



Northern Ireland
Assembly

Committee for Agriculture, Environment and Rural Affairs

Minutes of Proceedings

Thursday 13 January 2022

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
John Blair MLA
Thomas Buchanan MLA
Harry Harvey MLA
William Irwin 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 5)

The meeting commenced at 9.49 a.m. in Open Session.

The Chairperson reminded Members that the Committee would reconvene in the afternoon in order to consider the draft Report on the Climate Change (No.2) Bill.

1. Apologies

None

2. Chairperson's Business

Maggie's Call

The Chairperson drew Members' attention to an online petition which has been set up in memory of Maggie Black who died in December 2021.

The Committee was reminded of the circumstances of Maggie's death and informed that the petition had been established to call for a more co-ordinated response by emergency crews as first responders at times when ambulance services are experiencing heightened pressure.

Agreed: The Committee agreed to write to the Department of Health to acknowledge the petition and to seek its support in addressing the issue.

Farm Business Improvement Scheme



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The Chairperson informed Members that Tier 2 of the Farm Business Improvement Scheme had opened on 10 January 2022 and that completed applications must be submitted by 4 April 2022. Members were advised to use their influence to raise awareness of the deadlines.

Agreed: The Committee agreed to write to the Department to request an explanation for the delay between expressions of interest closing and the launch of full applications to the Scheme.

Women in Farm Management

The Chairperson thanked Members for their participation in raising awareness of the Committee's mini-inquiry into Women in Farm Management and advised that over 150 responses to the online survey had been received.

Members noted that expressions of interest would be sought from potential witnesses to attend a Committee engagement session on 3 February 2022.

The Chairperson encouraged interested parties to complete the survey before its closing date of midnight 14 January, and that anyone wishing to complete the survey anonymously should use "anonymous" as their name.

3. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 6 January 2022.

4. Matters Arising

Draft Energy Strategy



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Members noted the Department's January 2022 e-bulletin on energy which outlined its intention to publish an Action Plan for 2022. The Chairperson informed Members that the published Action Plan would be provided to them in due course.

DAERA Submission Stage 2 January Monitoring Round Proposals

The Committee noted a tabled written update from the Department in respect of its proposals for the second stage of the January Monitoring Round. Members noted the Department's intention to declare a further £3.6m reduced capital funding requirement in addition to the £7.1m declaration which the Committee had been notified of in November 2021.

The Department also indicated its intention to make a £4m resource bid to support compensatory payments for producers affected by avian influenza.

Agreed: The Committee agreed to write to the Department to ascertain whether £2.5m of the reduced capital requirement may be used to support current initiatives in the RDP; and, why the underspend in the AFBI vessel had doubled over a short period of time.

The Chairperson reminded Members that the Department is scheduled to brief the Committee on budgetary proposals at the meeting on 20 January 2022.

5. Climate Change (No.2) Bill – Clause-by-Clause Consideration

The Committee undertook its Clause-by-Clause consideration of the Climate Change (No.2) Bill.

The Chairperson reminded Members that any dissent of opinion on the clauses would be addressed via a vote and that any particular comments, issues or opinions Members may have in respect of particular clauses would be noted in the Committee's draft report.



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Agreed: The Committee agreed the Long Title of the Climate Change (No.2) Bill, as drafted.

The Committee discussed Clause 1.

10.26 a.m. William Irwin left the meeting.

Agreed: The Committee agreed Clause 2 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 3 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 4 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 5 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 6 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 7 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 8 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 9 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 10 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 11 of the Climate Change (No.2) Bill, as drafted.



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Agreed: The Committee agreed Clause 12 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 13 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 14 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 15 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 16 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 16a of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 17 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 18 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 19 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 20 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 21 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 22 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 23 of the Climate Change (No.2) Bill, as drafted.



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Agreed: The Committee agreed Clause 24 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 25 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 26 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 27 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 28 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 28a of the Climate Change (No.2) Bill, as drafted.

10.40 a.m. William Irwin re-joined the meeting.

Agreed: The Committee agreed to suspend the meeting in order to resolve a number of issues Members were experiencing with remote access.

10.47 a.m. The Committee suspended.

11.04 a.m. The Committee resumed in Public Session.

The Clerk provided procedural advice on the handling of Clause-by-Clause consideration, advising that it would be prudent for Members to complete the Clause-by-Clause consideration on the Bill as presented, with the amendments the Committee requested from the Department. Members were reminded that they will have the opportunity to bring forward amendments to aspects of the Bill at Consideration Stage in their capacity as an individual MLA.

11.04 a.m. Mr William Irwin left the meeting.

In the event of a vote in Committee, William Irwin designated his vote to Harry Harvey.



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Agreed: The Committee agreed the Long Title of the Climate Change (No.2) Bill, as drafted.

