



Northern Ireland
Assembly

Committee for Regional Development

OFFICIAL REPORT (Hansard)

A5 Road Project:
Briefing from the Ulster Farmers' Union

15 May 2013

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Jimmy Spratt (Chairperson)
Mr Stewart Dickson
Mr Alex Easton
Mr Ian McCrea
Mr Cathal Ó hOisín

Witnesses:

Mr Wesley Aston	Ulster Farmers' Union
Mr Barclay Bell	Ulster Farmers' Union
Ms Kate Cairns	Ulster Farmers' Union

The Chairperson: I welcome Barclay Bell, who is deputy president of the Ulster Farmers' Union; Wesley Aston, its policy director; and policy officer, Kate Cairns. Please go ahead and make a presentation on what you see as the issues. I know that you have had meetings with your members, and your views would be helpful for when we speak to the Department and the Minister in the not-too-distant future.

Mr Barclay Bell (Ulster Farmers' Union): Thank you very much, Chairman and Committee, for giving us a hearing. It shows that you appreciate the seriousness of the situation around the recent court decision on the A5. Before we move to the subject of the A5, I also thank the Department for Regional Development (DRD) for its efforts during the recent snow. Farmers certainly appreciated being able to clear roads and getting out there to do something. I hope that that can be passed on. Indeed, I have a new problem for you. I was approached by a farmer in Rathfriland just the other day, and there is now a problem with skiers in the Mourne breaking down fences along the roadside. So, whether climate change or what, I do not know, but it is the first time that we have been approached about a problem with skiers.

I will move on to more serious matters. As you can imagine, the recent decision on the A5 is presenting huge problems for our members along that corridor. Extremely stressful and worrying for them is the uncertainty about where their businesses are going and how long this whole process is going to take. This uncertainty could probably rumble on for years. Our members on the ground down there are in a real state of limbo. I think that we have had four meetings over the years now down in Omagh, and each time that we go back, our members are frustrated. They do not know where they are.

Following our most recent meeting in Omagh on 7 May, where we had representation from Roads Service and the Department of Agriculture and Rural Development (DARD), a few areas of key concern were highlighted. The first area that we should take a look at is the reinstatement of the land

and the huge cost that will be associated with it. We feel that reinstatement works have to be developed as quickly as possible. This work has to get under way quickly. Farmers have suffered enough without having to see their land just lying there. It must be reinstated to how it was before they started, and we would like to think that the work will be carried out to a satisfactory standard. Another issue that may arise in some situations down there is that land used for boreholes must be reinstated, once again, to an appropriate standard. Any compensation for work has to be agreed and dealt with speedily. So, those are four key areas about reinstating the land.

A couple of other areas that could perhaps crop up later in the year were highlighted while we were down in Omagh. They include the fact that there could be undetected debris in the fields that could damage machinery. Obviously, there could also be problems there were livestock to come into touch with some of this stuff. Another issue brought up was that double fencing has to be done again. Where hedges are unprotected, a new fence will be put up out at the original boundary, but where hedges have been cut through or whatever, there has to be another fence put behind that again so the hedging will be protected. That is an area that has maybe been slightly overlooked, so we would like you to take it on board. There is also an issue of the whole effect on the natural habitat down there, including trees, hedges and everything. It will take quite a while to get that back to its original state. Coupled with that, we ask that Land and Property Services has enough people on the ground to get on with dealing with the compensation claims. Our members felt that they wanted to see plenty of people on the ground.

One of the big areas is, through no fault of the farmers and created outside of anything that they have done, the problem associated with 2013 single farm payments. I am not sure whether all the Committee members are aware of the workings of the single farm payment, but they generally start to be paid around the end of November and the beginning of December. When you submit your single farm payment application, you are supposed to have all your maps and all field sizes are supposed to be correct. As I said, through no fault of their own, farmers have had a particularly trying time in the past few weeks. The deadline for applications for single farm payments was yesterday — sorry, today. I am getting my dates mixed up. I do not want to alarm any of you who are putting in a single farm payment claim. The deadline is today, and I know that it has been a huge task for those people to try to get the right information on what they should be doing. Quite a few of them will be putting in force majeure claims, and we feel that this is a very big issue that needs to be taken up by the Minister for Regional Development and with our own Minister of Agriculture and Rural Development. This must not hold up farmers' single farm payments. As I said, this situation was not created by them. After such a particularly difficult year for farming in general, the very last thing that farmers need is for their single farm payments to be delayed at the tail end of this year. This is a critical message to get across to whomever at Stormont. If you can do anything on that at all, I appeal to you to do it. It is an area of utmost importance.

