



Northern Ireland  
Assembly

# Agriculture, Environment and Rural Affairs Committee

## Minutes of Proceedings

5 December 2024

### Parliament Buildings, Room 21

**Present:** Declan McAleer MLA (Deputy Chairperson)  
John Blair MLA  
William Irwin MLA  
Michelle McIlveen MLA  
Áine Murphy MLA

**Present by Video or Teleconference:**

Nicola Brogan MLA  
Tom Buchanan MLA

**Apologies:** Robbie Butler MLA (Chairperson)  
Patsy McGlone MLA

**In Attendance:** Dr Janice Thompson, Assembly Clerk  
Mrs Gillian Barker, Assistant Assembly Clerk  
Mr Nick Faulkner, Assistant Assembly Clerk  
Mr Michael Greer, Clerical Supervisor

***The Meeting Opened in Public Session at 10.08 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

Patsy McGlone MLA

### **2. Chairperson's Business**

The Deputy Chair advised that the Chair received notification from the Minister, dated 2 December, that he intends to lay a response not later than 3 December on the Report from the Office of Environment Protection on the Review of the Implementation of the Water Framework Directive Regulations and River Basin Management Planning in Northern Ireland.

The Committee noted they have now received a copy of the Minister's Response and noted the sixteen recommendations in the Review:

- Ten are based on implementation of the Water Framework Directive [WFD] NI Regulations; and
- Six are based on the legal, governance and policy framework.

**Agreed:** The Committee noted they are planning to meet with the OEP in the New Year and agreed to note the Review at this stage.

The Committee noted they received a copy of the Minister's Written Statement on the Farm Support and Development Programme, which sets out his plan for communications in relation to the Programme. The Statement covers the Farm Sustainability Transition Payment, the Beef Sustainability Package, the Beef Carbon Reduction Scheme and Farming with Nature.

**Agreed:** The Committee noted the Minister's Statement.

### **3. Minutes**

Minutes of the 28 November 2024 were agreed and signed by the Deputy Chair to be published.

#### **4. Matters Arising**

The Committee considered the response from the Department, dated 25 November, in reply to its letter of 7 November, regarding the Fishing and Angling Sector and support needed for this sector. The Committee asked for further information on the following:

- Fishing for Schools project;
- Control of invasive species, specifically roach;
- The role of DAERA Fishery Protection Officers; and
- Concerns of monitoring liquid digestate from anaerobic digesters.

**Agreed:** The Committee noted the substantial response and agreed to forward the response to the Fishing and Angling Sector.

The Committee considered correspondence from the Department, dated 25 November, in reply to its letter of 8 November, regarding a complaint of odours in Lenadoon and Dungloe Areas, an update on the investigation and clarification on timeframes for investigating such complaints.

The Department response highlighted that it regulates the Natural World Products Ltd (NWP) and has completed 12 site inspections at NWP this year. An Enforcement Notice was issued on site on 11 July 2024 and was concluded with a Warning Letter on 14 October 2024.

The Committee noted the company have since submitted improvement plans for the site infrastructure, including a new stack, which will help reduce odour emissions from the site.

**Agreed:** The Committee noted the correspondence and agreed to forward the Department's response to the individual who contacted the Committee.

The Committee considered the response from the Department, dated 25 November, in reply to its letter of 8 November, regarding details of the uptake of electric/zero emission vehicles across the Department and any plans to increase that fleet.

The Committee noted that the Department is committed to working with the Public Sector Fleet Decarbonisation Working Group. To further progress this work, the Minister has asked officials to develop an interim DAERA-wide fleet decarbonisation policy in advance of an Action Plan being developed by DfI.

**Agreed:** The Committee noted the substantial response from the Department.

The Committee considered a Memo from the Senior Assistant Clerk, Windsor Framework Democratic Scrutiny Committee (DSC), dated 22 November, regarding proposed ER Regulations on the welfare of dogs and cats and their traceability.

