



Northern Ireland
Assembly

COMMITTEE FOR AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS

MINUTES OF PROCEEDINGS

**THURSDAY 8 OCTOBER 2020
ROOM 30, PARLIAMENT BUILDINGS**

Present: Mr Declan McAleer MLA (Chairperson)
Mr Philip McGuigan MLA (Deputy Chairperson)
Ms Clare Bailey MLA
Mrs Rosemary Barton MLA
Mr John Blair MLA
Mr Maurice Bradley MLA (via StarLeaf)
Mr Harry Harvey MLA
Mr William Irwin MLA
Mr Patsy McGlone MLA (via StarLeaf)

In attendance: Ms Stella McArdle, Committee Clerk
Ms Barbara Love, Committee Clerk
Ms Elaine Farrell, Assistant Clerk
Ms Marion Johnson, Clerical Supervisor
Ms Kate Duffy, Clerical Officer

The Committee commenced at 9.12 a.m.

1. Apologies

None.

2. Oral Evidence from Belfast, Foyle, Larne and Warrenpoint ports

The following port representatives joined the meeting by StarLeaf at 9.15 a.m.

Roger Armson, General Manager, Port of Larne
Maurice Bullick, Finance & Compliance Director, Belfast Harbour

David Holmes, Chief Executive, Warrenpoint Port (joined at 9.15 a.m.)
Brian McGrath, Chief Executive, Foyle Port

The representatives briefed the Committee on EU Exit Preparedness and this was followed by a question and answer session.

The oral evidence session was reported by Hansard.

Mr Bradley joined the meeting at 9.20 a.m.

Mr Irwin joined the meeting at 9.26 a.m.

The Chairperson thanked the representatives for their attendance.

Agreed: The Committee agreed to move into Closed Session.

The meeting moved into Closed Session at 10.25 a.m.

The Committee discussed the evidence it had taken from the port representatives.

Mr Blair left the meeting at 10.35 a.m.

Agreed: The Committee agreed to write to the Department to seek clarification on the transfer of 12 council Environmental Health Officers to Larne Port.

Agreed: The Committee agreed to write to the Committee for the Economy regarding a potential remit overlap in connection with HMRC / the GMVS system and ferry workers.

Agreed: The Committee agreed to write to the House of Lords EU Sub Committee regarding issues raised by the ports on GMVC, ferry workers and freight travelling from the Republic of Ireland to NI and onwards to GB and vice versa. The Committee further agreed to forward the Hansard of the meeting to the House of Lords EU Sub Committee for information.

Agreed: The Committee agreed to write to its counterparts in the Scottish Parliament regarding the issue raised by the ports of the GMVS and the possibility of long queues of haulage vehicles backed up waiting to gain access to Scottish ports.

Agreed: The Committee agreed to write to the ports in the Republic of Ireland to ascertain what contingencies they have made for post Brexit port issues.

The meeting moved into Open Session at 10.35 a.m.

Mr Blair rejoined the meeting at 10.40 a.m.

The Committee agreed to consider the SIs in agenda items 3 – 17 in three separate groups.

The following departmental officials joined the meeting at 10.45 a.m.:

John Mills, Head of Environmental Policy Division
Alison Jaynes, Assistant Director, Environmental Policy Division
Janice Harris, Assistant Lead for Environmental Policy Division

The Committee considered the first group of SIs relating to Waste

3. Oral Evidence Session DAERA: SI Defra AQ 04 Air Quality (Northern Ireland Protocol) Regulations 2020

No papers were provided for this agenda item and it was not considered by the Committee.

4. Oral Evidence Session DAERA: SI Defra/WST/04 The Waste and Environmental Permitting etc (Amendment etc) (EU Exit) Regulations 2020 (Cat 3)

No papers were provided for this agenda item and it was not considered by the Committee.

5. Oral Evidence Session DAERA: SI BEIS-TP-048 The Transfrontier Shipment of Radioactive Waste and Spent Fuel (EU Exit) (Amendment) Regulations 2020 (Cat 2 Reserved)

Noted: The Committee noted SI BEIS-TP-048 The Transfrontier Shipment of Radioactive Waste and Spent Fuel (EU Exit) (Amendment) Regulations 2020 (Cat 2 Reserved) is a reserved matter and is for information and noting only.

6. Oral Evidence Session DAERA: SI Defra/WST/09: The hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020 (Reserved)

Noted: The Committee noted SI Defra/WST/09: The hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020 (Reserved) is a reserved matter and is for information and noting only.

7. Oral Evidence Session DAERA: SI Defra/WST/008: The International Waste Shipments (Amendment) (Plastic Waste) Regulations 2020 (Cat TBC)

No papers were provided for this agenda item and it was not considered by the Committee.

