



Northern Ireland  
Assembly

# Committee for Agriculture, Environment and Rural Affairs

## Minutes of Proceedings

Thursday 21 October 2021

**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  
Harry Harvey MLA  
William Irwin MLA  
Patsy McGlone MLA

**Apologies:** None

**Present:** Nick Henry, Clerk  
Oliver Bellew, Assistant Clerk  
Elaine Farrell, Clerical Supervisor

**In Attendance by Video or Teleconference:**

Marion Johnson, Clerical Officer



Northern Ireland  
Assembly

The meeting commenced at 10.01 a.m. in Open Session

**1. Apologies**

None

**2. Chairperson's Business**

None

**3. Draft Minutes**

**Agreed:** The Committee agreed the minutes of the meeting held on 14 October 2021.

**4. Matters Arising**

None

**5. Written Briefing - DAERA: SL1 The Equine Identification (Amendment) Regulations (NI) 2021**

Members noted a Departmental written briefing on the SL1-The Equine Identification (Amendment) Regulations (NI) 2021. The SL1 proposes that technical amendments to the 2019 applicable regulations will be made that will allow DAERA to continue to monitor and identify equines and their potential use in the food chain.



Northern Ireland  
Assembly

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

**6. Written Briefing, DAERA: Synopsis of Responses to Consultation on Fisheries Management Measures in Marine Protected Areas**

The Committee noted a synopsis of responses to its consultation on Fisheries Management Measures in Marine Protected Areas.

The Chairperson informed Members that the Department's consultation focussed on the development of management measures in marine protected areas and on the establishment of scallop enhancement sites.

The Committee noted that a number of stakeholders had expressed concern at how the consultation had been conducted and, subsequently further engagement with representatives of the industry was carried out over the summer months.

Members noted that, as a result of the latest consultation, the Department's proposed policy approach will be to bring forward secondary legislation which will implement management measures in eight marine protected areas and to legislate for the prohibition of dispersal fishing gear in four scallop enhancement sites at Whitehead, Dumford Bay, Ballyquintin Point and Roaring Rock.

**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: Consultation on Proposed Changes to the Area-based Scheme Review of Decisions AND SL1 for Farm Subsidies (Review of Decisions) (Amendment) Regulations (NI) 2021**

The Chairperson informed Members that briefing papers relating to the consultation on proposed changes to the Area-based Scheme Review of Decisions, and an associated SL1 had not been submitted by the Department in line with agreed timelines for the provision of papers.



## Northern Ireland Assembly

Members noted that the Committee had previously experienced issues with the late receipt of papers contrary to the timeframes stipulated in the concordat between Committees and Departments.

**Agreed:** The Committee agreed to write to the Department to convey its disappointment and to seek assurances that Department officials are working to submit papers in line with the agreed protocol.

### **8. Written Briefing, DAERA: Update on the Proposal to Revoke the Agricultural Wages (Regulation) (NI) Order 1977**

Members noted a Departmental written briefing in respect of its consultation on proposals to revoke the Agricultural Wages (Regulation) (NI) Order 1977. The proposed legislation would bring about the abolition of the Agricultural Wages Board.

The Department's written briefing included a report on the outcome of its consultation. Members noted that there are significant differences of opinion between stakeholders regarding the proposal and a number of potentially contentious issues including the protection of workers' rights and differential equality impacts on young, male, migrant workers.

The Chairperson informed the Committee of the Minister's intention to develop policy proposals which would ensure that agricultural workers are subjected to the same legislative provisions as other workers.

**Agreed:** The Committee agreed to write to the Trade Unions that had responded to the Department's consultation to seek comment on their concerns with the key issues of the proposals.

### **9. Correspondence**

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



Northern Ireland  
Assembly

- i. Correspondence from the Fisherman's Federation and the Anglo North Irish Fish Producers Organisation in relation to their support for the Committee's comments on changing the minimum landing size, and prohibiting the declawing, of brown crabs. The organisations agreed that these are key measures to protect the viability and sustainability of the industry;
- ii. Correspondence from Lord Jay, Chair of the Protocol on Ireland/Northern Ireland Sub-Committee to DEFRA, in relation to the on-going consideration of the regulation which pertains to the prohibition of feeding non-ruminant animals with protein derived from animals;
- iii. Additional correspondence from Lord Jay, in relation to the explanatory memorandum that supported the proposed regulation. The Sub-Committee considered the EFM to be of low quality and has sought additional information pertaining to it;
- iv. Correspondence from Lord Jay, Chair of the Protocol on Ireland/Northern Ireland Sub-Committee to DEFRA, in relation to a proposed regulation which seeks to legislate for the non-commercial transit of pet birds from Great Britain to Northern Ireland. The Committee noted that DEFRA has indicated that the proposed regulation will come into effect on 1 January 2022 and has been asked to provide clarity in respect of operational matters;
- v. Additional correspondence from the Sub-Committee to DEFRA highlighting concerns around possible future policy divergence between Great Britain and Northern Ireland in respect of possible changes to EU law;
- vi. Departmental correspondence in relation to the launch of an eight week consultation on the reduction of single use beverage cups and food containers;
- vii. Tabled correspondence from the Department in relation to its intention to consult on the Environment Strategy, subject to Executive approval;
- viii. Tabled correspondence from the Department to advise that cross-cutting issues in respect of the Common Framework remain unresolved and are anticipated to be referred to devolved administrations for scrutiny;  
**Agreed:** The Committee agreed to write to the Department for clarity on which specific cross-cutting issues are outstanding.
- ix. Tabled correspondence from the Department in relation to Minister's intention to progress a proposed amendment to the Horse Racing Bill. The amendment seeks to enable the re-instatement of retrospective payments to Downpatrick Racecourse. Members noted that the Bill team will liaise with the Office of



