



Northern Ireland
Assembly

Agriculture, Environment and Rural Affairs Committee

Minutes of Proceedings

28 November 2024

Parliament Buildings, Room 21

Present: Robbie Butler MLA (Chairperson)
Declan McAleer MLA (Deputy Chairperson)
John Blair MLA
Nicola Brogan MLA
William Irwin MLA
Patsy McGlone MLA
Michelle McIlveen MLA

Present by Video or Teleconference:

Áine Murphy MLA

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 Meeting Opened in Public Session at 10.03 am

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.

The Chair advised Members that Agenda Item 5 would be taken after Agenda Item 1 in order to devote as much time as possible to the bTB briefing from the Minister and Chief Veterinary Officer.

Agreed: *The Committee agreed the change to the Agenda.*

1. Apologies

Tom Buchanan MLA

The Minister and Chief Veterinary Officer joined the meeting at 10.03 am

5. Oral Briefing from the Minister and Chief Veterinary Officer

[This item was recorded by Hansard]

The Committee considered the following paper:

- Chief Veterinary Officer's 'Review of Bovine Tuberculosis in Northern Ireland' November 2024.

The Committee noted the Report covers the Minister and Chief Veterinary Officer's current position regarding the way forward; to engage with the widest range of stakeholders, assessing and building upon the 2022 bTB Eradication Strategy and taking account of international best practice.

The Committee noted that as of 31 October 2024, animal and herd incidence rate was 1.158% and 10.41% respectively, with significant increases having been seen, in particular over the past 5 years.

In the 2023/24 financial year, total departmental bTB Programme expenditure was £55.7m, a rise of 39% since 2020/21, with the rise in compensation costs being the most substantial contributor to programme costs/expenditure. Compensation payments totalled £36.5m for 2023/24.

The Committee noted that it is within this deteriorating context that the Minister asked the CVO to assess the current approach and provide initial proposals for a new way forward for the eradication of bTB.

The following Officials then briefed the Committee:

- Minister Andrew Muir, MLA and
- Brian Dooher, Chief Veterinary Officer.

The Minister and the Chief Veterinary Officer (CVO) briefed the Committee and there then followed a question and answer session.

The Minister stated that the status quo is with regard to bTB is not an option. The Committee noted that there are 40 proposals in the report to be considered and worked through via collaboration and partnership by the new bTB Partnership Group together with a communication plan and co-design will be central to the development of actions.

Minister wishes to move at pace and see a delivery plan from the new bTB Partnership Group by the end of March 2025.

It is envisaged that this review and its should be a turning point for the eradication of bTB, in combination with the three pillars of measures – people, cattle and wildlife measures.

The Chair thanked the Minister and Chief Veterinary Officer for the briefing.

Agreed: The Committee noted the Chief Veterinary Officer's 'Review of Bovine Tuberculosis in Northern Ireland' November 2024, that this is a holistic approach and the three pillars to take the work forward.

Agreed: The Committee noted they will be further briefed on the progress of the work of the new bTB Partnership Group and its delivery plan in due course.

The Minister and CVO left the meeting at 11.00 am

Patsy McGlone MLA left the meeting at 11.00 am

Patsy McGlone MLA re-joined the meeting at 11.03 am

2. Chairperson's Business

The Chair advised that at last week's meeting in Loughry College with the rural groups, it was agreed to consider possible Committee actions in response to the briefings, at this week's meeting. The Chair proposed this would commence today in closed session at the end of the meeting.

Agreed: The Committee agreed with this proposal.

3. Minutes

Minutes of the 19 November 2024; and minutes of 21 November were agreed, and both signed by the Chair to be published.

4. Matters Arising

The Committee considered the response from the Minister dated 20 November, in reply to its letter of 8 November, regarding Agriculture and Fisheries Funding. The Minister welcomed the Committee's continued support in seeking to maximise the allocations to the sectors to ensure stable funding going forward.

The Committee noted that Minister Muir has formally asked the Minister of Finance that the Resource DEL which has been baselined in the block grant, is treated as 'Executive Earmarked' funding for agriculture, agri-environment, fisheries and rural development purposes and uplifted in line with inflation.

Agreed: The Committee noted that the Minister will keep them updated on any developments.

The Committee considered correspondence from the Department, dated 19 November, giving advance notice to Committee of the publication of an initial UK Emissions Trading Scheme (ETS) Authority Response to a consultation on the free allocation of UK ETS allowances (Free Allocation Review – FAR21), in order to address two permanent cessation proposals planned for implementation within the 2025 scheme year.

Agreed: The Committee noted the correspondence.

