidence, Other Stakeholders: Climate Change (No.2) Bill**

The following representatives of various organisations joined the meeting via StarLeaf at 10.48 a.m.

Karen Smyth – NILGA

Cllr Robert Burgess – NILGA

Dr Ciara Brennan – Environmental Justice Network

Dr Thomas Muinzer – Environmental Justice Network

Aidan Campbell – Rural Community Network

The representatives briefed the Committee on their views of the Climate Change (No.2) Bill.

This was followed by a question and answer session.

The Chairperson thanked the representatives for the briefing.

### **13. Correspondence**

The Committee noted the following items of correspondence and agreed that they be actioned as follows:

- i. Correspondence from Minister Poots to the Ulster Farmers Union outlining the establishment of a Strategic Wildfires Group to review issues following the recent Mourne fires;
- ii. An invitation from Moy Park for the Committee to undertake a site visit and to understand what the industry is doing to help reduce its emissions;  
**Agreed:** The Committee agreed to write to Moy Park to accept their invitation.
- iii. Correspondence between the Speaker and the Chairpersons' Liaison Group highlighting the anticipated legislative pressures on the Assembly before the



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- end of the current mandate. The Speaker has sought a meeting with The Executive Office to discuss planning; has written to party whips seeking their support in relation to prioritising Private Member Bills; and, has requested Committees and the Business Office to focus on effective planning.;
- iv. Correspondence from Minister Poots to Alex Easton MLA regarding the laying of a petition in respect of proposals to eradicate Bovine TB.;
  - v. Departmental response to queries sent by the Committee following its meeting on 30 September 2021.;
  - vi. Response from the Minister for Finance to the Committee's correspondence pertaining to the financial implications of the Climate Change Bills;  
**Agreed:** The Committee agreed to note the correspondence as part of its deliberations on the Climate Change Bills and to write to the Minister to thank him for his response.
  - vii. Departmental correspondence to advise of the Executive's support for the Minister's proposal to bring forward the Animal Welfare Bill with a request for accelerated passage.;
  - viii. Departmental correspondence to advise of an intended amendment at Consideration Stage of the Horse Racing Amendment Bill that will facilitate Fund payments to cover costs incurred by racecourse operators following the end of the EU Exit period.;
  - ix. Ministerial correspondence requesting that the Committee endeavours to complete its scrutiny of the Climate Change (No.2) Bill as soon as possible in order to ensure that there is sufficient time for the Assembly to consider it before the end of the Mandate;  
**Agreed:** The Committee agreed to write to the Minister to acknowledge his correspondence and to assure him that it will endeavour to complete its scrutiny in a timely manner, but must be allowed adequate time to complete effective scrutiny.
  - x. Departmental correspondence containing additional information pertaining to the Climate Change (No.2) Bill.;
  - xi. Departmental correspondence providing details on courses available at CAFRE which facilitate the higher education of young women and enhance their skills and development to take on management roles across the agricultural sector;  
**Agreed:** The Committee agreed to consider the information further when deciding upon a subject for a mini investigation.





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- xii. Departmental correspondence in relation to its Review of Marine Licensing (Exempted Activities) Order (NI) 2011;
- xiii. Correspondence from the Department for International Trade regarding its climate safeguards associated with prospective deals with Australia and New Zealand;  
**Agreed:** The Committee agreed to note the correspondence as part of its deliberations on the Climate Change Bills and to write to the Minister of State to thank her for her response.
- xiv. Departmental correspondence to advise that it will be laying a statutory report to the Assembly on 12 November 2021 in respect of the marine plan process for Northern Ireland's inshore and offshore regions for the period 2015 to 2021;
- xv. Departmental correspondence outlining that a £600m bid for the Green Growth strategy will cover a range of strategies and initiatives over the next 5 years;  
**Agreed:** The Committee agreed to write to the Department for clarification on the specific projects for which funding is sought, and for information on when the bids are submitted to the Department for Finance.
- xvi. Departmental correspondence to advise that the Minister intends to make a statement regarding the accreditation of Glenarm Forest Park as the Queen's first Commonwealth Canopy on 1 November 2021;
- xvii. Correspondence between the House of Lords Sub-Committee on the Protocol and DEFRA seeking clarity on whether the Animal Sentience Committee will have responsibility for reviewing matters under EU Law relating to the protocol, or will these be considered to be delegated;
- xviii. Correspondence from the Investment Strategy NI Tracking System regarding projects relating to DAERA indicating that six out of the seven DAERA projects received a Green assurance mark;
- xix. Correspondence from the Northern Ireland Sheep Scab Control and Eradication Group seeking an opportunity to provide a briefing on the issue and how it can be controlled;  
**Agreed:** Members agreed to invite the Group to brief the Committee at a future meeting.
- xx. Response to a Committee request for the Minister's timetable of engagements scheduled for COP 26, indicating that the Minister would not be arriving in



