



Northern Ireland
Assembly

Agriculture, Environment and Rural Affairs Committee

Minutes of Proceedings

6 June 2024

Room 21, Parliament Buildings

Present: Tom Elliott MLA (Chairperson)
Declan McAleer MLA (Deputy Chairperson)
John Blair MLA
Nicola Brogan MLA
William Irwin MLA
Patsy McGlone MLA
Michelle McIlveen MLA
Áine Murphy MLA

Present by Video or Teleconference:

None

Apologies: Tom Buchanan MLA

In Attendance: Dr Janice Thompson, Assembly Clerk
Mrs 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 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 John Blair MLA declared an interest under Agenda Item 9 'Correspondence' - an Animal Welfare issue. Mr John Blair MLA had been sent correspondence regarding the item in the Veterinary Times for Committee consideration.

The meeting opened in public session at 9.16 am

1. Apologies

Mr Tom Buchanan MLA

The Committee noted that due to the Minister's diary commitments Agenda Item 5 would be taken after Agenda Item 1. The meeting would then continue from Agenda Item 2 after the Minister's briefing.

5. Briefing on Current Issues from the Minister of Agriculture, Environment and Rural Affairs (AERA)

The Chair welcomed the following Officials to the meeting:

- Mr Andrew Muir, Minister of AERA;
- Mrs Katrina Godfrey, Permanent Secretary, DAERA; and
- Mr Roger Downey, Director of Finance, DAERA.

The Committee noted the following papers:

- DAERA Key Challenges First Day Brief; and
- Hansard dated 5 March 2024.

The Minister and his Officials briefed the Committee and there followed a question and answer session. The briefing and question and answer session was recorded by Hansard.

The Committee noted the Ministers priorities and challenges and matters covered included the draft Climate Change Action Plan; the Environment Improvement Plan; Farm Support and Development Programme; review of Animal Health & Welfare; and a revised Rural Policy.

The Committee discussed the matter of 'Windsor Framework (Implementation) Regulations – Decision not to Exercise Direction and Control – Animal and Plant Diseases' - regarding which of the 19 areas of legislations have now returned to the control of the Minister. The Minister and his Officials stated the divisions were not yet entirely clear. However, it was confirmed that the Departmental functions in relation to these has not changed but rather the accountability to the DAERA Minister or the Defra Minister is the issue.

Agreed: The Minister and Officials agreed to keep the Committee updated as his negotiations on this matter and areas of control progresses.

The Committee discussed with the Minister the issues surrounding Lough Neagh and noted that a scoping study has been completed on environmental governance. The Minister highlighted the need for more education, investment and tougher enforcement regarding environmental governance and waste crime.

The Committee discussed with the Minister the pressure on farmers and the Department regarding tackling TB. The Minister stated he is committed to continuing the 100% compensation and is in discussions with the Chief Veterinary Officer on interventions.

The Committee discussed with the Minister the challenges ahead regarding his budget allocation. The Minister stated he is engaging with the Executive on his budget needs and will work across departments, encourage attracting other funding and ensure projects provide good value for money.

Agreed: The Minister and his Officials agreed to come back to the Committee at a later date.

The Chair thanked the Minister and his Officials for their briefing.

The Minister and his Officials left the meeting at 10.26 am

2. Chairperson's Business

The Chair advised Members that restricted legal advice has now been received from Assembly Legal Services in connection with an individual's historic complaint regarding maladministration by DAERA.

Agreed: The Committee agreed to discuss this matter in closed session at the end of the meeting.

The Chair advised the Committee that the Committee Team has booked Room 29 for Tuesday 2nd July and for Members to consider this date for their last meeting this session.

Agreed: The Committee agreed the last session would be on Tuesday 2nd July at 9.30 am in Room 29.

The Chair advised the Committee he has received a letter from 'Nature Friendly Farming Network' thanking Committee for providing them with the opportunity to brief on 16 May 2024. The Committee noted they are invited to a Nature Friendly Farm to hold its meeting and see some of the farming actions in practice.

Agreed: The Committee agreed to add this to list of potential external meetings and visits.

3. Minutes

Minutes of 30 May 2024 were agreed and signed.

Mr Patsy McGlone MLA left the meeting at 10.26 am

Mr Patsy McGlone MLA re-joined the meeting at 10.33 am

Mr John Blair MLA left the meeting at 10.32 am

Mr John Blair MLA re-joined the meeting at 10.37 am

Mr William Irwin MLA left the meeting at 10.39 am

Mr William Irwin MLA re-joined the meeting at 10.42 am

4. Matters Arising

The Committee noted a response from Andrea Kells, Chief Commissioner, Planning Appeals Commission, dated 3 June 2024, in reply to our letter of 31 May 2024 querying delays in the conjoined public inquiry, regarding the Dalradian Project.