The Committee considered the response from the Minister, dated 19 November, in reply to its letter of 25 October, regarding an update on NIEA Business Plan 2024-25 Key Performance Target 3.

The Committee noted that from 1 April 2024 to 30 September 2024, 66% of consultations have been responded to within 21 calendar days / 15 working days, or otherwise agreed timescales.

The target of 75% is set to be realistic given the challenges that face NIEA in terms of experience, resources available and other statutory and non-statutory duties.

The Committee were concerned that the percentage of agricultural planning applications returned to the applicant requesting additional information is 60%.

Agreed: The Committee agreed to write to the Department on the reasons behind the seemingly high level of applications that must be returned to the applicant requesting additional information.

Agreed: The Committee noted the pressures on these teams and that additional staff at various grades are currently being recruited.

The Committee considered the response from the Minister, dated 20 November, in reply to its letter of 11 November, regarding further information on the Greenhouse Gas Emissions Trading Scheme, including aviation free allocation entitlements and free allocation cap.

The Committee noted that military flights are excluded from the scheme and also that the deadline for airline operators to submit applications for free allocation for the current 2021-2025 period was 31 March 2021. Both of the airline operators which are currently registered in NI, Aer Lingus (UK) Ltd and Emerald Airlines UK Ltd, registered in NI after this date (2022 and 2023 respectively).

Agreed: The Committee noted the response.

The Committee considered the response from the Department dated 20 November, in reply to its letter 25 October, regarding further information on the oral briefing provided to the Committee on the Windsor Framework (Implementation) Regulations.

The Chair read a short summary of the responses to the main issues raised by Committee.

Agreed: The Committee were content with the detail of the extensive response on the issues raised.

John Blair MLA left the meeting at 11.04 am

John Blair MLA re-joined the meeting at 11.08 am

6. Agriculture Bill

The Committee noted that the Agriculture Bill was introduced on 25 November and that Second Stage is scheduled for 3 December. The Bill will then go into Committee Stage on 4 December for this Committee to consider.

The Committee noted the following papers for this item:

- Letter from the Minister – Introduction of the Bill on 7 November;
- Agriculture Bill
- Explanatory and Financial Memorandum; and
- Hansard 20th June – DAERA Briefing.

The Committee noted that the Bill is to amend two legacy EU CMO Schemes and is based on the policy the Minister consulted in April and May, to:

- Make the funding for the Fruit and Vegetable Aid Scheme (FVAS) discretionary;
- Provide a power to make subordinate legislation which will allow amendments to be made to the assimilated law governing FVAS; and
- Provide a power to make subordinate legislation which will allow amendments to be made to the assimilated law governing the Agri-food Information and Promotion Schemes.

The Committee noted at next week's meeting it will receive a briefing from the Bill Clerk in closed session regarding the responsibilities of the Committee during a Committee Stage and advising of the support from the Bill Office.

Agreed: The Committee noted the plans for the Committee Stage.

7. SL1 The Direct Payments to Farmers (Cross-Compliance) (Revocation) Regulations (Northern Ireland) 2024

The Committee considered the following papers:

- SL1 - The Direct Payments to Farmers (Cross-Compliance) (Revocation) Regulations (Northern Ireland) 2024.

The Committee noted that the Statutory Rule (SR) will be laid before the Assembly under the negative resolution procedure and it is anticipated that it will come into operation on 1st January 2025.

The following Officials briefed the Committee on the SL1:

- Jason Foy, Area Based Schemes Organisational Development; and
- Denise Philips, DAERA Official

There then followed a robust question and answer session on the proposed SR and Committee Members expressed a range of views. Most raised concerns on penalties for minor breaches - the definition of breaches, specifically minor breaches, and

how/when these are classed as intentional breaches. The Committee noted that repeated breaches can become intentional breaches which invite higher penalties if the previous Regulations are revoked and replaced by these new Regulations. However, there was also support voiced for higher penalties for intentional or repeated careless environmental breaches.

The Committee noted the right of Appeal which has two stages and that penalties and the Department can intervene if penalties are not paid.

Agreed: The Committee were divided in support that the Department proceeds to make the SR 'The Direct Payments to Farmers (Cross-Compliance) (Revocation) Regulations (Northern Ireland) 2024. There was a quorum of eight and a vote was taken.

The Committee divided: AYES 1 : NOES 6 : ABSTAIN 1 – The Motion Fell.

Ayes: John Blair MLA,

Noes: Declan McAleer MLA, Nicola Brogan MLA, William Irwin MLA,
Patsy McGlone MLA, Michelle McIlveen MLA, Áine Murphy MLA
(via Zoom).

