



Northern Ireland  
Assembly

# Agriculture, Environment and Rural Affairs Committee

## Minutes of Proceedings

24 October 2024

### Parliament Buildings, Room 21

**Present:** Robbie Butler MLA (Chairperson)  
Declan McAleer MLA (Deputy Chairperson)  
John Blair MLA  
Tom Buchanan MLA  
Michelle McIlveen MLA  
Áine Murphy MLA

**Present by Video or Teleconference:**

Nicola Brogan MLA

**Apologies:** William Irwin MLA

Patsy McGlone MLA

**In Attendance:** Dr Janice Thompson, Assembly Clerk  
Mrs Gillian Barker, Assistant Assembly Clerk  
Mr Michael Greer, Clerical Supervisor  
Ms Sarah Preece, Clerical Officer

***The Meeting Opened in Public Session at 10.12 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**

None

**2. Chairperson's Business**

The Chair advised the Committee has received an invitation to the RE[act] Festival for a Sustainable Belfast which takes place from 12 – 14 November. The details and a link to the full programme are in the correspondence.

The biennial festival aims to celebrate and raise awareness of the current sustainability initiatives already taking place across Belfast as well as to inspire more individuals, organisations & policymakers.

The Committee noted there are 36 events taking place over the three day festival, including a key note address by the DAERA Minister on Day 3.

**Agreed:** The Committee noted the event and will contact the team if they plan to attend any of the sessions.

The Chair advised he had received an invitation from the Northern Ireland Executive Office in Brussels for the Committee to join an evening on Wednesday 6 November in the Northern Ireland Executive Office, Brussels, to celebrate the best of Northern Irish food and drink and to reflect of the unique proximity of

Northern Irish agriculture to the EU. Minister Muir and the President of the UFU are speaking at the event.

**Agreed:** The Committee agreed it would be difficult to justify this travel currently, however they would not rule out travelling outside Northern Ireland in the future regarding AERA committee work.

The Chair advised of a reminder for the event on 25<sup>th</sup> October, at Queen's University at 9am, for the launch of the 'Centre for Public Policy and Administration'.

**Agreed:** The Committee noted the need to register via the link in the email.

The Chair advised of an update from the Clerk to the Chairpersons' Liaison Group [CLG] dated 18 October, which is from the CLG meeting of 18 June 2024. At this meeting Post-Legislative Scrutiny and Strengthening Committee Scrutiny were considered by CLG.

The Committee noted the correspondence included detailed updates on both of these matters and next steps.

**Agreed:** The Committee noted the Assembly Officials will be reporting back to the CLG by 31 March 2025.

***Declan McAleer MLA left the meeting at 10.15 am***

***Declan McAleer MLA re-joined the meeting at 10.27 am***

### **3. Minutes**

Minutes of the 17 October 2024 were signed by the Chair, and agreed to be published.

#### 4. Matters Arising

The Committee considered the response from the Department, dated 18 October, to the Committee for Communities, regarding Disability Rights and Representation. This follows on from last week when the Committee had notice of this request from Committee for Communities.

The Committee noted that DAERA highlights a number of pieces of important work in this area and states it is committed to engaging with disability groups as it continues to develop policies.

Robbie Butler MLA, declared an interest as the Chair of the All Party Group for Disabilities.

**Agreed:** The Committee noted the Department's revised Disability Action Plan, which is under development.

***The Departmental Officials joined the meeting at 10.29 am***

#### 5. Oral Briefing from the Department – Windsor Framework (Implementation) Regulations

The Chair highlighted that this briefing was taking place as the Committee had requested clarity regarding the impact of the Windsor Framework (Implementation) Regulations 2024 on DAERA and the areas of legislation where the SoS has NOT Exercised His Discretion under Regulations 3 of the Windsor Framework (Implementation) Regulations 2024 NOT To Exercise Direction And Control.