The Committee considered Clause 1 of the Climate Change (No.2) Bill, as drafted and divided.

The Chairperson put the question: *that the Committee for Agriculture, Environment and Rural Affairs has considered Clause 1 of the Climate Change (No.2) Bill, and agrees it as drafted.*

Members The Committee divided:
Ayes 6; Noes 3.

AYES

Mr John Blair
Mrs Rosemary Barton
Mr Tom Buchanan
Mr Harry Harvey
Mr William Irwin
Mr Patsy McGlone

NOES

Mr Declan McAleer (Chairperson)
Mr Philip McGuigan (Deputy Chairperson)
Ms Clare Bailey

The proposal was carried.

Agreed: The Committee agreed Clause 29 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 30 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 31 of the Climate Change (No.2) Bill, as drafted.



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Agreed: The Committee agreed Clause 32 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 33 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 34 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 35 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 36 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 37 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 38 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 39 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 40 of the Climate Change (No.2) Bill, as drafted.

Agreed: The Committee agreed Clause 41 of the Climate Change (No.2) Bill, as drafted.

The Chairperson thanked the Committee for its consideration of the Bill and informed Members that the Clerk would produce a draft report for consideration.

Agreed: The Committee agreed to seek legal advice on the potential impact of an 82% emissions reduction target in comparison with other jurisdictions and whether the 82% target and functions of the UK Committee on Climate Change as proposed in the Bill would necessitate revision to the UK Climate Change Act



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2008. The request was agreed in order to inform Members' consideration of the Bill at its next legislative stage.

6. Oral Briefing: DAERA – Draft Environment Strategy

Members noted a series of papers pertaining to the draft Environment Strategy including a summary memo by the Clerk and a copy of the NI Water Framework Directive Statistics, which the Committee had requested at its meeting on 6 January 2022.

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

Dave Foster – Director of Regulatory and Natural Resources Policy Division

Colin Breen – Director of Environmental Policy Division

Sara McGuickin – Head of Natural Science

Simon Webb – Head of Neighbourhood Environmental Quality

Silke Hartmann – Integrated Catchment Planning

Richard Schaible – Head of Planning and Strategies

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 thank the Officials for providing the briefing and to seek assurance that Members' comments in relation to updating targets and unambitious pledges will be considered in the final Strategy.



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7. Written Briefing: DAERA – Legislative Consent Motion for Northern Ireland Pet Abduction Offence

Members noted a written briefing by the Department outlining the potential introduction of a local offence for pet abduction via a legislative consent motion.

The Chairperson informed Members that incidents of pet theft had increased over lockdown and that current legislation effectively treats pets to be the property of their owner. Members noted the concern from some quarters that this is insufficient in recognising animals as sentient beings and the emotional impact of the loss on the owner or pet.

Members noted that the Animal Welfare (Kept Animals) Bill was proceeding through Parliament and that a proposal had been made to include a penalty to recognise the impact of pet theft. The proposition being put forward by the Department is that a similar offence would extend to Northern Ireland via a legislative consent motion.

Agreed: The Committee agreed to write to the Department to indicate its support, in principle for the proposition and to seek clarity on why this particular route is being considered, as opposed to the implementation of regulations.

8. Oral Briefing: DAERA – Update on Avian Influenza

The Chairperson reminded Members that the Department had briefed the Committee on the situation with Avian Influenza at its meeting on 9 December 2021.

The Committee noted a written update by the Department in relation to the situation, including a response to queries from Members following the meeting.

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

Jim Blee – Deputy Director Animal Health and Welfare

Gemma Daly – Senior Principal Veterinary Officer



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Julian Henderson - Senior Principal Veterinary Officer

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 seek clarity on the roles and responsibilities of government departments and local councils in other jurisdictions for the care of wild animals. The Committee also agreed to receive its next update from the Department on 10 February and requested that it include a written briefing on the “lessons learned” from this experience, as alluded to by the witnesses.

1.13 p.m. Harry Harvey and Thomas Buchanan left the meeting.

9. SR 2021/338 – The Single Use Carrier Bags Charge (Amendment) Regulations (NI) 2021

The Committee noted correspondence from the Examiner of Statutory Rules to advise that a number of procedural considerations were outstanding.

Agreed: The Committee agreed to defer consideration of the Rule until the meeting of 20 January 2022.

10. SR 2021/335 – The Edible Crabs (Undersized) (Amendment) Order (NI) 2021 and, SR 2021/336 – The Edible Crabs (Conservation) (Amendment) Regulations (NI) 2021

Agreed: As the Examiner of Statutory Rule’s Report had not been received, the Committee agreed to defer consideration of the Rules until the meeting of 20 January 2022.