The Committee considered the second group of SIs relating to Chemicals. The following departmental officials joined the meeting via StarLeaf at 10.58 a.m. to cover the agenda items 8-14:

John Mills, Head of Environmental Policy Division
Dave Foster, Director of Regulatory & Natural Resources Policy
Caroline Barry, Acting Head of Chemicals & Industrial Policy Branch
Tommy McNamara, SO, Regulatory & Natural Resources Policy
Eamon Campbell, Head of Water Policy
Colin Nugent, Environmental Health Officer.

The officials briefed the Committee on agenda items 8-14 and this was followed by a question and answer session.

The oral evidence sessions were reported by Hansard.

The Chairperson left the meeting at 11.02. The Deputy Chairperson assumed the Chair.

Ms Bailey left the meeting at 11.20 a.m.

The Chairperson rejoined the meeting at 11.25 a.m. and assumed the Chair.

Ms Bailey rejoined the meeting at 11.34 a.m.

Mr Blair left the meeting at 11.38 a.m.

Mr Blair rejoined the meeting at 11.43 a.m.

8. Oral Evidence Session DAERA: SI Defra/CHM/10: The REACH etc (Amendment etc.) (EU Exit) Regulations (Cat 3)

The Committee noted SI Defra/CHM/10: The REACH etc (Amendment etc.) (EU Exit) Regulations (Cat 3).

Agreed: The Committee wishes it to be clearly understood that due to lack of information on SI Defra/CHM/10: The REACH etc (Amendment etc.) (EU Exit) Regulations (Cat 3) and the limited time that it has had to consider it, it has been unable to fully explore and understand the potential impacts and implications to this jurisdiction. This difficulty has been further compounded by the fact that it is being asked to do so in the context of the legal uncertainties around the UK Internal Market Bill and The Withdrawal Agreement.

9. Oral Evidence Session DAERA: SI Defra/DET/03: Detergents (Northern Ireland Protocol) Regulations 2020 (Cat 2)

The Committee noted SI Defra/DET/03: Detergents (Northern Ireland Protocol) Regulations 2020 (Cat 2).

Agreed: The Committee wishes it to be clearly understood that due to lack of information on SI Defra/CHM/10: The REACH etc (Amendment etc.) (EU Exit) Regulations (Cat 3) and the limited time that it has had to consider it, it has been unable to fully explore and understand the potential impacts and implications to this jurisdiction. This difficulty has been further compounded by the fact that it is being asked to do so in the context of the legal uncertainties around the UK Internal Market Bill and The Withdrawal Agreement.

10. Oral Evidence Session DAERA: SI Defra/CHM/12: The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (Cat 2)

No papers were provided for this agenda item and it was not considered by the Committee.

11. Oral Evidence Session DAERA: SI Defra/ODS/03: The Ozone Depleting Substances and fluorinated Greenhouse Gases (Amendment etc. (EU Exit) Regulations 2020 (Cat 2)

The Committee noted SI Defra/ODS/03: The Ozone Depleting Substances and fluorinated Greenhouse Gases (Amendment etc. (EU Exit) Regulations 2020 (Cat 2).

Agreed: The Committee wishes it to be clearly understood that due to lack of information on SI Defra/ODS/03: The Ozone Depleting Substances and fluorinated Greenhouse Gases (Amendment etc. (EU Exit) Regulations 2020 (Cat 2).and the limited time that it has had to consider it, it has been unable to fully explore and understand the potential impacts and implications to this jurisdiction. This difficulty has been further compounded by the fact that it is being asked to do so in the context of the legal uncertainties around the UK Internal Market Bill and The Withdrawal Agreement.

12. Oral Evidence Session DAERA: SI/Defra/CHM/07: The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (Cat 1)

The Committee noted SI/Defra/CHM/07: The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (Cat 1).

Agreed: The Committee wishes it to be clearly understood that due to lack of information on SI/Defra/CHM/07: The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (Cat 1) and the limited time that it has had to consider it, it has been unable to fully explore and understand the potential impacts and implications to this jurisdiction. This difficulty has been further compounded by the fact that it is being asked to do so in the context of the legal uncertainties around the UK Internal Market Bill and The Withdrawal Agreement.

13. Oral Evidence Session DAERA: SI/Defra/PES/07: The Pesticides (Amendment) (EU Exit) Regulations 2020 (Cat 2)

The Committee noted SI/Defra/PES/07: The Pesticides (Amendment) (EU Exit) Regulations 2020 (Cat 2).

