



Northern Ireland
Assembly

Agriculture, Environment and Rural Affairs Committee

Minutes of Proceedings

20 February 2025

Parliament Buildings, Room 21

Present: Declan McAleer MLA (Deputy Chairperson)
John Blair MLA
Tom Buchanan MLA
Aoife Finnegan MLA
William Irwin MLA
Michelle McIlveen MLA
Patsy McGlone MLA
Áine Murphy MLA

Apologies: Robbie Butler MLA (Chairperson)

In Attendance: Dr Janice Thompson, Assembly Clerk
Mr Nick Faulkner, Assistant Assembly Clerk
Mr Michael Greer, Clerical Supervisor
Miss Sarah Preece Clerical Officer

The Meeting Opened in Public Session at 11.07 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.

1. Apologies

Robbie Butler MLA (Chairperson)

2. Chairperson's Business

The Deputy Chair advised the Committee that he had agreed to be in the Chair today as the Robbie Butler was unavailable.

The Chair welcomed Aoife Finnegan MLA to the Committee and wished her well and looked forward to her valuable contribution to the Committee.

The Chair also thanked Nicola Brogan for all her work on this Committee and wished her well on the Infrastructure Committee.

Agreed: The Committee agreed to send a letter to Nicola Brogan thanking her for her work on the Committee.

The Chair noted that prior to the meeting the Committee held an informal information sharing and discussion session on MS Teams with the Chair of the UK Government Migration Advisor Committee (MAC), focusing on the MAC Report (July 2024) on the Review of the Seasonal Workers Visa.

Agreed: The Committee agreed that the Committee Team's note of the informal meeting will be considered at the Committees next meeting and it will then discuss any actions it wishes to take.

The Chair referred to a notification from DEFRA that the Agricultural Supply Chain Adjudicator (ASCA) team are launching a survey in relation to the Fair Dealing Obligations (Milk) Regulations 2004 which will apply to all new and existing agreements for the purchase of cow's milk in less than five months.

The Committee noted that the survey, which closes on 28th February, aims to help understand current levels of awareness of the Regulations and the role of the ASCA in handling complaints and enforcing the new rules.

Agreed: The Committee agreed to note.

The Chair referred to a letter from the Minister, dated 14 February, regarding his-response to a report from the Office for Environmental Protection (OEP) - Bathing Water Review and to a copy of the Department's response to the report, which outlines DAERA's response to the 11 recommendations made by the OEP.

The Committee noted that The OEP report concludes that the Bathing Water (Northern Ireland) Regulations, 2008 are broadly being implemented effectively in terms of monitoring, classification and reporting obligations. It also states that the application of the Regulations has seen significant improvements in bathing water since the regime was introduced in the 1990s, albeit that it comments on 'some recent stagnation and decline.'

Agreed: The Committee agreed to note the report.

The Chair referred to an invitation from the Centre for Public Policy and Administration (CPAA) to a seminar - The Potential for Artificial Intelligence in the Public Sector - to be held on Tuesday 15th April at Riddel Hall, Queen's University.

Agreed: The Committee noted the invitation.

3. Minutes

Minutes of the 13th February and 17th February were agreed and signed by the Chair to be published.

Agreed: The minutes were agreed.

4. Matters Arising

4.1 The Committee noted that the Pack contained two responses from the Minister on the draft Farm Sustainability (Transitional Provisions) Regulations (Northern Ireland) 2025.

The Committee noted that it had previously considered these responses and they had been included in case further discussion on the draft SR was required today. However, this was not the case as the draft SR was agreed by the Assembly on 18 February.

Agreed: The Committee agreed to note the responses.

4.2 The Committee considered the response from the Minister, dated 13 February, regarding Aquaculture NI. The Committee noted that it wrote to the Minister following the briefing from NI Aquaculture Representatives Group (ARG)/Aquaculture NI at its meeting on 6 February.

The letter requested that the Minister considered including Aquaculture in the Food Strategy Framework. The Committee also sought the Minister's comments on how to achieve that, possibly through an action plan specific to Aquaculture.