Abstain: Robbie Butler MLA

The Departmental Officials left the meeting at 11.36 am

The Departmental Officials joined the meeting at 11.40 am

8. SL1 The Marine Licensing (Application Fees) (Amendment) Regulations (Northern Ireland) 2024

The Committee considered the following paper:

- SL1 The Marine Licensing (Application Fees) (Amendment) Regulations (Northern Ireland) 2024

The Committee noted that the policy objective is to deliver a more efficient and equitable marine licensing system, based on the principle that users should pay for the service they receive. The Department consulted on the "Proposals from 9th July to 3rd September.

The Rule will be laid before the Assembly and is subject to the negative resolution procedure. It is anticipated that it will come into operation on 1 January 2025.

The following Officials briefed the Committee on the SL1:

- Colin Armstrong, Deputy Director, Marine and Fisheries;
- Susan Cramer, Deputy Principal, Marine Strategy & Licensing;
- Kelly Mills, Deputy Director of Policy; and
- Stephanie Bennett, Head of Marine Licensing.

There then followed a question and answer session with Officials.

Agreed: The Committee agreed that the Department proceeds to make the SR - The Marine Licensing (Application Fees) (Amendment) Regulations (Northern Ireland) 2024.

Patsy McGlone MLA left the meeting at 11.51 am

Patsy McGlone MLA re-joined the meeting at 11.55 am

The Departmental Officials left the meeting at 11.57 am

The meeting was suspended at 11.57 am

The meeting was reconvened at 12.13 pm

The Departmental Officials joined the meeting at 12.13 pm

Agenda Item 9 – SL1 The Climate Change (Carbon Budgets 2023-2037) Regulations (Northern Ireland) 2024

With the Committee's agreement Agenda Items 9 and 10 were taken together.

Agenda Item 10 – SL1 The Climate Change (2040 Emissions Target) Regulations 2024.

The Chair highlighted that the Department intends to make **The Climate Change (Carbon Budgets 2023-2037) Regulations (Northern Ireland) 2024** under powers conferred on it by Section 23 of the Climate Change Act (Northern Ireland) 2022 - to set the first three carbon budgets covering the periods 2023-27, 2028-32 and 2033-37.

The first carbon budget to be set at a level that has a 33% average annual reduction in emissions against the baseline, the second to be set at a level that has a 48% average annual reduction in emissions against the baseline and the third to be set at a level that has a 62% average annual reduction in emissions against the baseline

The Committee noted that the SR is to be laid before the Assembly under the **draft affirmative resolution** procedure and it is anticipated that it will come into operation on the day after the day on which it is made. The SR is crosscutting and Executive Approval was secured on 21 November.

The Chair then highlighted that the Department proposes to make **The Climate Change (2040 Emissions Target) Regulations 2024** under powers conferred on it by section 5(2) of the Climate Change Act (Northern Ireland) 2022 to set a 2040 emissions reduction target of 77%.

The Committee noted that the SR is to be laid before the Assembly under the draft affirmative resolution procedure and it is anticipated that it will come into operation on the day after the day on which it is made. The SR is crosscutting and Executive Approval was secured on 21 November.

The following Officials then briefed the Committee on both SL1s:

- Jane Corderoy, Director of Climate Change and Green Growth Policy Division;
- Anthony Courtney, Environmental Policy Division, Climate Change Branch;
- Phil Elliott, Environmental Policy Division, Brexit Environment and EU ETS Team, Senior Scientific Officer; and
- Ian Fleming, Environmental Policy Division, Climate Change Branch.

There then followed a question and answer session with Officials.

The Officials highlighted that to bring forward these Regulations was a statutory duty and that targets were set at a regional level but that it is the sectoral plans and actions that will have to deliver the total NI figure.

Committee noted the draft SR, however there was not a consensus on the targets within them and a range of views expressed around the table. Some Members

concerned that carbon budget emissions targets are too ambitious and likewise the proposed 2040 target and others raised the matter of the Just Transition for rural areas being vital.

It was accepted that some sectors will move faster than others and that consideration was needed for the potential that some sectors may off-set other slower moving areas. Concern was expressed that NI lags behind other jurisdictions in moving towards net zero.

Agreed: The Committee noted that the draft SR which has been laid under the draft affirmative resolution procedure, will be debated in the Chamber and were content that the Chair's speech should reflect the various views and issues raised.

The Departmental Officials left the meeting at 1.00 pm

9. Departmental Written Briefing – Consultation on Management Measures for the use of Fast Craft and Personal Watercraft in Marine Protected Areas – Synopsis Report.

