



Northern Ireland  
Assembly

Committee for Agriculture, Environment  
and Rural Affairs

# OFFICIAL REPORT (Hansard)

Environment Bill: Northern Ireland  
Agricultural Producers Association;  
Ulster Farmers' Union

27 February 2020

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**Members present for all or part of the proceedings:**

Mr Declan McAleer (Chairperson)  
Mr Philip McGuigan (Deputy Chairperson)  
Ms Clare Bailey  
Mrs Rosemary Barton  
Mr John Blair  
Mr Maurice Bradley  
Mr William Irwin

**Witnesses:**

Mr Jim Carmichael	Northern Ireland Agricultural Producers Association
Mr James Lowe	Northern Ireland Agricultural Producers Association
Mr Wesley Aston	Ulster Farmers' Union
Ms Aileen Lawson	Ulster Farmers' Union

**The Chairperson (Mr McAleer):** I welcome Wesley Aston, chief executive of the Ulster Farmers' Union (UFU); Aileen Lawson, senior policy officer in the UFU; James Lowe, chairman of the Northern Ireland Agricultural Producers' Association (NIAPA); and Jim Carmichael, development officer in NIAPA. Can I ask you to take about 10 minutes to brief the Committee on your consideration of the Environment Bill, and members will ask questions thereafter? Are you going to kick off, Wesley?

**Mr Wesley Aston (Ulster Farmers' Union):** I will go ahead while James is getting organised. First, I apologise on behalf of a representative of the UFU's presidential team who had intended to be here. Unfortunately, circumstances prevented that from happening, so you have ended up with the two of us instead. Hopefully we will be OK. We submitted a paper, albeit belatedly, to you. It only arrived yesterday, I think, and I will explain why that is the case.

In terms of the Environment Bill, way back in August 2018, the UFU responded to a DAERA consultation setting out the draft around this type of initiative. We did have *[Interruption.]* consideration. Within the UFU structure, we have 16 different policy committees that looked at this and an overarching executive committee that takes the ultimate decisions on where the UFU is on policy. That was all fed back into the system.

The Bill was introduced at the end of last year, although, with the general election, it disappeared until we had a new Government; it was reintroduced very recently indeed. The reason for the context is

that, basically, the UFU is only now getting round to considering the reintroduction of the Bill through our internal structure.

The three overarching issues for agriculture specifically are, I suppose, environmental improvement plans, the policy statement on environmental principles, and oversight or scrutiny via the Office for Environmental Protection (OEP). As I say, we have only started to consider those points in detail, and Aileen, my colleague, will go through them, because, a couple of nights ago, she was in a meeting of our environment committee, which is taking the lead on this.

Before we go into that, my final introductory point is the context to this. It is important to remember that this is in relation to Brexit and future trading relationships. In the Northern Irish protocol, Northern Ireland, unlike the rest of the United Kingdom, will align itself with EU rules and standards. The UK Government published its mandate today on where the rest of the UK goes on this and where the UK Government sees itself going. Obviously, there is potential in there to diverge, which we in Northern Ireland do not have. That is the context.

That is all that I would like to say at this stage. I am more than happy to elaborate on those points in the question session. Thank you.

**Mr James Lowe (Northern Ireland Agricultural Producers Association):** First, Chair, thank you for this opportunity, and good afternoon to everyone.

Like Wesley, NIAPA contributed a paper to DAERA on the Bill, although it is still very much a work in progress. The over-riding factor is that we do not need any knee-jerk reactions. My colleague Jim took the lead on preparing our paper.

**Mr Jim Carmichael (Northern Ireland Agricultural Producers Association):** Our considerations are similar to those that Wesley expressed. There are overarching *[Inaudible.]* from the UK for legislation here. We also have the OEP, and we mentioned it in the paper that we submitted to the Committee. In the overarching legislative process we have the Northern Ireland Environment Agency (NIEA) and other agencies, such as Security and Environmental Solutions (SES).