The Committee noted the following papers:

- Briefing paper from the Department dated 23 October 2024;
- Clerk's Memo updated 21 October 2024 – Windsor Framework (Implementation) Regulations 2024 – initially written in May 2024;
- Updated list of legislation that Minister Muir deposited in the Assembly Library on 23rd September. The updated list covers 'Legislation where the Secretary of State has NOT Exercised Discretion under Regulation 3 of

the Windsor Framework (Implementation) Regulations 2024 NOT to Exercise Discretion and Control’;

- Response from Dr Julie Harrison, Permanent Secretary, NIO, dated 25 September, outlining the roles and responsibilities of DAERA Minister and the Secretary of State in relation to the Windsor Framework (Implementation) Regulations 2024.

The following Officials joined the meeting;

- Catherine Fisher, Director, DAERA Windsor Framework Implementation Directorate; and
- Nicole McArthur, Deputy Director, DAERA Windsor Framework Implementation Directorate.

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

The Committee agreed to write to the Department to request further information on a range of relevant issues:

- Additional information on the new NICS post currently being advertised by TEO - ‘Head of Regulatory Divergence Co-ordinator’, and how will this post impact on and support the work of the DAERA Windsor Framework Implementation Directorate?
- What resources are now dedicated in Defra to dealing with those specific Northern Ireland matters where SoS has retained direction and control?
- If the AERA Committee has any scrutiny role regarding any new legislation that is made, which is in an area under the direction and control of Defra’s Secretary of State; and
- For additional information on dental amalgam regarding the recording of levels of product being used in NI during the derogation period to 2034.

**Agreed:** The Committee agreed to write to the Department on these matters.

***The Departmental Officials left the meeting at 10.42 am***

## **6. Oral Briefing from Northern Ireland Environment Agency – Business Plan and Update on Rural / Agricultural Planning Regulations.**

The Committee noted the following papers:

- NIEA Business Plan 2024-25; and
- Letter from the Department, dated 2 October, regarding the NIEA Business Plan 2024 – 25, and Update on Number of Outstanding Rural / Agricultural Planning Applications.

The Committee considered the updated figures regarding the ammonia related planning consultations - overall agricultural caseload, since 19 December 2023, when the ammonia standing advice was paused and there was a move to the current interim case-by-case basis.

An additional 118 agricultural-related cases have been responded to since the previous update to Committee in June 2024.

The following NIEA Officials joined the meeting:

- David Reid, Chief Executive;
- Richard Crowe, Regulation and Enforcement Director;
- Liz Loughran, Natural Environment Division Director; and
- Keith Finnegan, Head of Air Quality and Biodiversity Branch.

The NIEA Officials briefed the Committee on its Business Plan 2024-25 and on the ammonia related planning consultations and there then followed a question and answer session.

The Committee noted that Department has not yet available the current analysis of Key Performance Target 3, that is to achieve target of responding to at least 75% of statutory planning consultations requests within 21 days or otherwise by agreed timeframes.

**Agreed:** The Committee agreed to write to the Department to request and update on Key Performance Target 3 once available and to outline what is the rationale for this target.

**Agreed:** The Committee agreed to write to the Department to request how many planning applications have been handled twice or three times due to requiring more information from the applicant.

***John Blair MLA left the meeting at 11.20 am***

***John Blair MLA re-joined the meeting at 11.29 am***

***The NIEA Officials left the meeting at 11.30 am***

## **7. Fair Pricing – Food Supply Chain**

The Committee noted that following on from last week's informal meeting to discuss the food supply chain and the proposed draft 'Farm Welfare Bill' by Farmers for Action, three draft letters had been prepared for the Committee to consider:

- 1) Draft letter to Minister Muir asking for a clear position on the Department's views on the proposed draft Farm Welfare Bill and if it is considering taking forward such a Bill or otherwise considering the matters included in it.
- 2) Draft letter to Defra requesting information on how the UK Government is intending to restore stability for farmers, deliver a resilient and healthy food system, with a **new deal** that ensures fairness in the supply chain across all sectors.
- 3) Draft letter to Farmers for Action – highlighting the Committee's agreed first steps to ensure its due diligence is conducted before any decision is made on how the Committee might proceed to assess and deal with the matters raised in the proposed draft Farm Welfare Bill. The Committee noted the list of supporters from Farmers for Action.