At its meeting on 21 November 2024, the Windsor Framework Democratic Scrutiny Committee (DSC) considered responses to its consultation on a proposed new EU act on the welfare of dogs and cats and their traceability. The DSC is monitoring the proposal, which would establish uniform EU rules for the welfare of dogs and cats, which are bred or kept in breeding establishments, pet shops or shelters. The DSC noted that some issues raised in the consultation fall outside the remit of the DSC and agreed to forward to the AERA Committee.

**Agreed:** The Committee noted the response and agreed to forward it to the Department.

The Committee considered the letter from the Department, dated 27 November, regarding 'UK Emissions Trading Scheme: Publication of Two Scope Expansion Consultations'. The letter gave advance notice to Committee of the publication of a joint UK wide UK Emissions Trading Scheme (UK ETS) scope expansion consultation package between the UK, Scottish and Welsh Governments, and DAERA, acting as the UK ETS Authority.

The Committee noted they had previously been advised by letter dated 29 March that the UK ETS Authority confirmed its intention to proceed with the package of four

consultations on including the domestic maritime sector; the waste incineration sector (including energy from waste), non-pipeline transportation of CO<sub>2</sub> such as shipping, rail and road for Carbon Capture and Storage; and the engineered greenhouse gas removals (GGR) in the UK ETS.

The Committee noted on 23 May 2024 that the Authority intended to separate the consultation package and to only proceed with the Waste and GGR consultations at that point.

**Agreed:** The Committee noted that the Authority now intends to move forward on the remaining two scope expansion consultations (Maritime and non-pipeline transportation of carbon dioxide).

The Committee then considered the joint consultation documentation for the UK Emissions Trading Scheme: Non-pipeline transportation of carbon dioxide. The Committee noted the purpose of this consultation is to provide more detail and consult on the regulatory framework for the recognition of Non-pipeline transportation of carbon dioxide in the ETS.

**Agreed:** The Committee noted the closing date of the consultation is 23 January 2025

The Committee considered the response, dated 2 December, from the Minister for Infrastructure, regarding the joint correspondence from AERA Committee and the Committee for Infrastructure, on the A5 Western Transport Corridor Project.

The Committee considered Minister O'Dowd's MLA comprehensive response to the issues raised. The response included the following:

- The A5 Project Board has now been set up, a first meeting has been held and the lead Senior Responsible Owner has previously worked on other major road projects, maximising the opportunity to ensure lessons learnt are carried across to the A5 project.;
- Almost 100 landowners to date, have taken up the invitation to meet with Minister O'Dowd's Officials and/or the LPS;

- He is only aware of two farm buildings that are requiring demolition, which are being supported by current vesting and is generally supporting planning approval for the replacement of such buildings;
- He is content there are sufficient LPS resources to complete the work.

**Agreed:** The Committee noted the response and agreed to forward the response to the Ulster Farmers' Union.

The Committee considered response, dated 2 December, from the Finance Minister, Dr Caoimhe Archibald MLA, following the Joint Meeting of AERA and Infrastructure Committees regarding the Western Transport Corridor Scheme A5. The Deputy Chair gave an overview of the response:

- A specialist team of Chartered Surveyors in LPS will be responsible for assessing compensation claims received on the A5 scheme. Once the vesting order becomes operative landowners can apply to DfI for an advance payment. DfI is obliged to make the payment within three months of receipt of the request and will amount to 90% of either the agreed compensation or the acquiring authority's estimate provided by LPS.
- Vesting process and the road scheme are the responsibility of DfI who manage all communications with landowners. DfI pays reasonable agent fees to ensure the landowners are provided with professional advice. LPS is instructed by DfI to assess fair and reasonable compensation once a claim has been received and at that point LPS will open negotiations with the agent.
- Compensation is based on existing planning permissions, permitted development and the development potential, if any, in accordance with a development plan. It is the role of the appointed agent to submit and substantiate any claim for compensation:
  - LPS will shortly be writing to all the appointed agents asking them to provide any sales evidence they consider relevant; and
  - Every compensation claim will be dealt with on its own merits, with agents providing comparable evidence to substantiate the claim.