We do not want legislation and enforcement to be proposed without first considering the situation in agriculture, because our members — just like Ulster Farmers' Union members — work in this environment to obtain a living. It is a workplace, just like any other. We have various things to contend with and production methods to look at. However, we are producing food, and, as a spinoff if you like, from that production there may be other effects that we could look at mitigation for.

When looking at the Environment Bill for the UK, as we have said before, not all regions are the same. I noted in the previous presentation that one of the witnesses said that there was potential to look at variances in the Province for our needs, and perhaps, while you are considering the Bill, you could take those into consideration.

One other thing that I suggest is that you involve stakeholders at every stage. We do not want something imposed upon the industry that cannot be dealt with or which entails undue expense. Bear in mind that you cannot farm using a calendar approach. I will leave it at that.

**The Chairperson (Mr McAleer):** Thank you for that, Jim. I will start by getting your views. The biggest issue discussed by stakeholders before lunch and, to an extent, after it, was the OEP, how it interfaces with our structures, and what role it might play. What is your position on that and what do you see as the opportunities, threats or challenges with the new OEP, which will have an oversight role here?

**Mr Aston:** I will start and then ask my colleague Aileen to give a bit more detail. In my introductory remarks, I mentioned that Northern Ireland would be different from the rest of the United Kingdom contextually. At the same time, we are all leaving the European Union, so it is about how we apply the rules that we previously had in that context. Initially, we saw that there was to be a mirrored NI/UK-wide approach, but Scotland and Wales may be looking at things differently now. We have to consider that as part of the process, and that is why we are looking at it now. I will hand over to Aileen.

**Ms Aileen Lawson (Ulster Farmers' Union):** Previously, the Ulster Farmers' Union supported the creation of an equivalent OEP on a UK-wide basis. Since the Environment Bill has appeared and it has become clear that Wales and Scotland will do their own thing, we are reconsidering that position.

To be perfectly honest, opinions in our organisation are divided, and we have yet to come to a conclusion on whether we are best to sit with the UK-wide or *[Interruption.]* If that office is to operate on a higher level across England and Northern Ireland, we need to have some sort of regional representation. Not only that, the structures set out in the Bill suggest that the board that makes up the committee or organisation are very focused on environmental and legal professionals or expertise. We want to see a business or economic balance in the set-up of that organisation.

There are various points in our briefing paper that deal with what is proposed in the OEP, including our suggestions on where we think there needs to be more clarity or additions. Its interaction with existing structures is unclear in the Bill, and we would like more information on that before we express our opinion on how it should go forward.

**The Chairperson (Mr McAleer):** I know that it is at a very early stage, but have you made an assessment of what impact the Environment Bill will have on agriculture here?

**Mr Aston:** That is a very broad question.

**The Chairperson (Mr McAleer):** I appreciate that.

**Mr Aston:** If it is simply about implementing what we have already done while we were members of the European Union, there will probably be no real issues. It is about how it will evolve, particularly any possible divergence between GB and Northern Ireland and what that means for trade, among other things. It is very difficult to quantify what it all means at this stage.

**The Chairperson (Mr McAleer):** I appreciate that.

**Mr Carmichael:** We have a similar view.

To go back to the OEP, we had some discussion in our council about the situation last week. The OEP structure is overarching, and there is a reference to representation and, as Aileen said, how the board will be made up. It is difficult to have a one-size-fits-all approach when you have different regions with different situations. We would like to see input from here. We would also like to see a more reflective OEP referenced here.

We are leaving the European Union and have been bound by regulations for a number of years. Everything has to have a certain regulation because there is a difference in the regions and there are things that will come in on a UK-wide basis. Perhaps we would need more involvement in the Department, with any bodies representing agriculture or producers. At the end of the day, we are talking about an industry in which up to 49,000 people are involved, and that is only in primary production. We would like to see *[Inaudible]* autonomy here.