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- Glasgow until the evening before engagements and would therefore be unable to co-ordinate visits to the Blue and Green Zones of the Conference;
- xxi. Correspondence between the House of Lords Committee on the Protocol and DEFRA seeking clarity on whether Regulation EU 2021/1280 will have any impact in relation to the protocol;
  - xxii. Tabled response from the Department to queries raised at the meeting on 7 October in relation to fishermen operating in both Republic of Ireland and Northern Ireland Waters and the change in minimum landing size of edible crabs;
  - xxiii. Tabled response from the Department in relation to the Department's rationale for increasing the plastic bag levy.

### **14. Forward Work Programme**

**Agreed:** The Committee agreed the Forward Work Programme.

### **15. Any Other Business**

#### Spotlight Programme

The Chairperson informed Members of a recent Spotlight programme which highlighted a number of environmental concerns which fall under the remit of the NI Environment Agency.

**Agreed:** The Committee agreed to write to the Department and to the Northern Ireland Environment Agency to seek its views on the programme and to provide an update on the concerns raised in it.



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### Active Travel Programme

The Chairperson informed Members of a Sustrans NI event which was scheduled for 10 November at 10 a.m. in Parliament Buildings. The event involves a presentation on the active travel programme and Members will have an opportunity to trial e-bikes.

### COP26

The Deputy Chairperson reiterated his thank to the Speaker and the Assembly for providing an opportunity for Members to attend the COP26 conference.

### Organic Egg Sector

Ms Barton informed Members of a range of issues facing the organic egg market and agreed to furnish the Committee with further details on the matter.

Ms Clare Bailey left the meeting at 12.10 p.m.

### **16. 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 11 November 2021 at 10.00 a.m. and will be a hybrid meeting streamed on the Assembly's website.

**Agreed:** The Committee agreed to move into Closed Session.

The meeting moved into Closed Session at 12.10 p.m.

**Agreed:** The Committee agreed to suspend the meeting.



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The meeting suspended at 12.10 p.m.

The meeting resumed at 12.20 p.m.

### **17. Climate Change (No.1) Bill: Informal Deliberations – Continuation**

The Committee continued its informal deliberations of the Climate Change (No.1) Bill.

The Committee noted the Examiner of Statutory Rules report on the appropriateness of the delegated powers in the Bill. The Chairperson drew Members' attention to a number of clauses which the ESR had highlighted.

**Agreed:** In relation to Clause 10 (5), the Committee agreed to seek clarity from the Bill Sponsor on its policy intent, and to ask if the Bill Sponsor would consider amending the clause to limit the power to relevant documents and/or restricting access to within the Commissioner's statutory functions.

**Agreed:** In relation to Clause 14 (3), the Committee agreed to seek clarity from the Bill Sponsor on its policy intent, and to ask if the Bill Sponsor would consider amending the wording of the clause from "Assembly Commission" to "Rule Making Authority".

**Agreed:** The Committee agreed to write to the Department to ascertain the potential impact of trade deals with Australia and New Zealand on the local agri-food sector

The Committee noted a briefing paper by the Clerk on Just Transition principles.

**Agreed:** The Committee agreed to request a briefing from the Scottish Just Transition Commission on its principles and lessons learned.

**Agreed:** The Committee agreed to write to the Department to express concern at its projected net annual costs of different Climate Change targets, and to seek clarity on actual yearly costs.

**Agreed:** The Committee agreed to request a Committee Amendment to the Bill with respect of conducting a SAMBIT pre-consultation on the Climate Action Plans.



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**Agreed:** The Committee agreed to wording proposed by the Bill sponsor that due regard to the social and economic needs of rural areas would be considered when making sectoral plans.

The meeting was adjourned at 1.06 p.m.

**Declan McAleer, MLA**  
**Chairperson, Agriculture, Environment and Rural Affairs Committee**