**Agreed:** The Committee noted the response and agreed to forward the response to Ulster Farmers' Union.

***The UFU Officials joined the meeting at 10.24 am***

**5. Oral Briefing from Ulster Farmers' Union on Current Issues and Sheep MV**

The Committee noted the following papers for the meeting:

- MV Briefing Paper for AERA - Maedi-Visna Control Strategy in Northern Ireland;
- Central Association of Agricultural Valuers (CAAV) Summary - November 2024;
- CAAV Discussion Paper: How Many Farming Taxpayers Might Pay Inheritance Tax on their Business after April 2026
- UFU Press Release dated 28 November – DAERA has failed farmers on TB;
- UFU Press Release – Budget undermines farm families and food security; and
- UFU Press Release – Secure farm support is critical says UFU

The Chair welcomed the following UFU Officials to brief the meeting:

- William Irvine, UFU President;
- John McLenaghan, UFU Deputy President;
- Glen Cuddy, UFU Deputy President; and
- Alexander Kinnear, UFU Parliamentary Officer.

The UFU briefed the Committee on the following issues and concerns of its members:

- The removal of APR Inheritance Tax and the significant impact to a large number of Northern Ireland farmers;
- Removal of ring-fenced funding for farm support;
- Bovine TB is at the highest level it has ever been and there is an urgent need to move forward on the intervention of eradicating bTB - concerns that the majority of the recommendations in the CVO's Review are 'farm facing' that more is needed on wildlife intervention.
- The interim Ammonia Policy has stalled farm planning applications – there are no new planning approvals; no betterment or replacement plans being

approved, however UFU informed the Committee they had recently received a letter from the Minister on this matter which may move this issue forward;

- The need for budget approval for MV Maedi-Visna – to keep Northern Ireland free of the disease.
- The need for funding for small renewable green energy projects – so that farmers can commence working towards 80% target of zero emissions.

The Deputy Chair thanked the UFU for their briefing and there then followed a question and answer session with Members.

**Agreed:** The Committee noted the 2023 bTB map which AFBI have completed showing the ‘break outs’ of the TB strain types.

**Agreed:** The Committee agreed to write to the Department for an update on the status of its letter dated 6 November, regarding MV Maedi-Visna and budget allocation.

***The UFU Officials left the meeting at 11.21 am***

## **6. Oral Departmental Briefing – Common Framework – UK Emissions Trading Scheme ETS**

The Committee considered the following papers:

- Briefing from the Department – UK Emissions Trading Scheme Common Framework – dated 2 December;
- RaISe Paper – Common Framework Background Emissions Trading;
- Northern Ireland Assembly – Common Frameworks; and
- Letter from the DALO – Update on Common Frameworks.

The Committee noted at their meeting on 26<sup>th</sup> September they had received an update paper from the Department on the status of the 15 Common Frameworks for which DAERA is the NICS lead.

The Committee noted that the previous AERA Committee scrutinised nine of these in total, leaving the following six Common Frameworks:

- UK Emissions Trading Scheme (ETS)
- Air Quality



- BAT Emissions (Integrated pollution prevention and control: developing and setting of Best Available Techniques)
- Ozone Depleting Substances & F-Gases
- Resources & Waste
- Zootechnical Common Framework and Concordat (not yet published).

The Committee had agreed to arrange a briefing from the relevant officials on the six remaining Common Frameworks - to identify any issues and to decide a way forward for further scrutiny if necessary.

That process started at this meeting by considering the UK Emissions Trading Scheme Common Framework.

The Chair highlighted that UK ETS came into operation on 1 January 2021, following UK exit from the EU. Prior to this the UK had participated in the EU ETS. The aim of the UK-wide system is to create a larger carbon market, with greater liquidity and a consistent carbon price across the UK and access to a larger carbon market increases opportunity for emissions reduction and the cost effectiveness of emissions trading.

The following Officials briefed the Committee:

- Richard Coey, Head of Emission Trading Policy; and
- Joseph Kelly, Emission Trade Policy.

There then followed a question and answer session.

The Committee noted that other UK Legislatures are at different stages in their scrutiny of the Frameworks. That once all Administrations have completed their scrutiny all Legislatures will be written to detailing which recommendations from scrutiny the Authority has agreed to accept and any changes which have been made as a result.