**Mrs Barton:** Welcome, gentlemen and lady. Looking at the Agriculture Bill, I wonder whether there are places where it may have a negative input on food production; for example, hindering the full potential for food production and the improvement of farm facilities.

**Mr Aston:** Sorry, Rosemary: can I clarify whether you are talking about the Agriculture Bill specifically?

**Mrs Barton:** Yes. No, sorry — the Environment Bill, not the Agriculture Bill. Sorry. For example, I know that people who are improving their farm facilities have problems now — farm facilities for the same number of animals — with planning issues because of the impact on the environment, etc. That is where I am coming from.

**Mr Aston:** Yes. Obviously, we have *[Interruption.]* agriculture and we have the environment, and the two should go hand in hand. It should not be either/or; the two can work together. It is about ensuring that we have balance. To pick up on Aileen's point, when we go forward on any of that, we have to develop policies that will fit with the Agriculture Bill, and we have an opportunity to do that. As Aileen says, we have to recognise that we cannot take decisions in isolation. It should not be solely an environmental Bill, particularly on policy development, because that is not what this is really about: this is about ensuring, particularly from the OEP point of view, that the policy that is developed is accountable, overseen and scrutinised. Policy development needs to be outside that. We see a lot of merit in the independence of that.

**Mr Carmichael:** I agree with Wesley. I want to your question about the impact of the Environment Bill on the future of agriculture and whether people's businesses would be sustainable in the future, even at current production levels. In the past while, there have been what we might call "restrictive ideas" on development — not even the development of additional facilities or buildings, or anything like that. We have asked about the status quo and production. At the end of the day, agriculture cannot stand still, and if restrictive practices are imposed on it, people will not farm: they want an adequate return on their investment. To go back to the Agriculture Bill, when they look at their incomes for the past year, a lot of people wonder where they are going and what their future is. If the Environment Bill could have a negative impact on that, it has to be discussed as a whole with the Agriculture Bill, and not in isolation.

**Mr Blair:** I thank the panel for being here to give us more information and also for the information that they provide to us regularly. I am keen to know their views on this point: is it the case that all that we need now in relation to the Bill and other Bills — not least, of course, the Agriculture Bill — is certainty on the protocol, how the Bills will fit with that protocol, and what preparations are in place for the protocol? Those things are moving closer. I have concerns that some people's heads are in the sand about the protocol. I did not choose, and do not like, many of the current processes, but I know that they are coming. Do you need more certainty about the protocol, what preparations are being done for it, and how it will interface with the Bill and, of course, the Agriculture Bill and others?

**Mr Aston:** If I may respond with a very simple answer, it is this: yes, we need to know where we are going with the protocol, because it is the overarching direction within which all the Bills fit. While we can pilot things — we can do all sorts of things — at the end of the day, if we do not know where the endgame is, we cannot tailor the Bills accordingly. The sooner we get down into the detail of how the protocol will roll out in a Northern Irish context, against trade with GB and vice versa, the better. That is absolutely essential for us.

**Mr Blair:** Are you getting any intermittent updates from the Department or the Minister on that?

**Mr Aston:** I cannot speak for NIAPA, but the Ulster Farmers' Union has contact, up to a point, obviously, now that the Assembly is up and running and a Brexit subcommittee has been formed in the Executive. We are pleased that that is happening, because we gave evidence on the Agriculture Bill last week and we stressed that the heavy lifting had been done by civil servants and industry in the absence of political governance here. It is good to see that in place. It is about how we all work together to move things forward, because Northern Ireland has to fight its own battles, and it is very important that we do that.

Yes, we are hearing bits and pieces. However, if you look at the timescale, particularly in relation to the UK Government's negotiating position that was issued today, they are more or less saying that if sufficient progress has not been made by June, a no deal will be implemented. That is not a no deal for the UK; it is a no deal for Great Britain. Northern Ireland has the front stop — not the backstop — of the protocol. Up to a point, I suppose, we know where we are going, but, at this stage, we do not know how it will interact with GB. There is more that can be done, but time is not on our side. We have the process in place, at least, but it needs to move on.