Agreed: The Committee wishes it to be clearly understood that due to lack of information on SI/Defra/PES/07: The Pesticides (Amendment) (EU Exit) Regulations 2020 (Cat 2) and the limited time that it has had to consider it, it has been unable to fully explore and understand the potential impacts and implications to this jurisdiction. This difficulty has been further compounded by the fact that it is being asked to do so in the context of the legal uncertainties around the UK Internal Market Bill and The Withdrawal Agreement.

14. Oral Evidence Session DAERA: SI Defra/AQ/04: The Air Quality (Northern Ireland Protocol) Regulations 2020

No papers were provided for this agenda item and it was not considered by the Committee.

The Committee considered the third group of SIs relating to Agricultural / Miscellaneous. The following departmental officials joined the meeting at 11.47 a.m. via StarLeaf for agenda items 15-17:

John Mills, Head of Environmental Policy Division
Ken Bradley, Grade 7, Regulatory Resources Policy Branch
Elaine McCrory, Head of Agri-Food Brexit

The officials briefed the Committee on agenda items 15-17 and this was followed by a question and answer session.

The oral evidence sessions were reported by Hansard.

Mr Irwin left the meeting at 11.51 a.m.

Mr Irwin rejoined the meeting at 11.54 a.m.

Mr McGlone left the meeting at 11.57 a.m.

15. Oral Evidence Session DAERA: SI/Defra/FD/06: The Agricultural Products Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (Cat 3)

No papers were provided for this agenda item and it was not considered by the Committee.

16. Oral Evidence Session DAERA: SI/Defra/CMO/18: The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (No 2) Regulations 2020 (Cat 3)

No papers were provided for this agenda item and it was not considered by the Committee.

17. Oral Evidence Session DAERA: Defra AG26: The Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2020

The Committee noted Defra AG26: The Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2020.

Agreed: The Committee wishes it to be clearly understood that due to lack of information on Defra AG26: The Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2020 and the limited time that it has had to consider it, it has been unable to fully explore and understand the potential impacts and implications to this jurisdiction. This difficulty has been further compounded by the fact that it is being asked to do so in the context of the legal uncertainties around the UK Internal Market Bill and The Withdrawal Agreement.

18. Oral Evidence Session DAERA: General Trade Update

The following departmental officials joined that meeting at 12.04 p.m. via StarLeaf:

Seamus McErlean, DAERA Chief Economist
Mark McLean, Principal Agricultural Economist

The officials briefed the Committee and this was followed by a question and answer session.

Agreed: The Committee agreed to write to the Department to request regular written updates on Trade Deals as and when there are developments.

The Chairperson thanked the officials for their attendance.

19. SR 2020/91: The Agricultural Commodities (Coronavirus) (Income Support) Scheme (NI) 2020

The Committee considered SR 2020/91: The Agricultural Commodities (Coronavirus) (Income Support) Scheme (NI) 2020 which will provide funding for the potato, sheep, cattle and milk producers who have suffered a loss due to the impact of Covid-19.

The Committee noted that the Examiner of Statutory Rules has drawn attention in her report to the SR having broken the 21-day rule, however she is content with the explanation provided by the Department.

Question put and agreed:

“That the Committee for Agriculture, Environment and Rural Affairs has considered SR2020/91: The Agricultural Commodities (Coronavirus) (Income Support) Scheme (NI) 2020, and has no objection to the Rule”.

Agreed: The Committee agreed to write to the Department to request that the Minister continues to work with those sectors within the industry who have experienced financial loss due to Covid-19 and those who were unable to apply for compensation.

Agreed: The Committee agreed to write to the Department to request that it provides future updates on the roll-out of the support scheme.

20. SL1: The Ornamental Horticulture Industry (Coronavirus, Financial Assistance) Scheme Regulations (NI) 2020

The Committee noted the SL1: The Ornamental Horticulture Industry (Coronavirus, Financial Assistance) Scheme Regulations (NI) 2020 which will compensate the horticulture industry following financial loss due to Covid-19. The Committee noted that the requirement for a business to be VAT registered has now been removed.

Agreed: The Committee agreed that it was content with the merits of the policy and that it should move to the next legislative stage.

Agreed: The Committee agreed to write to the Department to request a written update on the roll-out of the scheme.

21. Departmental Written Briefing: The Future Higher Education Provision at CAFRE and the Delivery of the Knowledge Transfer Scheme

Noted: The Committee noted the departmental written briefing on the Future Higher Education Provision at CAFRE and the Delivery of the Knowledge Transfer Scheme.

22. Departmental Written Briefing: Discussion Document on Environment Plans, Principles and Governance

The Committee noted the departmental written briefing the proposed discussion document on Environment Plans, Principals and Governance.

