



Northern Ireland  
Assembly

# Committee for Agriculture, Environment and Rural Affairs

## Minutes of Proceedings

Thursday 6 January 2022

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

**Present:** Declan McAleer MLA (Chairperson)

**Present by Video or Teleconference:**

Philip McGuigan MLA (Deputy Chairperson)  
Clare Bailey MLA  
Rosemary Barton MLA  
John Blair MLA  
Thomas Buchanan MLA  
Harry Harvey MLA  
Patsy McGlone MLA

**Apologies:** None

**Present:** Nick Henry, Clerk  
Oliver Bellew, Assistant Clerk  
Emma Magee, Clerical Officer



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### **In Attendance by Video or Teleconference:**

Elaine Farrell, Clerical Supervisor

Barbara Love, Bill Office Clerk (for Agenda Item 18)

The meeting commenced at 10.05 a.m. in Open Session.

The Chairperson wished the Committee Members and Staff a happy new year.

### **1. Apologies**

None

### **2. Chairperson's Business**

#### Future Agricultural Policy

The Chairperson informed Members that the Department launched its consultation on the Future Agricultural Policy Portfolio Framework on 21 December and that it would close on 15 February 2022.

The Committee was reminded of the importance of the consultation in informing future policies on farm payments and in supporting the sector in growing profitability and environmental stability.

### **3. Draft Minutes**

**Agreed:** The Committee agreed the minutes of the meeting held on 16 December 2021.



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#### **4. Matters Arising**

The Chairperson informed Members that the House of Lords Protocol Committee had written to advise that it will forward copies of its correspondence with DEFRA on a weekly basis, for information.

Members noted that, to date, the Committee has only been copied into correspondence sent to DEFRA by the HOLPC.

#### **5. Written Briefing: DAERA - SL1 – The Environment (2021 Act) (Commencement) Order (NI) 2022**

The Committee noted correspondence from the Department outlining its intention to bring into effect regulations for local provisions of the Environment Act 2021.

The Chairperson drew Members' attention to the list of provisions which would affect devolved matters.

**Agreed:** The Committee noted the written briefing and agreed to write to the Department to signal its content for the regulations to be laid.

#### **6. Written Briefing: DAERA – The Marine Protected Areas (Prohibition of Fishing Methods) Regulations (NI) 2022**

The Committee noted a written briefing by the Department in relation to its proposed regulations pertaining to Marine Protected Areas.

The Chairperson informed Members that the proposed regulations would prohibit certain fishing methods in marine protected areas which included Carlingford Lough, Rathlin Island and the Strangford Lough Marine Conservation Zone.



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The Committee was reminded that the Department's consultation on these proposals had completed in October and that the vast majority of stakeholders were supportive of the protective measures.

**Agreed:** The Committee noted the written briefing and agreed to write to the Department to signal its content for the regulations to be laid.

### **7. Written Briefing: DAERA – SR 2021/346 The Direct Payments to Farmers (Review of Decisions) Regulations (NI) 2021**

The Chairperson reminded Members that the Committee had previously considered the proposed regulations which seek to deal with area-based payment disputes and were satisfied with their policy content.

The Chairperson informed Members that the regulations, which are subject to negative resolution, had been laid in the Business Office on 16 December 2021 and come into effect on 15 February 2022.

**Agreed:** The Committee agreed to forward the proposed regulations to the Examiner of Statutory Rules for scrutiny.

### **8. Written Briefing: DAERA – SI 2021/1455 The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021 and Draft SR The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2022**

The Chairperson informed Members that the Department had provided a written briefing on the Statutory Instrument 2021/1455 The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021 and the Draft Statutory Rule - The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2022.

The Committee noted that the SIs, which had been laid in the Assembly and other jurisdictions, were designed to introduce changes to the Emissions Trading



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Scheme and that the Committee had previously discussed their policy intent at its meeting on 16 December 2021.

**Agreed:** The Committee agreed to forward the proposed statutory instruments to the Examiner of Statutory Rules for scrutiny.

### **9. Written Briefing: Clerk – Plan for Common Frameworks Scrutiny**

The Committee noted a briefing paper by the Clerk which contained a proposed methodology for scrutinising Common Frameworks.

The Clerk informed Members that, due to a number of cross cutting issues, the roll out of Frameworks has been delayed but that the Department has indicated that they will be issued in early 2022.

Members noted that the Clerk had engaged with counterparts in the Scottish and Welsh Parliaments to discuss methodologies for scrutinising the draft frameworks and that the suggested approach in the briefing paper was broadly reflective of that adopted by those jurisdictions.

In essence Common Frameworks will be prioritised based on their associated legislative portfolio and any issues relating to the Protocol.

