



Northern Ireland
Assembly

Agriculture, Environment and Rural Affairs Committee

Draft Minutes of Proceedings

Thursday 21 March 2024

Room 21, Parliament Buildings

Present: Tom Elliott MLA (Chairperson)
Declan McAleer MLA (Deputy Chairperson)
John Blair MLA
Patsy McGlone MLA
Ms Michelle McIlveen MLA

Present by Video or Teleconference:

None

Apologies: Nicola Brogan MLA
Tom Buchanan MLA
William Irwin MLA
Áine Murphy MLA

In Attendance: Dr Janice Thompson, Assembly Clerk

Ms Gillian Barker, Assistant Assembly Clerk

Mr Michael Greer, Clerical Supervisor

Mr Damien Brown, Clerical Officer

The Chair reminded members of the 'Declaration of Interests' and asked Members if there are any new interests to declare, relevant to the items under consideration at this meeting, that had not already been declared at the first meeting.

Mr Tom Elliott MLA declared he was a member of the Ulster Farmers' Union.

The meeting opened in public session at 10.08 am

1. Apologies

Nicola Brogan MLA

Tom Buchanan MLA

William Irwin MLA

Áine Murphy MLA

2. Chairperson's Business

Regarding the Strategic Planning Meeting on Thursday 25 April 2024, the Chairperson advised Members that, having been requested at last week's meeting to source a venue close to Lough Neagh, the committee team have suggested we consider holding it at Clotworthy House in Antrim.

Clotworthy House sits close to the Lough Neagh Shore, in the grounds of Antrim Castle Gardens and is owned by Antrim and Newtownabbey Borough Council.

Agreed: The Committee was content that the Strategic Planning Meeting is held at Clotworthy House and agreed the team commence planning for the day.

The Chairperson informed the Committee that he has received a request from NICVA to brief the Committee. NICVA are an umbrella body who represents the voluntary and community sector in Northern Ireland.

Agreed: The Committee was content to add NICVA to the list of future briefings.

The Chairperson informed the Committee that he has received a request from Re-Gen inviting the Committee to visit Re-Gen Waste in Newry, which has a state-of-the-art plant that allows for the sorting of over 200,000 tonnes of waste materials each year.

Agreed: The Committee was content to add Re-Gen to the list of future visits.

3. Minutes

Minutes of 14 March 2024 were agreed and signed

4. Matters Arising

The Chairperson advised the Committee that the meeting pack contained the presentations given by the RalSe Public Finance Scrutiny Unit (PFSU) at last week's committee meeting and that they were also available on the Assembly website Members Portal. The presentations are:

RalSe - PFSU Workshop Series Module 1 - Northern Ireland Executive Budget Cycle; and

RalSe – PFSU Workshop Series Module 2 – Northern Ireland Public Finances.

The Committee was content to note.

The Chairperson advised the Committee that it had received a response, dated 19 March 2024, from the Department regarding further information on regulations that lay outside of the Assembly Democratic Scrutiny Committee's remit. The query was regarding non-commercial movement of pet birds. The Department has confirmed there are no changes to the existing EU law.

The Committee was content to note.

The Chairperson advised the Committee that it had received a response, dated 19 March 2024, from the Department regarding a letter to the House of Lords Sub Committee received from the Ulster Farmers' Union, dated 1 March 2024, on the ending in February 2024 of a derogation allowing 95% organic feed for all ages of birds. The Department highlighted that Organics is a reserved matter but confirmed that this derogation is now extended to 23 February 2025. The Minister also confirmed Defra is the NI Competent authority for implementing of this EU Regulation.

The Chairperson advised that the response also indicated that the opportunity to input to EU legislation in development, exists through the public consultation stage via the European Commission 'Have Your Say' portal.

The Committee was content to note both of these matters.

The Chairperson advised the Committee that it had received a response, dated 19 March 2024, regarding its query on the Just Transition Funding and if the budget will be from the ring-fenced Farm Support Measures Fund. The Minister stated in the response that *In terms of the Just Transition Fund for Agriculture, the Act requires that it be established to support the sector in delivering its contribution under policies and proposals within the Climate Action Plans. The Fund will be addressed in the forthcoming consultation on the Climate Action Plan and funding for it will need to be considered in the context of budgetary pressures and priorities across the NI Executive.*

The Committee was content to note.

The Chairperson advised the Committee that it has received correspondence, dated 19 March 2024, from the Department regarding 'The Regulations for the Farming for the Generations Scheme' and the cost of the pilot scheme. The Department has advised the cost is approximately £1.5m, and that the figure of £150,000 previously provided to the Committee was incorrect.

The Committee was content to note.