The Chief Commissioner does not expect the delay in starting the inquiry to be prolonged. Given the expected imminent referral of papers from DAERA, the Commission is continuing to review its options and has taken steps to allocate referred work which not affect any rescheduled conjoined Inquiry.

The Commissioner requested that the Committee do not correspond further on this matter to avoid any perceived political pressure.

Agreed: The Committee agreed to write to the Chief Commissioner regarding it seeking updates on the matter, noting that Members felt it inappropriate to claim that this would impact her independence and to ask the Committee to restrict further correspondence on this matter.

The Departmental Official joined the meeting at 10.33 am

6. Briefing from the Department of Agriculture, Environment & Rural Affairs on Budget 2024/25 (and June Monitoring)

The Chair welcomed the following DAERA Officials:

- Mr Roger Downey, Director of Finance;
- Mr William Peel, Deputy Director of Finance; and
- Mr Richard McAuley, Head of Future Years Financial Planning Branch,

The Committee noted the following papers:

- Departmental Budget 2024-25 and June Monitoring Round Briefing;
- A series of three papers from the Public Finance Scrutiny Unit in RalSe, these were prepared to support all Assembly Members with Budget scrutiny: The Executive Budget 2024-25: Context Setting; Allocations and Northern Ireland Economic Context; and
- The Committee for Finance Report - Engagement on the 2024-25 Draft Executive Budget, which includes the Committee's response to the Finance Committee.

The Officials briefed the Committee and there followed a question and response session. The briefing and question and answer session was recorded by Hansard.

The Committee heard that DAERA's overall opening Resource DEL allocation was £577.3m and included the HMT Earmarked funding of £329.4m for Agriculture, Agri Environment and Wider Rural Economy as well as £3.1m for Fisheries. The remaining £1.0m was PEACEPLUS funding.

On Capital DEL, DAERA received an opening allocation of £95.0m with a further £1.6m to be allocated as part of the June Monitoring Round.

In addition to the above allocations, on 22 May DoF provided formal confirmation of HMT Earmarked funding in relation to the costs of Administering the NI Protocol and Windsor Framework - £49.2m Resource DEL, £2.6m Ring Fenced Resource DEL and £2.7m Capital DEL.

The Committee expressed concern that due to the reduction in the budget allocation there will be much dependence on the June Monitoring round to 'fill' the potential gaps in the budget with £20.1m, for example for bTB compensation, However there was no guarantee on receiving all of this in this monitoring round.

Agreed: The Committee agreed to write to the Department to ask for further information on the eligibility criteria for Rural Business Community Investment Fund.

The Chair thanked the Officials for their briefing.

The Officials left the meeting at 11.16 am

The meeting was suspended at 11.16 am

The meeting reconvened at 11.26 am

7. Briefing from The Northern Ireland Fish Producers' Organisation (NIFPO) – Potential solution to Tackle Blue Green Algae

The Committee noted that at its meeting on 8 May 2024, the Committee addressed correspondence from Mr Wick CEO of the NIFPO, regarding a project to valorise the prawn shell waste produced across the UK and Ireland, and how this could be a route to a possible solution to 'blue-green algae' using a substance called Chitosan.

The Chair reminded the Committee that on Thursday 27 June it will be visiting Kilkeel Harbour when it will receive a joint briefing from the Fish Producers – NIFPO & ANIFPO on more general marine and fishing industry matters.

The Chair welcomed the following Officials to the meeting:

- Mr Harry Wick, CEO Northern Ireland Fish Producers' Organisation [NIFPO]; and
- Mr Nathan Holloway, Principle Investigator, Tidal Vision Inc., who joined the meeting via Zoom from the West Coast of the USA.

The Officials briefed the Committee and there then followed a question and answer session.

Mr Harry Wick then made a closing statement on their concerns of the length of consultation and the need to take immediate action regarding the Blue Green Algae on Lough Neagh.

The Chair thanked Mr Wick and Mr Holloway for their briefing.

Agreed: The Committee agreed to write to the Department to ask if it is engaging with NIFPO and Tidal Vision on this matter; and at what stage the engagement has reached.

Before this agenda item was concluded, the Chair referred the Committee to correspondence dated 4 June 2024 from The Aquaculture Representative Group, which represents all aquaculture producers in Northern Ireland - around 25 businesses.

This Group highlighted the proposals for use of waste prawn shells by NIFPO as a possible solution to Lough Neagh water quality problems and are fully supportive of exploring all efforts to address this as a matter of urgency.

Agreed: The Committee noted the correspondence and agreed to add the Aquaculture Representative Group to the list of briefings.