The Minister's response confirms that fish and marine (rather than aquaculture) are included within the scope of the Northern Ireland Food Strategy Framework and is keen to work with Aquaculture NI to promote greater awareness and consumption of our local fish.

The Committee noted that the Minister states that work is ongoing to develop a cross-departmental action plan for the Framework and that the forthcoming Fisheries Bill offers the opportunity to amend the legislative framework for aquaculture regulation.

The Committee noted that the response stated that ARG members have been meeting regularly with the Bill team in co-design and consideration of the issues being raised by the aquaculture sector is enabling the development of a more streamlined pathway that can be used for authorising and regulating aquaculture activities. Consultation on the new policy is anticipated to take place this Spring.

Agreed: The Committee noted the response and agreed to forward a copy to the ARG/Aquaculture NI.

4.3 The Committee considered a response from the Department, dated 13 February, regarding the TB Partnership Steering Group.

The Committee noted that it wrote to the Department following its meeting on 30 January seeking confirmation on the role of the Chief Veterinary Officer (CVO), on the new TBPSG and the attendance of AFBI on the Group.

The response states that the CVO is the Chair of the TBPSG and in this role is representing the Department and will be meeting AFBI soon to discuss their initial assessment and feedback on the CVO Report.

The Committee noted that the Department states that TBPSG is made up of key stakeholders and recognises the need for AFBI to be fully involved and AFBI will therefore be invited to be represented on the new Departmental TB Programme Board and will also be engaged by the Department on relevant proposals.

The Committee noted that the response states that AFBI also frequently attend quarterly meetings of the TB Stakeholder Working Group and provide advice to the Department through the commission of TB research projects.

Agreed: The Committee noted the response.

4.4 The Committee noted correspondence and a consultation report from the Department regarding Publication of Fees and Charges for NI Registered Aeroplane Operators in the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA).

The Committee noted it considered this matter at its meeting on 9 September when it considered and noted correspondence advising of a technical consultation concerning CORSIA fees and charges.

The Committee noted that the Department states that no responses from stakeholders to the consultation were received, however NIEA has confirmed that a 9.5% uplift should be applied to NIEA fees and charges for 2024 – 2025.

Agreed: The Committee agreed to note the correspondence.

4.5 The Committee considered a response from the Department dated 18 February in relation to Aquaculture NI. The Committee noted that following the briefing from Aquaculture NI at its meeting on 6 February it asked the Department to outline the current restrictions it has put on aquaculture movements to prevent the spread of zebra mussels and why the same restrictions are not being applied to all vessel movements.

The Committee noted that the Department states it has a legal obligation to consider all potential pathways in relation to the spread of Invasive Alien Species (IAS) and that movements of live aquaculture animals are transported by road and re-released at their destination. The restrictions are therefore placed on the 'movement' as opposed to the 'vessel'.

The Committee noted that the Department states the work to reduce the risk of introduction and spread of IAS by vessel movements has focused on awareness, education and provision of advice and resources on best practice for biosecurity.

The Committee noted that NIEA and DAERA officials attend the UK Marine Task and Finish Group, which is responsible for producing a report on 'Preventing the introduction and establishment of marine IAS' which will contain a list of recommendations to be implemented across the UK to address the issue.

Agreed: The Committee agreed to note the response and forward it to Aquaculture NI.

The Mushroom sector representatives joined the meeting at 11.17 am

5. Agriculture Bill - Joint Briefing from Mushroom Producer Organisation, Commercial Mushroom Growers UK Ltd & Northway Mushrooms

The Committee considered the Joint briefing paper - Mushroom Producer Organisation, Commercial Mushroom Growers UK Ltd & Northway Mushrooms

The following Representatives briefed the Committee:

- Ms Liz Kelly, Mushroom Producer Organisation;
- Mr Andrew Mulligan, Commercial Mushroom Growers UK Ltd; and
- Mr David Dallas, Northway Mushrooms.

The Committee heard that the mushroom sector is concerned that the Bill proposes that FVAS funding is made 'discretionary' and if funding is removed it will present them with a cliff edge.

This offers no security as they cannot plan ahead for investment in automation which will put them at a further disadvantage to their competitors, for example, in the Republic of Ireland and Poland. There were concerns raised that if production moves to their competitors it will never come back to Northern Ireland.