4A Additional Agenda Items – Statutory Rules

The Chairperson advised the Committee that it had received SL1 '*The Packaging Waste (Data Reporting) (No.2) (Amendment) Regulations (Northern Ireland) 2024*', which will be subject to negative resolution. The regulations are to close loopholes in data reporting and expected to be in place, until revoked and replaced by the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations in 2024.

The Chairperson highlighted the background - the Extended Producer Responsibility (EPR) for packaging is planned to be introduced into the UK in October 2024. This will require producers to take responsibility for the packaging they place on the market by obligating them to pay for the collection and disposal costs of this packaging when it becomes waste.

The Committee was content to note and had no objection to the rule being made.

The Chairperson advised the Committee that it has received the draft SR: '*The Period Products (Department of Agriculture, Environment and Rural Affairs Specified Public Service Bodies) Regulations (Northern Ireland) 2024*', which will be subject to the draft affirmative procedure. The rule shall not come into operation unless and until affirmed by a resolution of the Assembly, which is scheduled for plenary on the 9th April.

The Chairperson advised the Committee that it has received the Fifth Report from the Examiner of Statutory Rules, dated 19 March 2024. The report includes the draft SR '*The Period Products (Department of Agriculture, Environment and Rural Affairs Specified Public Service Bodies) Regulations (Northern Ireland) 2024*' and the ESR does not draw special attention to it.

The Committee was content to note ESR's fifth report

The Committee noted that the SL1 was considered by the Committee at its meeting on 7 March and Committee was content for the Draft SR to be made.

The Meeting remained in Public Session at 10.17 am

5. Briefing from Northern Ireland Environment Link (NIEL) – an Overview

The Chair welcomed the NIEL Officials to the meeting and invited them to brief the Committee

- Mr Malachy Campbell, Senior Policy Officer;
- Dr Jonathan Bell, Chair, Sustainable Agriculture Policy Working Group;
- Mr Gerry Darby, Lough Neagh Partnership Manager;
- Ms Patricia Wallace, NI Manager and UK Executive Team member of Social Farms & Gardens

The Committee noted the following paper for the briefing:

- Briefing for AERA Committee from NIEL on Environmental Priorities for DAERA in 2024.

The NIEL Officials briefed the Committee, followed by a question and answer session with Members and offered to return to the Committee to give a further briefing on their work.

The Chair thanked the Officials for their comprehensive briefing.

Agreed: The Committee noted that the Officials agreed to return to the Committee to give a further briefing on their work.

The meeting was suspended at 11.36 am

Mr Patsy McClone MLA left the meeting at 11.36 am

The meeting reconvened at 11.41 am

Mr Patsy McClone MLA re-joined the meeting at 11.44 am

6. Briefing from The Office for Environment Protection OEP) – Overview

The Chair welcomed the OEP Officials to the meeting and invited them to brief the Committee:

- Dame Glenys Stacey, Chair;
- Ms Natalie Prosser, CEO;
- Mr Craig McGuicken, Northern Ireland Lead; and
- Dr Donnacha Doody, Head of Analysis.

The Committee noted the following papers for the briefing:

- Briefing from the Office for Environment Protection; and
- OEP Biographies.

The OEP Officials briefed the Committee, followed by a question and answer session with Members and offered to return to the Committee to give a further briefing on their work in Northern Ireland.

The Chair thanked the Officials for attending the meeting.

Agreed: The Committee agreed to write to OEP Officials for further information regarding the proposal that DAERA provide 15% of the OEP budget.

Agreed: The Committee agreed to seek information from the OEP as to why it has not investigated the regulatory failures at the Mobuoy illegal waste site. The Committee felt there was scope to look at the regulatory failings without impinging on the current criminal legal proceedings.

Agreed: The Committee noted that the OEP Official agreed to return to the Committee to give a further briefing on their work in Northern Ireland.

The meeting was suspended at 12.30 pm.

Mr John Blair MLA left the meeting at 12.30 pm

The meeting was reconvened at 12.33 pm

Mr John Blair MLA re-joined the meeting at 12.35 pm

7. Briefing from the Ulster Farmers' Union - Overview

The Chair welcomed the members of the Ulster Farmers' Union to the meeting and invited them to brief the Committee.

- Mr William Irvine, Deputy President;
- Mr Wesley Aston, Chief Executive; and
- Mr James McCluggage (UFU Policy, Technical & Communications Manager).

The Committee noted an apology from Mr David Brown, President of UFU.

The Committee noted the following papers for the briefing;

- UFU – Proposed Discussion Topics;
- UFU – NI Assembly and Executive Manifesto;
- UFU – TB Briefing Paper;
- nature.com – difference in differences analysis evaluates the effects of the badger control policy on bovine tuberculosis in England;
- UFU – Ammonia Briefing Paper;
- KPMG – Ammonia Impact Study;
- UFU – Call for Evidence on Ammonia response;
- Letter from UFU to the Department – Stakeholder Engagement; and
- Response from UFU regarding ‘The Fair Dealing Obligations (Milk) Regulations 2024’.