Mr Declan McAleer MLA left the meeting at 11.57 am

The Officials left the meeting at 12.05 pm

8. Departmental Written Paper – The Invasive Alien Species (De-Listing) Regulations 2024.

The Committee noted the Departmental Written Paper on The Invasive Alien Species (De-Listing) Regulations 2024. Prior to EU exit, the control of invasive alien species (IAS) was regulated under EU legislation and each UK jurisdiction implemented domestic legislation to enforce the EU regulation. In Northern Ireland, enforcement powers are limited to the keeping, breeding, transporting, etc of IAS. The import/export of IAS is reserved to DEFRA.

As a result of the EU-Exit, DEFRA made regulations that retained a version of the EU Regulation and it was renamed the 'List of Species of Special Concern' and includes a statutory requirement to review the list every six years.

The Committee noted that DEFRA now intends to make the Invasive Alien Species (De-listing) Regulations 2024 and that the Minister's consent is required by DEFRA for any regulations it makes, in accordance with Article 32A of 'the Invasive Alien Species Regulation'. Minister Muir has agreed to the making of the Regulations.

Agreed: The Committee noted the Regulations and that notwithstanding new laying dates due to the General Election, DEFRA Officials have advised the consent process will continue as requested.

9. Correspondence

The Committee considered correspondence dated 27 May 2024, from the Department – a PowerPoint for information on 'The Windsor Framework – An Overview of the controls on the application of EU Legislation in Northern Ireland.'

Agreed: The Committee noted the correspondence.

The Committee considered correspondence from the Department, dated 29 May 2024, regarding George Best Belfast City Airport Noise Action Plan. The Environmental Noise Directive aims to avoid, prevent and reduce, on a prioritised basis, the harmful effects, including annoyance, resulting from exposure to environmental noise.

In its action plan the airport has committed to a number of actions and Minister Muir has approved the Round 3 George Best Belfast City Airport Noise Action Plan on 16 April 2024 and this has been published on the Department's website.

Agreed: The Committee noted the correspondence.

The Committee considered correspondence from an individual, regarding an Animal Welfare issue highlighted in Veterinary Times 28 May, the article was entitled 'An unkindness of ravens: Sheep welfare'.

The correspondence, which was sent to John Blair MLA, notes likely breaches of the relevant code of husbandry practices.

Agreed: The Committee agreed to write to the Department to see if they are aware of this matter and if any investigation has taken place.

The Committee considered email correspondence circulated by the Clerk on 5 June 2024, from Mr McAteer of PCI Consulting regarding the Departmental response Committee had forwarded to him. Mr McAteer is concerned that the possible costs of the remediation for the site was not explored in that correspondence. He requests that the Committee seek definitive costs associated with each remediation option for each identified zone on the Mobuoy site.

Agreed: The Committee agreed to write to the Department to clarify matters further in this regard.

10. Draft Forward Work Programme

The Committee considered the Forward Work Plan to 2nd July and noted that there are two external meetings organised – 13 June to CAFRE and 27 June to Kilkeel Harbour.

The Committee also noted that it will receive written briefings on a number of Items before recess that will be followed up with more detailed oral briefings in the autumn, including the consultation on the Draft Climate Plan.

Agreed: The Committee agreed the draft Forward Work Programme and that the team will continue to plan for September and October.

11. Any Other Business

The Committee discussed inspections carried out regarding farmers or land owners requirement to meet standards on the protection of the environment, animal health and welfare and public health.

Agreed: The Committee agreed to ask RalSe for an update on current legislation regarding cross compliance, the associated standards and penalties imposed.

12. Date, Time and Place of next meeting

The next meeting of the Agriculture, Environment and Rural Affairs Committee is on Thursday 13 June 2024, at 10:00 am in CAFRE, Greenmount, Antrim.

The Meeting went into Closed Session at 12.18 pm

13. Legal Advice on Potential Maladministration

The Committee discussed the Legal Advice received from Assembly Legal Services dated 5 June 2024, which covered a matter the Committee was made aware of by an individual regarding maladministration by DAERA, the involvement of the Ombudsman and also a court case against the individual by his neighbour.

The Committee had requested at its meeting on 11th April that Assembly Legal Services review the correspondence from the individual and determine if all was done that could have been done by the Department and the Ombudsman.

The Committee noted the Individual's complaint and related papers were originally in Committee correspondence on 11th April.

Agreed: After discussion of the Legal Advice, the Committee agreed there was no further action it could take.

Agreed: The Committee agreed to write to the individual with a short summary of the Committee's position.

14. Final Meeting Date

The Committee agreed as at Chairperson's Business to hold the last meeting of the session on 2 July 2024 at 9.30 am in Room 29.

The Meeting adjourned at 12.27 pm

Signature:

Tom Elliott, Chairperson

Dated