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11. Spring Traps Approval (Amendment) Order (NI) 2021

Agreed: As the Examiner of Statutory Rule's Report had not been received, the Committee agreed to defer consideration of the Rules until the meeting of 20 January 2022.

12. SR 2021/1 – The Direct Payments to Farmers (Simplifications) Regulations (NI) 2022

The Chairperson informed Members that the Statutory Rule 2021/1, which the Committee had previously considered, had come into effect on 6 January 2022.

13. Correspondence

The Committee noted the following items of correspondence:

- i. Departmental correspondence to advise of DAERA's intention to facilitate a webinar on the Climate Change (No.2) Bill for all MLAs to learn more about its provisions on 31 January 2022 at 10am;
- ii. Correspondence from the Committee for Education pertaining to the use of glyphosate based products by the Education Authority Maintenance Service;
Agreed: The Committee agreed to write to DAERA to ascertain whether it has any concerns over the use of such products and whether the use of such products will be incorporated in its fertiliser/pesticide strategy. The Committee also agreed to respond to the Department of Education to advise of its course of action.
- iii. Departmental correspondence to advise that Tier 2 of the Farm Business Improvement Scheme opened on 10 January 2022 and those farm businesses that previously submitted an expression of interest will be eligible to make a full application up to 4 April 2022;



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- iv. Departmental response to issues raised by the Committee at its meeting on 9 December 2021;
- v. Departmental response to the Committee's queries regarding progress on updating its operational protocol in terms of ammonia-emitting projects, advising that revisions are under active consideration and that any proposals will form part of the upcoming consultation on the Ammonia Strategy;
Agreed: The Committee agreed to write to the Department to seek clarity on when the protocol will be revised.
- vi. Departmental correspondence providing an update on actions in its Business Plan which have been graded as Amber in the last assessment;
Agreed: The Committee agreed to seek a further Departmental update on its position as of 1 March 2022.
- vii. Departmental correspondence to advise that it is fully aware of the potential negative impact to the mental health of farmers that experience an outbreak of TB in their herds. When this occurs, DAERA staff signpost the farmer to Rural Support who provide free, impartial advice and guidance for farm families on their well-being;
- viii. Departmental correspondence on the specific queries raised by the Committee regarding the management of the on-going Avian Influenza outbreak following its meeting on 9 December 2021;
- ix. Departmental notification of its intention to carry out a public consultation on designated bathing waters in early 2022;
- x. A response from DEFRA to HOL Committee on Protocol in response to queries raised in respect of the regulations requiring additional checks on the transit of pet birds to and from Great Britain;
- xi. Correspondence to advise that the Executive Office, Department for Health and Department for Justice have collectively launched a call for views on the development of two strategies: (1) A Domestic and Sexual Abuse Strategy (led by DoJ and DoH) and (2) An Equally Safe Strategy: A Strategy to tackle Violence Against Women and Girls (led by TEO);
- xii. Tabled correspondence from the Minister to advise of a one-week delay in publishing the Joint Fisheries Statement. Members noted that the Fishery Statement will now be laid in the Assembly on 17 January.



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The Chairperson advised that the delay was beyond DAERA's control as DEFRA was unable to schedule cross-jurisdictional laying of the Statement on the previously agreed date.

1.19 p.m. Thomas Buchanan re-joined the meeting

14. Forward Work Programme

Agreed: The Committee agreed the draft Forward Work Programme.

15. Any Other Business

None.

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 20 January 2022 at 10.00 a.m. and will be a hybrid meeting streamed on the Assembly's website.

Agreed: The Committee agreed to suspend the meeting.

The meeting suspended at 1.20 p.m.

The meeting resumed in public session at 3.06 p.m. with all Members present.



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17. Consideration of Draft Report: Climate Change (No.2) Bill

The Committee noted a draft Report of the Committee's consideration of the Climate Change (No.2) Bill.

The Clerk reminded Members that the legal advice previously discussed by the Committee in the meeting will be requested to assist Members with their deliberations on the Bill in the next legislative phase.

Agreed: The Committee agreed to move to closed session to discuss the timeline for the publication of the draft Report.

Members made a number of suggested amendments to the report which were discussed and agreed in principle.

The Committee moved to Closed Session at 3.39 p.m.

Agreed: That the amendments would be made to the Report by the Clerk and circulated to Members on Friday 14 January 2022 via email. The updated draft Report will be tabled as an agenda item on Thursday 20 January 2022 with a view to finalising the document and publication on the same date.

18. Committee discussion on TB Eradication Strategy Proposals

The Committee noted papers relating to the Department's proposals to help eradicate Bovine TB.

Mr William Irwin declared an interest as a farmer with a herd which was infected by TB.

Agreed: The Committee agreed to defer further consideration of the proposals to the meeting on 20 January 2022.

The meeting was adjourned at 4.36 p.m.



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