The Officials briefed the Committee followed by a question and answer session with Members and offered to return to the Committee to give a further briefing.

The Chair thanked the Officials for attending the meeting.

Agreed: The Committee agreed to write to the Department to ask for further information on the Ammonia Emission Stations set up in 2019; and details on the Tuberculosis Strategic Partnership Group set up in 2014, also if this group is to be re-established.

The meeting remained in Public Session at 1.24 pm

8. Correspondence

The Committee addressed the following items of correspondence:

8.1 The Chairperson informed the Committee that it had received copied correspondence, dated 12 March 2024, which was a response from the Rt Hon Lord Benyon, Minister of State for Environment, Food and Rural Affairs to Lord Jay of Ewelme, Chair of the European Affairs Sub-Committee on the Protocol on the Windsor Framework on the matter of the marketing of seed potatoes.

It is not expected there will be significant changes to the way seed potatoes are marketed in Northern Ireland should these proposals be adopted by the EU.

The Committee was content to note.

8.2 The Chairperson informed the Committee that it had received copied correspondence, dated 13 March 2024, from Lord Douglas-Miller, Minister for Biosecurity, Animal Health and Welfare regarding a letter of 7 March 2024 and response outlining clarification on why the Animal Welfare (Livestock Exports) Bill does not apply to Northern Ireland.

The Chairperson informed the Committee of a consultation regarding the EU Regulations on the movement of livestock, and wanted to request clarification on the Department's position on this matter.

Agreed: The Committee agreed to write to the Department regarding the consultation on the EU Regulations on the movement of livestock, and clarification on the Department's position on this matter.

8.3 The Chairperson informed the Committee that it had received correspondence dated 13 March 2024, from The Clerk to the Committee for Finance, which was a briefing note on the Northern Ireland Consolidation Fund, which has been issued to all Statutory Committees.

The Committee was content to note.

8.4 The Chairperson informed the Committee that it had received correspondence, dated 14 March 2024, from The Clerk to the Committee for Finance, which was also copied to the Clerk for Justice and Clerk for Infrastructure Committees regarding the matter of the Victoria Square

Residents. The Finance Committee has written to the Minister of Finance seeking a resolution, in conjunction with her Executive Colleagues.

The Chairperson reminded the Committee it has written to Assembly Legal Services regarding this matter.

The Committee was content to note and await its response from Assembly Legal Services.

8.5 The Chairperson informed the Committee that it had received correspondence from Mr Cormac Dolan, Manager of Nature Friendly Farming Network.

Agreed: The Committee agreed to add Nature Friendly Farming Network to its list of briefings.

8.6 The Chairperson informed the Committee that it had received correspondence, dated 15 March 2024, from the Clerk to the Committee for Economy regarding evidence received from RenewableNI relating to the target of generating 80% of electricity from renewable sources by 2030. The Economy Committee copied to the Committee the letter it has sent to the Department seeking clarity on planning delays and if timescales were longer in Northern Ireland.

The Committee was content to note.

8.7 The Chairperson informed the Committee that it had received correspondence from the Clerk for Windsor Framework DSC, dated 19 March 2024, stating that it took evidence from The British Dental Association regarding its concerns over amendments to the EU Regulations on Mercury. The revised Mercury Regulations will ban the last international remaining uses of mercury in a variety of products, including in amalgam fillings.

Agreed: The Committee agreed to write to the Department to see if it is seeking a derogation or suitable alternatives to amalgam, specifically if the regulation is applied to Northern Ireland.

The Committee remained in Public Session at 1.27 pm

9. Draft Forward Work Programme

The Committee noted that a list of potential briefings and potential visits have been collated by the committee team, as agreed by the Committee in its meetings to date. These will be considered in the draft forward work programme at its first meeting post-Easter Recess on 11 April 2024 and further at its Strategic Planning Day on 25 April 2024.

The Committee noted that at its first meeting post-Easter Recess on 11 April 2024 that they will have a pre- strategic planning briefing from RaISe.

10.AOB

A Member raised the issue of the Public Inquiry into Dalradian's planning application to Mine Gold in the Sperrins.

Agreed: The Committee agreed to write to the Department seeking details on its involvement.

11. Date, Time and Place of Next Meeting

The next meeting of the Agriculture, Environment and Rural Affairs Committee is on Thursday 11 April 2024, 10.00 am in Room 21.

The Meeting adjourned at 1.29 pm

Signature:

Tom Elliott, Chairperson

Dated