**Agreed:** The Committee agreed with the proposed methodology for handling the scrutiny process as recommended in the Clerk's briefing paper

### **10. Written Briefing: Clerk – Draft Environment Strategy**

The Chairperson reminded Members that the Committee was scheduled to receive a Departmental briefing on the draft Environment Strategy at its meeting on 13 January 2022.



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In advance of the briefing, the Committee noted a background paper by the Clerk which covered the salient points of the draft Strategy and highlighted areas of divergence between its aims/aspirations and policies elsewhere.

**Agreed:** It was agreed that updated information on the state of Northern Ireland's surface water would be included in Members' meeting packs for the meeting on 13 January 2022.

**Agreed:** The Committee agreed to seek information from the Department on the roles and responsibilities of those organisations with oversight for water health in Northern Ireland. The Committee also agreed to seek information on the disparities between the pledges in the Department's Environment Strategy and the recommendations which were made by the UK Committee on Climate Change.

### 11. Written Briefing: Clerk – Energy Strategy

Clare Bailey MLA joined the meeting at 10.32 a.m.

The Chairperson informed the Committee that the Department for the Economy had published its Energy Strategy on 16 December 2021. Members noted that the Strategy sets out policies aimed at reducing emissions and enhancing local green energy sources.

The Chairperson referred Members to a briefing paper by the Clerk which outlined the salient points of the Strategy.

The Clerk briefed the Committee on the paper.

**Agreed:** The Committee agreed to write to the Department for the Economy to seek further information on a number of aspects of its Energy Strategy, including:

- Mechanisms for enhancing the connectivity of the electricity grid from the west to the east of Northern Ireland;



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- Provisions for the restriction/banning of the issuing of licenses for local fossil fuel extraction;
- Consideration of the issues facing service stations in accessing electricity infrastructure to support the Electric Vehicle Network;
- Consideration of the lack of gas infrastructure in rural areas;
- Consideration of rising energy costs when designing financial assistance schemes for domestic heating solutions; and
- The environmental impact assessments which were carried out during the drafting of the Strategy, and those which will be carried out going forward to measure its effectiveness.

### **12. Written Briefing: Clerk – Forward Work Programme Key Dates**

Members noted a briefing paper by the Clerk in relation to key dates in the Committee's Forward Work Programme.

The Clerk highlighted the following key dates to Members:

- 13 January 2022 – Consideration of the Department's proposals for the eradication of bovine TB; and, Clause-by-clause consideration of the Climate Change (No.2) Bill, including an additional meeting to consider the draft report.
- 27 January 2022 – Consideration of the potential impact of trade deals with Australia and New Zealand.
- 3 February 2022 – Virtual stakeholder event on "Breaking the Grass Ceiling" – Women in Agriculture.
- 24 February 2022 – Senior DAERA Officials briefing on the bovine TB Eradication Strategy.

### **13. Written Briefing: Clerk – Responses to the Committee's Ports Investigation Recommendations**



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The Chairperson reminded Members that on 8 December 2021 the Committee had written to key stakeholders in its investigation into events leading to the withdrawal of staff from ports of entry in February 2021, to seek an update on their consideration of the report and its recommendations.

Members noted a briefing paper by the Clerk on the responses received from those stakeholders.

The Clerk briefed the Committee on the summary report.

**Agreed:** The Committee agreed to write to the PSNI with thanks for its response.

**Agreed:** The Committee agreed to write to Mid and East Antrim Borough Council to request that it takes action in respect of Recommendation 2 and, in particular, Recommendation 3 as it requires the Council to liaise with the Cabinet Office.

### 14. Correspondence

The Committee noted the following items of correspondence:

- i. Departmental notification of its intention to publish its Rural Needs Annual Monitoring Report; ii. Departmental correspondence in relation to an extension to the deadline for responses to the consultation for the reduction of single use plastic cups and beverage containers from 17 December 2021 to 14 January 2022; iii. Response from the Minister of State for Energy, Clean Growth and Climate Change to the Committee's correspondence regarding the EU's Fit for 55 package and potential alignment of the EU and UK ETS;
- iv. Correspondence between a member of the public and the Department referencing that hunting wild animals is cruel;
- v. Correspondence from the Committee for Finance seeking the Committee's input and scrutiny of DAERA's budget proposals for 202225 and return by 18 February 2021;





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**Agreed:** The Committee agreed to respond to indicate that it will make a response in advance of the deadline.