**Agreed:** The Committee were generally content with the draft letters, however agreed to add to Minister Muir's letter a query regarding the launch of a range of Supply Chain Schemes during 2025 and also agreed that the proposed draft Farm Welfare Bill be attached to the letter to Defra.

**Agreed:** The Committee agreed, with the amendment to the Minister's letter, that the three letters were to be issued.

***Nicola Brogan MLA left the meeting at 11.15am***

***The meeting was suspended at 11.33 am***

***The meeting was reconvened at 11.44 am***

## **8. Departmental Written Briefing – Forest Service Business Plan 2024/25.**

The Committee considered the written briefing regarding the 'Forest Service Business Plan 2024-25' (the Plan), which sets 12 targets for the 2024-25 business year. Of these targets, five reflect the Minister's priorities for the Agency to deliver.

The priority areas, set out in the Plan, include: increasing afforestation, sustainable forest management, timber trading activity, supporting climate change mitigation and protecting plant health under the Windsor Framework.

The Plan supports the NI Executive's draft Programme for Government and in particular, its aims under the 'Growth of a Globally Competitive and Sustainable Economy' and Protecting Lough Neagh and the Environment.

The Committee noted the Department will implement an engagement action plan for its staff and work with stakeholders to build its capability to deliver future forestry and plant health priorities.

**Agreed:** The Committee agreed to write to the Department for further information on whether the Forest Service has engaged with the public on the design of its action plan, if it has any plans to engage with the public and details of collaboration with other Agencies.



**9. Departmental Written Briefing - Update on the development of the third Northern Ireland Climate Change Adaptation Programme (NICCAP3) and notification of launch of public consultation.**

The Committee considered the written briefing from the Department on the development of the third Northern Ireland Climate Change Adaptation Programme (NICCAP3) and notification of launch of public consultation. That DAERA is leading on the development of NICCAP3 on behalf of the NI Executive Departments.

The Committee noted that this is a substantive paper, providing the Committee with an update on the latest position, the approach taken and the next key steps in its development.

The Committee noted that once all feedback has been received on the draft NICCAP3 and the associated draft consultation document, the Department will arrange to seek agreement from the Northern Ireland Executive to the launch of a public consultation on the draft NICCAP3 for a period of 8 weeks.

The Committee noted that both the Environmental Improvement Plan and the Business Plan 2024/25 have a target date for publication of the NICCAP3 by 31 March 2025.

**Agreed:** The Committee noted the Department in due course, will provide a further written update and share a copy of both documents with the Committee.

**10. Departmental Written Briefing - Update on SIB Review of the TB Eradication Partnership**

The Committee noted the following papers:

- Written briefing, dated 15 October, an update on SIB Review of the TB Eradication Partnership (TBEP) and update on the Chief Veterinary Officer's Review of Bovine Tuberculosis; and
- Previous correspondence from the Minister, dated 13 September, regarding SIB Review of the TBEP.

The Committee considered the background to this matter, that the Department established the bovine TBEP in June 2018 to provide expert independent advice on the development and implementation of a new bTB Eradication Strategy for Northern Ireland. TBEP was a recommendation of the TB Strategic Partnership Group, which published its report in 2016.

Following a number of extensions, the tenure of the most recent members of the TBEP expired on 31st December 2023.

The Committee noted that, subject to Ministerial consideration, the outcome of the CVO's Review is to produce a new delivery plan which will set out a range of actions relating to tackling bTB. It is expected that some actions will require further public consultation, new or amending legislation, and additional resources to enable their delivery.

**Agreed:** The Committee noted that the CVO and Minister will provide an oral briefing on 28 November.

***The Committee agreed to take an additional Agenda Item 15 after Agenda Item 10.***

#### **11. Draft SI 2024/0000 The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2024**

The Committee considered Draft SI 2024/0000 The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2024, which was laid in the Business Office on 22 October 2024. The statutory instrument is subject to the Assembly's draft affirmative procedure.

The Committee noted that Minister Muir has given consent for the above Draft Order to be laid before the Assembly along with the accompanying Explanatory Memorandum.

The purpose of the Draft Order is to make technical amendments to the Greenhouse Gas Emissions Trading Scheme Order 2020, which established the UK Emissions Trading Scheme (ETS).