**Agreed:** The Committee noted the issues raised in the briefing and noted they would return to this matter in due course.

***The Departmental Officials left the meeting at 11.40 am***

***William Irwin MLA left the meeting at 11.40 am***

***The meeting was suspended at 11.40 am***

***The meeting reconvened at 12.05 pm***

***The RalSe Official joined the meeting.***

**7. Oral Briefing from RalSe – Implementation Net Zero by 2050 estimated costs to the Public Purse.**

The Committee considered the following RalSe-PFSU paper:

- Climate Change / Net Zero Target and Related Public Purse Costs:  
Preliminary considerations

The following RalSe Official joined the meeting and briefed the Committee:

- Nathan Mulholland, Research Officer, RalSe

The Committee noted that the paper highlights that both public and private investment is required to reach the goal of net-zero, however private sector investment is not guaranteed and dependent on a number of factors.

The Committee noted that in Northern Ireland, the future costs associated with addressing climate change and reaching the net-zero target by 2050 will be impacted by a multiple-factors. That this paper is a starting point in understanding the potential cost to the public purse.

There then followed a question and answer session.

**Agreed:** The Committee noted the briefing and that the paper will be very useful for its scrutiny in this subject going forward and no further information was required at this time.

***The RalSe Official left the meeting at 12.25 pm***

***With the Committee's agreement Agenda Items 8 and 9 were taken together.***

**8. SR 2024/00 The Climate Change (Carbon Budgets 2023-2037) Regulations (Northern Ireland) 2024**

**9. SR 2024/00 The Climate Change (2040 Emissions Target) Regulations 2024.**

The Committee noted the following papers:

- Draft SR 2024/200 The Climate Change (Carbon Budgets 2023-2037) Regulations (Northern Ireland) 2024;
- Draft SR 2024 The Climate Change (2040 Emissions Target) Regulations (Northern Ireland) 2024; and
- Letter from the Department dated 2 December regarding Assembly debate of these draft Regulations.

The Committee noted a minor technical amendment to the SR Climate Change (2040 Emissions Target) Regulations (Northern Ireland) 2024. The new SR and associated documents have been laid in the Business Office and Committee notified.

The Committee noted that both SRs are subject to draft affirmative resolution procedure.

The Committee noted the 28<sup>th</sup> Report of the Examiner of Statutory Rules, which includes these SRS. The ESR has not drawn special attention to these.

The Committee noted in the minutes of 28 November there were a range of views expressed on the draft SRs. These included that carbon budget emissions targets and the proposed 2040 target are too ambitious. Others were keen to see the Regulations proceed.

Some raised the matter of the Just Transition, and particularly for rural areas, being vital if targets are to be reached. The Committee accepted that some sectors will move faster than others and concern was expressed that Northern Ireland lags behind other jurisdictions in moving towards net zero.

In the Chair's absence he had forward a statement regarding his position on the SRs and this was read by the Clerk.

*'I am unable to attend the committee today but in considering the decisions in front of the committee today, I would like to express a view on the delegated legislation. This committee takes its scrutiny duties very seriously and never more so than when the regulations are subject to the draft affirmative procedure which is an indication of nuance, complexity and impact.'*

*These regs have a very short turnaround and I find myself in the position where as the new recently appointed Chair I cannot reach an informed view as I have not had*

*the time nor space to fully understand their purpose and the effect they will have when they are implemented.*

*My Committee colleagues may be in a different place and so I am guided by you all if you feel in a position to take an informed view. However, I note there is an alternative path which allows us to reserve our position, note in plenary that we are keen not to abrogate our scrutiny responsibilities through lack of time and return to this topic more fulsomely at a future point.'*

**Agreed:** The Committee noted the Chair's statement.

The Deputy Chair then put the following two questions to the Committee:

1. Does the Committee supports the draft SRs going to the Chamber for debate next week, that the House will have its say and make the decision?