The Committee heard that the sector believes that the level of engagement it has had with the Department has been unsatisfactory. The sector has been advised that reviews of the FVAS and other EU legacy schemes are ongoing, but they not been given the opportunity to co-design any new schemes that may replace the FVAS.

They requested a clear and concise steer from the Department on what support is going to be available to the Mushroom sector if this Bill becomes law.

The Committee heard of the three CAFRE schemes which are currently in development – the mushroom sector has been encouraged to look to these schemes and see them as potentially useful but small in scale and not the commercial support schemes that they need.

The Committee expressed concerns of the lack of consultation between the Department and the Mushroom Sector.

A Committee member queried whether there may be a need for some discretionary element to be introduced to consider changes such as episodes of severe weather that might mean support is needed to be directed to other sectors.

The Committee heard that the sector wished the Bill to be paused, the current FVAS extended until the Review of the FVAS is completed and the design and funding for its replacement to be clearer and for 'discretionary' to be removed from the Bill. The sector is concerned that in the absence of firm details of a new improved replacement scheme could mean the scheme would be closed.

The Committee also heard that also they wished to see ringfenced support funding to the horticulture sector, and particularly the mushroom sector.

The Chair thanked the representatives for the briefing.

Agreed: The Committee agreed to write to the Department on behalf of the Mushroom Sector to request:

- A clear and concise steer from the Department on support available to the sector within the Agriculture Bill;
- Full details of the three new CAFRE schemes which are currently in development and how those schemes can be of benefit to the Mushroom Sector; and
- To seek clarity as to whether this Bill brings an end to the FVAS Scheme, or allows for the FVAS Scheme to be replaced.

The representatives left the meeting at 12.03 pm

6. Agriculture Bill

The Committee considered the following correspondence in relation to its call for evidence on the Agriculture Bill from:

- Northern Ireland Food and Drink Association stating they have declined to provide evidence due to time pressures as they are currently organising their conference (and the Committee was invited to the conference).
- NI Soft Fruit Growers stating they are unable to compile a response due to work commitments from the effects of the recent storms. However, they also stated that some of their members have had the experience of a Producer Organisation and were not keen to re-enter the experience again.

The Committee noted that the Citizen Space Survey on the Bill is now closed and has received six responses.

Agreed: The Committee agreed to note the responses and it will consider them during its deliberations on the Bill.

The Departmental Officials joined the meeting at 12.05pm

William Irwin left the meeting at 12.10 pm

7. SL1 The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2025

The Committee considered the following paper:

SL1 The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2025

The following Departmental Officials briefed the Committee:

- Mr Colin Armstrong, Assistant Director Marine and Fisheries Division
- Mr Mark Preston, Head of Natural Heritage 2 Branch Natural Environment Policy Division.

The Committee heard that the Department intends to make a Statutory Rule under powers conferred on it by Section 14 of the Retained EU Law (Revocation and Reform) Act 2023. The amending regulations will be subject to negative resolution.

The Committee heard that the proposed SR is needed to make technical changes to align the designation of marine Special Protection Area's (SPAs) and Special Areas of Conservation (SACs) to the same procedure as designating Marine Conservation Zones (MCZs) in the Marine Act (Northern Ireland) 2013, and DAERA's responsibility for the management and monitoring of European marine sites in the NI inshore region.

There then followed a question and answer session.

The Committee heard that the SR will make only technical changes. There will be no substantive changes to what the Department currently does and the SR will provide legislative clarification to what has been practice.

The Committee noted that that briefing paper states that the Department and NIEA Officials met with Defra and agreed that Regulation 8A (6) (b) does not reflect the devolution arrangements for marine conservation officials.

Agreed: The Committee agreed to write to the Department to ask;

- On what date was it realised that the Regulation 8A (6) (b) did not reflect the devolution arrangements; and
- On what date did the meeting(s) with Defra take place to discuss the matter and agree the way forward through the proposed SR.

Agreed: The Committee agreed that the Department proceeds to make the SR and it will then consider it and the ESR Report in due course.

The Committee thanked the Officials for the briefing.