- vi. Correspondence from the Committee for Finance in respect of the concept of super-parity. The Department has confirmed that this would only arise if the other jurisdictions are legally obliged to deliver parity and so the risk of this manifesting is low;
- vii. Correspondence from the HOL Committee on the Protocol to DEFRA on regulations regarding organic pollutants;
- viii. Correspondence from DEFRA to HOL Committee on Protocol regarding Veterinary medicines;
- ix. Correspondence from DEFRA to HOL Committee on Protocol regarding the proposition under the regulation that would require retagging of livestock moved from Great Britain to Northern Ireland.
- x. Correspondence from DEFRA to HOL Committee on Protocol indicating that stakeholders are not opposed to the feeding of poultry with porcine processed animal protein and vice versa; and, that there are no plans for such a move in Northern Ireland currently and as such the necessary risk assessments have not been carried out;
- xi. Correspondence from the Committee for Justice thanking the Committee for its engagement and feedback on the Protection from Stalking Bill and to advise that the report has subsequently been published;
- xii. Ministerial correspondence to advise that the Department has launched its consultation on future agricultural policy proposals. The consultation will run from 21 December 2021 for a period of eight weeks;
- xiii. Departmental correspondence to advise that the Minister has established the 2022 Carbon Price for determining civil penalties for installations remaining within the auspices of the EU Emissions Trading Scheme;
- xiv. Tabled Departmental correspondence to advise to that the Department for the Environment, Farming and Rural Affairs has laid a Statutory Instrument, The Common Organisation of the Markets in Agricultural Products (Marketing Standards and Organic Products) (Transitional Provisions) (Amendment) Regulations 2021, which makes technical changes to regulations for marketing standards and organic



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controls. The regulations apply in Great Britain only and have no local policy effect;

- xv. Response from the Home Office to the Committee's letter of 10 September 2021 regarding measures to support the local pork sector;  
**Agreed:** The Committee agreed to respond to the Home Office to seek clarity on the proposed 800 short-term visas to pork butchers and their impact on the local industry.
- xvi. Correspondence from Social Value Monitoring in relation to the latest Delivery Tracking System Report which shows that the seven projects

managed by DAERA covering spend projected between £60m-70m have all received a "Green" assurance rating;

- xvii. Tabled correspondence from the Department providing additional information in respect of capacity issues relating to the provision of advice on planning applications. DAERA has advised that, due to an unprecedented increase in the number of applications, staff have been inundated with queries about progress which has lead to additional delays in the system;

**Agreed:** The Committee agreed to request that the Department provides a further update in February. xviii. Tabled Departmental correspondence providing a range of information

to support the Committee's review into the barriers experienced by women in the local agricultural sector including number of enrolees at CAFRE, payments made under the BIS by sex of applicant and current policies in the field;

- xix. Tabled correspondence between the Committee for Justice and DAERA in respect of the prospective development of a register of persons convicted of animal cruelty offences.

## 15. Forward Work Programme

Patsy McGlone MLA joined the meeting at 10.54 a.m.

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



## **16. Any Other Business**

**Agreed:** The Committee agreed to forward a copy of its Ports Investigation Report to the Cabinet Office in the interest of full disclosure.

**Agreed:** It was agreed that the Committee Office would allocate time in the Forward Work Programme to facilitate a Committee discussion on the Future Agricultural Policy Framework.

## **17. 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 13 January 2022 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 11.01 a.m.



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**18. Informal Deliberations: Climate Change (No.2) Bill**

To assist the Committee's informal deliberations of the Bill, Members noted a copy of the Bill as drafted; a copy of the call for evidence report; and, an updated tabled list of amendments as proposed by the Department.

The following Departmental Officials joined the meeting via StarLeaf at 11.01 a.m.

Colin Breen, Director of Environmental Policy Division  
Arlene McGowan, Grade 7, Environmental Policy Division  
Anthony Courtney, Grade 7, Environmental Policy Division

The Officials briefed the Committee on the updated table of proposed amendments.

The Committee indicated its content with the proposed amendments including:

- Amendment to Clause 21 that will obligate the Department to bring forward the regulations for a public body duty within 18 months of the Act being given Royal Assent
- A new clause (28A) that will require the Department to carry out, analyse and publish a report on a consultation regarding options for establishing a locally based scrutiny/oversight entity in terms of Climate Change within 2 years of the Act being given Royal Assent
- Amendment to Clause 16 that will require Departments to consider the desirability of using nature-based projects when developing plans and proposals to meet emissions targets

**Agreed:** The Committee agreed to conduct its Clause-by-Clause consideration of the Bill at its meeting on 13 January. Members also agreed to reconvene at 3 p.m. on Thursday 13 January with a view to considering the Committee's draft report on the Bill.



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The meeting was adjourned at 11.15 a.m.

*Declan McAleer*

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