## Northern Ireland Assembly

Legislative Consent on the amendment; and, that the draft amendment will be shared with the Committee in due course;

- x. Correspondence from the Minister in relation to the Committee's, and RSPB's, shared concerns on the independence of the Office of Environmental Protection. The Committee noted the Minister's assurance that the OEP may not necessarily be bound by advice given by the Department, and that he will give due consideration to recommendations made by the Committee and the Assembly before issuing any guidance.

**Agreed:** The Committee agreed to respond to the Minister to thank him for assurances, and to liaise with RSPB accordingly.

### **10. Forward Work Programme**

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

### **11. Oral Evidence, UK Committee on Climate Change: Climate Change (No.2) Bill**

The Chairperson welcomed the following officials to the meeting at 10.15 a.m.

Lord Deben, Chairperson; UK Committee on Climate Change  
Chris Stark, Chief Executive; UK Committee on Climate Change

The Chairperson invited Lord Deben to brief the Committee on his views of the Climate Change (No.2) Bill.

This was followed by a question and answer session with Members.

John Blair MLA joined the meeting at 10.45 a.m.

The Chairperson thanked the officials for their attendance.



Northern Ireland  
Assembly

**12. Oral Briefing, Clerk of the Committee: Responses to the Committee's Call for Evidence on the Climate Change (No.2) Bill**

Members noted a Call for Evidence Summary Report by the Clerk. The Chairperson invited the Clerk to brief the Committee on the results of its call for evidence.

The Chairperson thanked the stakeholders for their engagement, and the Committee team for their work on this stage of the Bill.

**Agreed:** The Committee agreed that the Clerk would draft a paper outlining the Just Transition principles in Scotland's Climate Change legislation.

**13. Any Other Business**

**Agreed:** The Committee agreed to write to the Department to request a timetable and progress report on a number of strategies including the Ammonia Strategy; the Bovine TB Eradication Policy; the Agricultural Policy Framework; and, the Rural Development Framework.

**Agreed:** The Committee agreed to request a Departmental briefing on the Green Growth Strategy.

**Agreed:** The Committee agreed to write to the Private Office to establish whether the Minister's diary commitments for COP26 were available.

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

The meeting moved into Closed Session at 11.51 a.m.



Northern Ireland  
Assembly

#### 14. Closed Session: Climate Change (No.1) Bill Informal Deliberations

The Chairperson informed Members that the Committee would resume informal deliberations on the Climate Change (No.1) Bill and, in particular, the amendments which had been provided by the Bill Sponsor team.

The Committee noted a table of amendments as proposed by the Bill Sponsor. Members noted a range of issues that had been highlighted during Committee deliberations and that were mostly technical in nature.

Members noted a number of additions to the Bill, including:

- An amendment to allow Members greater opportunity to input to CAP development;
- The inclusion of Just Transition principles and gender proofing of climate change mitigation policies;
- The inclusion of a Just Transition Fund for Agriculture;
- A non-regression clause in respect of devolved administrations' competency to amend UK legislation;
- A requirement for the Climate Change Committee to report on the viability of Northern Ireland moving to a net-negative position – the Committee was not minded to agree to inclusion of this proposed amendment

**Agreed:** In respect of the inclusion of Just Transition principles, the Committee sought further information from the Committee team on the wording in Scottish legislation and the operation of the Scottish Just Transition Commission

**Agreed:** The Committee agreed to write to the Committee on Procedures to explore the possibility of establishing a Standing Committee with the specific remit of overseeing a climate change policy. Members further agreed that the Committee Clerk would ascertain whether a similar committee exists in other jurisdictions.

The meeting was suspended at 12.43 p.m.

The meeting resumed at 1.37 p.m.





Northern Ireland  
Assembly

**15. Oral Briefing – Climate Change (No.2) Bill: Environmental Sector  
Representatives**

The following representatives of the Environmental sector joined the meeting via StarLeaf at 1.38 p.m.

Daithí McKay – RSPB  
Dr Jonathan Bell – RSPB  
Dr Jade Berman – Climate NI  
Declan Allison – Friends of the Earth  
Laura Neal – Friends of the Earth  
Malachy Campbell – NIEL  
Helen McLachlan – National Trust  
Sophie Brown – National Trust  
Victoria Magreehan – National Trust

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 Deputy Chairperson thanked the representatives for the briefing.

The meeting was adjourned at 2.42 p.m.



Northern Ireland  
Assembly

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

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