This Draft Order is being laid for approval before each House of Parliament, Northern Ireland Assembly, Scottish Parliament and the Welsh Senedd under paragraph 11 of schedule 3 to the Climate Change Act of 2008 as an Order in Council.

The Committee considered in summary the Draft Order:

- establishes a net zero aligned emissions cap for the ETS;
- includes flights from Northern Ireland to Switzerland within the scope of the scheme;
- introduces a deficit notice for participants who fail to surrender sufficient allowances by the surrender deadline;
- makes a number of corrections to civil penalties; and
- legislates for the inclusion of upstream oil and gas sector process emissions from CO2 venting.

The draft order also extends a number of provisions to Northern Ireland which were made on a UK wide basis during the period when the Assembly was not sitting.

**Agreed:** The Committee agreed to request an oral briefing on the draft SI 2024/0000 The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2024'

## 12. Correspondence

The Committee considered correspondence, dated 16 October, from Ulster Farmer's Union (UFU) and National Sheep Association (NSA), regarding funding being withdrawn by the department for Maedi Visna (MV) checks and controls in Northern Ireland.

MV is a notifiable highly infectious, fatal viral disease affecting sheep and goats and Northern Ireland currently has a MV free status - the fear is if the Departments stops control measures this status will be lost.

**Agreed:** The Committee agreed to write to the Department in the first instance regarding the potential removal of this funding and the rationale.

**Agreed:** The Committee agreed to arrange a meeting with UFU and NSA on this matter.

The Committee considered copied correspondence, dated 15 August 2024, from the Windsor Framework Democratic Scrutiny Committee regarding a response to John Stewart MLA, on the difficulties in the delivery of some products to Northern Ireland, due to changes under the Windsor Framework. The Committee was copied into the response from Baroness Hayman, dated 15 October 2024, regarding Purina and changes to the current customs arrangements.

*‘This policy is under the remit of HM Revenue and Customs. Therefore, my office will ask HMRC colleagues to contact Purina to confirm the delay is in place and to ensure these products are available for dog breeders in NI. I am copying this response to the NI Assembly Windsor Framework Democratic Scrutiny Committee.’*

**Agreed:** The Committee noted the correspondence.

The Committee considered correspondence, dated 23 October 2024, from the Ulster Farmer’s Union (UFU) regarding concerns of their members about the A5 Western Transport Corridor, that 3,000 acres of prime agricultural land and 314 working farms are impacted. UFU are striving to ensure that impacted landowners are treated fairly.

The Committee noted that as of this week, landowners have now all received their vesting packs, and the confirmed date of vesting is 25th November 2024.

**Agreed:** The Committee agreed to arrange a meeting with UFU to discuss this specific matter further; also, to explore if a Joint Committee meeting can be organised with the Committee for Infrastructure.

### **13. Draft Forward Work Programme**

The Committee discussed the draft Forward Work Programme and noted the Committee Team have now contacted the rural groups who will be briefing the Committee on 21 November. The groups have been asked to highlight the main issues and concerns of rural communities and good practice examples. There will then follow a question and answer session – all will be heard in public session.

**Agreed:** The Committee noted there will be an additional AERA Committee meeting on Tuesday 19 November, now booked for Room 29, 10.00 am.

**Agreed:** The Committee agreed the draft forward Programme and to publish with one correction highlighted by the Clerk.

#### **14. Any Other Business**

The Committee noted the National Farmers' Union has written to the UK Chancellor to express its concerns of the possibility of Agriculture Property Relief being abolished in the upcoming Budget. The Committee expressed great concern in relation to farms, which are often passed down generationally in Northern Ireland.

**Agreed:** The Committee concurred with UFU's concerns and agreed to write to the Chancellor to request the Agricultural Property Relief be retained in the upcoming Budget.

#### **Date and Time of Next Meeting**

The next meeting of the Agriculture, Environment and Rural Affairs Committee is on **Thursday 7 November, at 10.00 am in Parliament Buildings, Room 21**

***The Meeting then adjourned at 12.06 pm***

**Signature:** .....

**Robbie Butler MLA, Chairperson**

**Dated .....**