The Committee considered the following papers:

- Clerk's Memo, dated 25 November: and
- Departmental Written Briefing dated 11 November, 'Consultation on Management Measures for the use of Fast Craft and Personal Watercraft in Marine Protected Areas – Synopsis Report',

The Committee noted the Department has written a synopsis report based on the responses it received to the above consultation and is now in a position to publish this report.

The Committee noted the Clerk's Memo which highlights some of the main points within the synopsis report.

Agreed: The Committee noted the written briefing.

10. Departmental Written Briefing – Update on Free Trade Agreements.

The Committee considered the following papers:

- Clerk's Memo, dated 25 November: and
- Departmental Written Briefing dated 6 November, 'Update on Free Trade Agreements.

The Committee noted the Clerk's Memo which highlights some of the main points regarding the update on Free Trade Agreements (FTAs) particularly in relation to the agri-sector. That the UK has negotiated continuity agreements with almost 70 countries, with which the EU has FTAs.

Agreed: The Committee noted the written briefing.

11. Departmental Written Briefing – Update on Access to Labour

The Committee considered the following papers:

- Clerk's Memo, dated 25 November: and
- Departmental Written Briefing dated 6 November, 'Update on Access to Labour'.

The Committee noted the Clerk's Memo which highlights the main points regarding Access to Labour, particularly in relation to the agri-sector.

The Chair highlighted that the Committee has discussed these issues on a number of occasions and are aware that many agricultural businesses continue to rely on migrant workers to address their labour needs - in particular, the fishing, meat processing and mushroom harvesting sectors.

The Committee are aware that the Minister is trying to address the unsuitability of the work visa routes available to these sectors.

Agreed: The Committee noted the written briefing and agreed that it has supported the Minister in these matters and that it is seeking a virtual meeting with the Migration Advisory Committee Chair in the New Year.

12. Correspondence

The Committee considered correspondence, dated 19 November, from the Office for Environmental Protection [OEP] and the publishing of its latest report 'Bathing Water Report NI. The report highlighted that the regulatory regime is being followed in places, but it needs to be updated to better protect swimmers and users of our lakes and rivers. The Committee noted there are 11 recommendations to DAERA in the report.

Agreed: The Committee agreed to note the report and that they will be having a briefing from OEP in the New Year.

The Committee considered correspondence, dated 19 November, an invitation to Annual Festival Drinks Reception on Tuesday 10 December from Belfast Harbour.

Agreed: The Committee agreed to contact the organisers if they wish to attend.

The Committee considered correspondence, dated 22 November, a Clerk's Memo from the Clerk to the Committee for Finance regarding Northern Ireland Banking and Financial Services Landscape Inquiry and its terms of reference.

Agreed: The Committee noted the correspondence and agreed to respond as individual MLAs or through their party.

The Committee considered the 27th Report of the Examiner of Statutory Rules dated 22 November, there are no DAERA SRs referenced in the report.

Agreed: The Committee noted the report.

The Committee considered correspondence from Investment Strategy NI, ISNI Delivery Tracking System – Investing Activity Report. The report is a summary of

the projects and investing activities which have been entered on the DTS by NICS departments and their agencies.

The Committee noted the long length of time for the completion of some relatively small construction projects and agreed to write to the Department for explanation.

Agreed: The Committee agreed to write to the Department on the matter.

13. Forward Work Programme

The Committee noted the Forward Work Programme to 23rd January 2025. At next week's meeting on 5 December there will be a briefing from Ulster Farmer's Union and National Sheep Industry regarding MV and impact to the sheep industry and on some wider policy issues of concern to the UFU; and also, a briefing from the Bill Clerk in closed session in relation to the process of a Committee Stage.

Agreed: The Committee agreed their first meeting after the Christmas / New Year recess is 16 January 2025.

Agreed: The Committee agreed to publish the Forward Work Programme.

14. Any Other Business

None

15. Date and Time of Next Meeting

The next meeting of the Agriculture, Environment and Rural Affairs Committee is on **Thursday 5 December at 10.00am at Parliament Buildings, at 10.00 am.**

The meeting went into closed session at 1.13 pm

16. Committee discussion following briefings from Rural Groups

The Committee considered the Clerk's Memo, dated 26 November, regarding the issues raised by the Rural Partnership Groups and Rural Support Networks at the meeting last week in Loughry College.

The Committee noted the session was recorded by Hansard and will be published on the Committee's webpage once finalised.

Agreed: The Committee agreed to forward the Clerk's Memo to the Department and ask for a response to the issues of concern to the groups and networks. The Committee agreed to return to this matter in the New Year.

The Meeting adjourned at 1.13 pm

Signature:

Robbie Butler MLA, Chairperson

Dated