The Departmental Officials left the meeting at 12.16pm

8. SR 2025/26 The Farm Sustainability Payments to Farmers (Amendment) Regulations (Northern Ireland) 2025

The Committee considered the following papers:

SR 2025/26 The Farm Sustainability Payments to Farmers (Amendment) Regulations (Northern Ireland) 2025 and the explanatory memorandum.

The Committee noted it received an oral briefing on this SR at its meeting on 13 February when it heard that the proposed SR is to make a number of minor legislative amendments:

- the closing date for the transfer of payment entitlements;
- removing the methodology, as prescribed by the EU, to assess the robustness of the Land Parcel Identification System (LPIS); and
- those listed as a Competent Control Authority for cross-compliance has been updated to reflect that DAERA now undertakes this role.

At its meeting on 13th February the Committee noted that the SR will be laid before the Assembly under the negative resolution procedure and, subject to Executive approval, it is anticipated that it will come into operation on 6 March 2025.

The Committee noted that the Department intends to simplify the procedures and rules concerning land eligibility and the Committee also recognised the farming

industry has welcomed the extension of the Entitlement transfer window by two weeks and that applications can be accessed online.

The Committee also noted that the Department plan a rapid review process for those farmers who are challenging the decision that they are inactive and not eligible for the Farm Sustainability Payment.

The Committee noted that it had agreed at the meeting on 13th February that the Department proceeded to make the SR.

Agreed: The Committee agreed that it had considered SR 2025/26 The Farm Sustainability Payments to Farmers (Amendment) Regulations (Northern Ireland) 2025 and had no objection to the Rule subject to the report of the Examiner of Statutory Rules.

The Departmental Officials joined the meeting at 12.18pm

9. Departmental Oral briefing - Legislative Consent Motion (LCM) – Employment Rights Bill – Gangmaster and Labour Abuse Authority

The Committee considered the following papers:

- Correspondence from the Department providing an update on the Bill dated 13 November;
- Correspondence from the Department providing a further update on the Bill dated 21 January;
- A paper entitled the UK Employment Rights Bill - Clauses with Explanations; and
- A copy of the Employment Rights Bill and Amendments to the Employments Rights Bill.

The Committee noted that this matter refers to the potential extension to Northern Ireland of provisions in the UK Employment Rights Bill via a Legislative Consent Memorandum (LCM), which would abolish the GLAA and move its enforcement powers under the Secretary of State for Business and Trade.

The Department for Communities (DfC), is leading on the LCM and DAERA, DoF and DfE are also within scope of the Bill.

The Committee noted that the Minister has agreed to the extension of these powers to Northern Ireland provided an amendment is made to the Bill due to his concern that Part 2 of Schedule 4 of the Bill confers a power on the Secretary of State to amend relevant labour market legislation set out in Part 1 of Schedule 4.

Such an amendment would give assurance that this power will not be exercisable in the absence of NI Executive approval.

The following Officials from DAERA and DfC briefed the Committee:

- Ms Nichola Connery, DAERA; and
- Mr Richard Jordan, DfC.

The Committee heard that the functions of the GLAA will continue until the Fair Work Agency (FWA) in the Employment Rights Bill is operational and therefore there will be no gap in the service provided to workers and employers.

The Committee heard that there has been heavy scrutiny of the Bill to date and no concerns have been raised by DAERA. It is considered that it will bring many benefits in protecting workers rights and that it will create a single recognisable brand for workers to identify with.

The Committee noted that the Committee for Communities are leading scrutiny on the LCM.

Agreed: The Committee agreed to write to DAERA and to the Committee for Communities in support of the LCM

The Committee thanked the Officials for the briefing.

The Departmental Officials left the meeting at 12.33pm

10. Departmental Written Briefing - Outcome of consultation on implementation of mandatory sheep carcase classification.

The Committee considered the following paper:

- Outcome of consultation on implementation of mandatory sheep carcase classification

The Committee noted that the written briefing provides the outcome of the second consultation on introducing mandatory sheep carcase classification and price reporting in Northern Ireland as well as automated carcase classification for both beef and sheep.