**Mr Lowe:** Just to follow up on that, there is a bit of a crossover with Wesley, but it is also very important to note that our members are telling us that they are fearful of being in a catch-22, where they are caught between the EU regulations and GB.

**Mr Irwin:** You are all very welcome to the Committee. It has already been said that it is very difficult to make decisions, especially in relation to Brexit, because we do not know how it will stack up at the end of the day. When it comes to environmental issues, given the current income of farm families, I am sure that you would agree that if farmers are to meet the new environmental targets, on ammonia, for instance, they will need financial support because they will not be able to do it without it. That is the way that I see it.

**Ms Lawson:** Absolutely. Where new technologies need to be introduced on farms, with incomes as they are, there will need to be some sort of support mechanism to do it. Not only that, but in relation to new buildings, we also need a planning system that works and takes account of innovative technologies for which there may not necessarily be evidence in Northern Ireland but which exist elsewhere and could be used to say that they work. Sometimes, that is not always accepted here.

That is in one of our briefing points, where we talk about the requirement to introduce the innovation principle. Where you do not always know, ruling it out is not necessarily the best option, because there

may be some sort of a perceived environmental risk until it is tried and developed on a research basis or on a small scale to start off with.

**Mr Irwin:** Otherwise, it is vital to look at other areas of the UK and their industries to see whether there is potential for guidance for what we do.

**Ms Bailey:** Thank you very much; it is good to see you back again. I have a couple of quick questions. Is there anything that you feel creates potential conflicts between the Agriculture Bill and what you have seen in the Environment Bill for your industries so far?

**Mr Aston:** I will address that from an overarching point of view and then pick up on any specifics. In broad terms, it is all about concepts and principles and how they are delivered. We have no specific issue with the direction of travel. At the end of the day, Environment and Agriculture have to work hand in hand. We are farmers, and we look after the vast majority of Northern Ireland's land area, so we have a big role to play, but that works both ways. In terms of principles, that is fine, but it is about how it is delivered.

**Ms Lawson:** Absolutely. We would say that the two things need to be taken forward together.

**Ms Bailey:** You do not see them pulling in opposite directions in any particular way? As you rightly point out, the Bill is largely focused on England, with Scotland and Wales putting in their own procedures, leaving us in limbo again. Would you appreciate seeing the Bill going through with a sunset clause or with a deadline for us to have our own processes in place so that you have some sort of certainty at a specified time?

**Mr Aston:** To pick up on what Aileen said earlier, we are only starting to reconsider this, and there are differing views because of the context that we find ourselves in.

**Ms Bailey:** Regardless of what it is, I am not asking you to put a position on what you want it to be like, but will the deadline be two years', four years' or six years' time?

**Mr Aston:** The sooner we get the protocol sorted out, the sooner we know what the trading relationships are and the sooner we can start implementing this will be in everybody's interests.

**Ms Bailey:** Yes, and get a deadline sorted.

**Mr Carmichael:** I support that. I go back to William's point about financial support being absolutely necessary, particularly if something is imposed. Given the state of agricultural incomes, and particularly the decline in last year's incomes, without financial support it will be very difficult to comply with anything, and that could result in penalties.

As for an innovative approach, we already have situations where people cannot go forward because innovation on emissions from livestock housing that has been used in other areas has been seriously questioned and not accepted here because nobody has established certain units for removing or reducing emissions from livestock housing because of types of ventilation, etc. Equipment that has been proven to work in other places has not been accepted here yet, so there are difficulties for people even thinking of going ahead, and that has to do with planning and with the powers that be. We definitely need some financial support.

**The Chairperson (Mr McAleer):** As there are no other members down to speak, I would like to thank you once again for coming before the Committee. You are frequent, and very welcome, visitors. We appreciate your input and expertise. Thank you very much until the next time.