Agreed: The Committee agreed to write to the Department to request that reference is made within the discussion document to the NI Environmental Protection Agency, as included in New Decade, New Approach as well as a more detailed description of the Office of Environmental Protection and a reference to the Climate Change Act.

Agreed: The Committee agreed to write to the Department to request an oral briefing asap on the discussion document.

23. Departmental Written Briefing: RAFSET Group Update on EU Exit Preparedness

Noted: The Committee noted the departmental written briefing from the RAFSET Group on EU Exit Preparedness.

24. Departmental Written Briefing: CSCPG Update on EU Exit Preparedness

Agreed: The Committee noted the written briefing from the Central Services Contingency Planning Group on EU Exit Preparedness and agreed to write to the Department to request an update on the recruitment of additional staff.

25. Departmental Written Briefing: Food and Farming Group Update on EU Exit Preparedness

Agreed: The Committee noted the written briefing from the Food and Farming Group on EU Exit Preparedness and agreed to write to the Department on the issue of migrant workers, predominantly Polish, working on the ferries. The Committee agreed to seek a further written update on developments regarding the Points Based Immigration system and the Seasonal Agricultural Workers Pilot.

26. Departmental Written Briefing: Veterinary Service and Animal Health Group Update on EU Exit Preparedness.

Noted: The Committee noted the written update from VSAHG on EU Exit Preparedness.

27. Chairperson's Business

The Chairperson advised the Committee that the informal meeting with the House of Lords EU Sub Committee took place on 6 October 2020 and that a press release has issued following the meeting.

Agreed: The Committee agreed to write to the Committee for the Economy and to the Department to request further information on the roll out of the Trader Support Service and the availability of training for local businesses.

Agreed: The Committee agreed to write to the Department to request an estimate of the costs required to implement aspects of the Protocol and what discussion have taken place, if any, with the UKG on the availability of funding for the costs.

Agreed: The Committee agreed to write to the Department to request an update on the second tender which recently issued for the infrastructure required for SPS checks at the ports.

28. Minutes of the Meeting held on 1 October 2020

Agreed: The Committee agreed the amended version of the minutes of the meeting held on 1 October 2020.

29. Matters Arising

Noted: The Committee noted the response from the Clerk Assistant in relation to NICS guidance on SIs which recently issued to departments.

Agreed: The Committee agreed the draft letter to issue to the SI committees in Westminster in respect of the concerns expressed by Committee Members on the consideration of SIs.

30. Correspondence

The Committee noted the following:

- i. Correspondence from Steve Aiken MLA on a proposal for the Speaker and Committee Chairpersons to write to Co-negotiators in relation to concerns regarding the Internal Market Bill.
- ii. Correspondence from the Drinking Water Inspectorate on its 24th Annual Report.
- iii. Correspondence from the Minister advising of the application of 4.3% linear increase to the Basic Payment Scheme Entitlements for the 2020 scheme year.
- iv. Holding correspondence from the Department in respect of issues raised at the Committee meeting on 17 September 2020;

- v. Correspondence from the Department on ETS issues raised at the Committee meeting on 17 September 2020.
- vi. Correspondence from the NI Business Brexit Working Group on an updated report on issues it has raised in relation to the Common Paper.
- vii. The 23rd Report from the Examiner of Statutory Rules in which reference is made to SR 2020/91 and the breaking of the 21-day Rule.

The Committee considered correspondence from the Ulster Angling Federation requesting an informal meeting to discuss its concerns about the decline in water quality across NI.

Agreed: The Committee agreed to arrange an informal meeting with the Ulster Angling Federation on StarLeaf for a Tuesday lunchtime in November 2020.

The Committee considered correspondence from Rosemary Barton MLA on the issue of the slurry spreading deadline.

Agreed: The Committee agreed to write to the Department to request that urgent consideration is given to the extension of the slurry spreading deadline due to the recent heavy rainfall.

Agreed: The Committee agreed to move to agenda items 32 and 33 next.

31. AOB

There was no other business.

32. 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 15 October 2020 at 9.30 a.m. in Room 30, Parliament Buildings.

Agreed: The Committee agreed to move into Closed Session for consideration of the Forward Work Programme.

The meeting moved into Closed Session at 12.47 p.m.

33. Forward Work Programme

The Committee discussed the Forward Work Programme and the approach to be taken at the next meeting.

Agreed: The Committee agreed the revised Forward Work Programme.

The meeting adjourned at 12.52 p.m.

Declan McAleer

Declan McAleer, Chairperson, Committee for Agriculture and Rural Development

Date