The Committee noted that the consultation covered the range of issues highlighted in the written briefing and found that respondents were broadly in favour of the proposals though raised some concerns.

These included disagreement about what weight bands to publish and concerns about cost to the processor. One respondent believed a mandatory system was unnecessary given the existing robust voluntary system.

The Committee noted that following Defra's announcement of its intention to introduce legislation in England, DAERA is planning to implement a mandatory sheep carcase classification and price reporting scheme in NI, for a range of reasons, including aligning the sheep industry with that of beef and pig; allowing for easier comparisons of the NI and GB sheep industries and providing enforcement powers to ensure compliance.

The Committee noted that the required Statutory Rule will be subject to the draft affirmative resolution and the Department intends to issue the SL1 on the SR after the Easter recess.

Agreed: The Committee agreed to arrange an oral briefing from the Department in due course.

John Blair MLA left the meeting at 12.33 pm

Patsy McGlone MLA left the meeting at 12.35pm

John Blair MLA re-joined the meeting at 12.39 pm

11. Correspondence

The Committee considered correspondence, dated 13 February, from the Department regarding the UK Emissions Trading Scheme Post-2030 Cap Consultation. The Committee noted that the Department is giving advance notice of

the UK Emissions Trading Scheme (UK ETS) Authority publication of a focused 8-week consultation on extending the duration of the UK ETS beyond 2030.

The Committee noted that the Authority have already signalled the intention to legislate to continue the UK ETS beyond 2030.

Agreed: The Committee agreed to note the correspondence.

The Committee considered a Clerk's Memo from the Clerk to the Committee for Finance, dated 13 February, with supporting information regarding NICS Sick Absence Levels.

The Committee noted that the Committee for Finance remain extremely concerned about the analysis and information collated by DoF, regarding increasing absence figures and the cost to the public purse. The DoF has stated that there are currently no agreed targets to reduce sickness absence levels in the NICS.

The Committee noted that the Committee for Finance requests that all committees ask the department it scrutinises what action they plan to take to respond to sick absence levels amongst their staff.

Agreed: The Committee agreed to write to DAERA to request what action they plan to take to respond to sick absence levels amongst their staff.

The Committee considered a Clerk's Memo from the Clerk to the Committee for Finance, dated 13 February, with supporting information regarding Open Government Network NI. The Committee noted that the Committee for Finance received an oral briefing from the Open Government Network on the status of open government in Northern Ireland and agreed to forward the updated paper to other statutory Committees for their information.

Agreed: The Committee agreed to note the memo and paper.

The Committee considered a series of further emails, that the Committee has been copied into between Macwaste Ltd and the NIEA Waste Regulation Unit, regarding a Haz waste query and Macwaste seeking confirmation that environmental legalisation has been followed.

Agreed: The Committee agreed to note the correspondence for information.

The Committee considered correspondence from the Department regarding the Update on policy consultation for the Fisheries Bill. DAERA advises that there will be a delay to the public consultation until late Spring due to the inability to secure a contractor to complete the Strategic Environmental Assessment (SEA), which is a statutory requirement.

The contractor who was conducting the SEAs for the Fisheries Management Plans was approached but did not have experience for primary legislation. The Committee noted that a tender and specification was issued but no applications were received. Options are now being considered to conduct the environmental assessment in-house using expert scientific input.

Agreed: The Committee agreed to note the correspondence.

11.6 The Committee considered a notification that the next in the series of Outreach Parliaments will be the Women's Parliament, taking place on Friday 28 February in the Assembly Chamber between 1-3pm.

Agreed: The Committee agreed to note the correspondence.

12. Forward Work Programme

The Committee considered the draft Forward Work Programme up to 3rd April. The Committee discussed holding a Strategic Planning Session on 13th March.

Agreed: The Committee agreed the Forward Work Plan to be published and to hold a Strategic Planning Session on 13th March following the Committee meeting.

13. Any Other Business

14. Date and Time of Next Meeting

The next meeting of the Agriculture, Environment and Rural Affairs Committee is on **Thursday 27 February at 10.00am in Parliament Buildings, Room 21**

The Meeting adjourned at 12.41 pm

Signature:

Robbie Butler MLA, Chairperson

Dated