Vote: Ayes 4 : Noes 2

Ayes: Declan McAleer MLA; Áine Murphy MLA; Nicola Brogan MLA and John Blair MLA.

Noes: Tom Buchanan MLA and Michelle McIlveen MLA

2. Does the Committee support the content of these draft SRs?

Vote: Ayes 4 : Noes 2

Ayes: Declan McAleer MLA; Áine Murphy MLA; Nicola Brogan MLA and John Blair MLA.

Noes: Tom Buchanan MLA and Michelle McIlveen MLA

**Agreed:** The Committee noted the vote upheld both questions – the majority of the Committee supports the draft SRs going to the Chamber for debate; and the majority of the Committee supports the content of these draft SRs.

**Agreed:** The Committee agreed that the Chair will lead the Assembly debate on both sets of the draft regulations, on Tuesday 10 December and his speech will cover the range of issues discussed.

## **10. Correspondence.**

The Committee considered correspondence, dated 21 November, regarding an invitation to an SBNI conference: Systems to Support our People – Embedding a Trauma Informed Approach. This is taking place in the Stormont Hotel on 23 January 2025.

**Agreed:** The Committee were content to note the invitation.

The Committee considered a Memo from the Clerk to the Committee for Finance, dated 28 November, regarding the Public Sector Transformation Board.

At its meeting of 27th November 2024, the Committee for Finance considered a response from the Department of Finance regarding an update on proposals under consideration by the Interim Public Sector Transformation Board. The Department has provided information regarding the 29 proposals selected to move forward to Stage 2 of this process, or to be included as part of the Digital landscape review. Successful projects will be funded through transformation funds under the Executive Restoration Package Settlement.

The Committee noted the Finance Committee agreed to forward a copy of the information to other statutory committees.

The Committee noted in respect of DAERA there are the following proposals:

- Implementation of the NI Bovine Tuberculosis Eradication Strategy – Value requested £20m across 5 years;
- Digital and Data Optimisation – Data Analytics and Science Hub – Value requested £9.37 m across 5 years; and
- Digital Assessment – Value Requested £4.8 m across 4 years.

**Agreed:** The Committee were content to note the correspondence.

The Committee considered correspondence dated 27 November, from Office for Environmental Protection ‘Strategy and Enforcement Policy’, November 2024.

**Agreed:** The Committee were content to note the Strategy.

## **11. Forward Work Programme**

The Committee considered the Forward Work Programme through to the first meeting back after Christmas Recess, Thursday 16 January 2025.

The Committee noted at next week’s meeting there will be a briefing from the Department Officials on the Agriculture Bill.

## **12. Any Other Business**

None

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

The next meeting of the Agriculture, Environment and Rural Affairs Committee is on **Thursday 12 December at 10.00am at Parliament Buildings, in Room 21.**

***The meeting went into closed session at 12.37 pm***

## **14. Briefing from the Bill Clerk**

The Committee noted the following papers regarding the Agriculture Bill:

- Letter from the Minister dated 7 November, regarding the planned Introduction of the Bill;
- The Agriculture Bill as Introduced;
- Explanatory and Financial Memorandum; and
- Hansard of DAERA Oral Briefing to Committee on 20<sup>th</sup> June.

The Committee welcomed the following Officials to the meeting:

- Aiobheann Baker, Senior Assistant Clerk, Bill Office; and
- Liz Marsh, Clerk, Bill Office.

The Committee noted the Agriculture Bill passed the Second Stage on 3 December. The Committee noted the briefing from the Bill Officials who gave an overview of the process as detailed in Standing Orders 32 – 34, highlighting an extension to Committee Stage (SO 33 (2)) must be laid within 30 days of the date of Bill referral.

**Agreed:** The Committee agreed to discuss at next week's meeting, a Committee Motion to request an extension to the Committee Stage.

**Agreed:** The Committee noted they have a briefing from the Department next week and will discuss the Bill timetable and its call for evidence.

***Áine Murphy MLA, left the meeting at 12.47 pm***

***The Meeting adjourned at 12.57 pm***

**Signature:** .....

**Declan McAleer MLA, Deputy Chairperson**

**Dated** .....