We also heard concerns on the ground about some of the work that had been done and about the contact that some of our members had with some of the contractors who were carrying out the work. They were maybe not totally happy about the contractors' understanding of the farming situation and what needed to be done. A few years ago, the Ulster Farmers' Union drew up a code of practice with Roads Service that contractors were to follow when work was being done on the roads. We would like to think that all work would be completed in accordance with the code of practice. Again, it would ease the situation for the farmers on the ground if there was a good relationship between contractors and the farmers.

We come on to the thorny issue of vesting compensation, which is a very big area. Certainly, farmers are not willing sellers of their land. Selling a house is different from selling a farm. The farm is their business and livelihood, and the livelihoods of some farmers have been cut in two. That is a big issue, and we need a review of the vesting compensation arrangements.

Northern Ireland is being unfairly treated in comparison with the mainland UK and the Republic of Ireland. We approached Minister Wilson last year about that subject. On mainland UK, there is a possible additional top-up of 10%. We have a copy of the legislation with us, and there is no reason, considering that farmers are unwilling sellers, why we cannot be treated the same as those on mainland UK. In the Republic of Ireland, there is a national development plan for road schemes, where farmers are topped up by an additional €5,000 per acre.

There should have been decent compensation. Although there are many other problems associated with the A5 and although it has huge impacts on people's livelihoods, if there had been recognition on the point about compensation, the process may well have moved forward in a much better way. Ultimately, that would probably have reduced costs.

There are nearly 3,000 acres involved in the scheme, and a 10% top-up would cost an extra £4.5 million. I will put that in perspective: if the road scheme was going to cost somewhere in the region of £850 million, the top-up would have been only 0.5% of the total cost. When you consider that every week of delay costs £750,000, the figure equates to six weeks of delay. The compensation issue has to be visited, and there has to be a recognition that farmers are not willing sellers. We would like to be treated in a similar way as farmers in the rest of the UK.

An issue that has arisen at a few of our meetings was that it was felt that the agricultural impact assessments were not carried out to a satisfactory standard. The impact on people's businesses was not really addressed by those assessments. That was probably mentioned in the judicial review.

As I said, there are probably a lot of lessons to be learned from the A5 process. The Ulster Farmers' Union is not opposed to improvement of infrastructure, but we have to see fair play for our members. We would like to see them being compensated in a similar way to farmers on mainland GB. Thank you very much for your time.

The Chairperson: Thank you very much indeed, Barclay. You raised many important issues, and we have had a considerable number of conversations about this in Committee. You raised issues that also cross the remit of other Committees. At the end, I will say what I feel that we should do with that.

Maybe you can tell me what your understanding is, but, based on the information that we have got up to now from the Department, my understanding is that, when the whole project fell as a result of the court judgement, the compensation and vesting agreements became null and void. In other words, the land and everything else returns to the rightful or previous owners, who are the farmers. Also, my understanding is that the A5 project, which is still on the table but, as you said, is probably sometime down the line, will involve a new vesting process and a new process of taking the land back and all the rest of it.

I have had communication from a number of farmers who talked about the £800,000, which is a small amount in comparison to the £40 million or £50 million that has already been spent on this entire project, in all probability. Farmers have reinvested or made commitments around, perhaps, the purchase of other land or have recommitted money within their businesses to make up for the shortfall because of the land that they were losing. Is that your understanding, and what is your understanding of what the judgement said? What has the Department told you about that so far?

Mr B Bell: We have seen situations where farmers have destocked. They have sold livestock in anticipation of this road scheme happening. We have one member who has bought land and has not received any compensation at this stage. He was buying land in anticipation that he was going to lose land. There are situations where farmers had started to make plans, and now the whole thing is back to square one. On the vesting issue, as far as we know, everything is now null and void.

The Chairperson: Have you had any confirmation from the Department that the vesting arrangements are null and void?

Ms Kate Cairns (Ulster Farmers' Union): We received a copy of the letters that our members all received saying that the arrangements are null and void and that the land is back in their ownership. The letters give them scenarios for reinstatement at this stage.

The Chairperson: There is a major issue with single farm payments. As Chair of this Committee, I have been approached a number of times. As you said, the deadline for single farm payment forms to go in is this very day. My understanding is that the process does not allow for the late submission of forms and that they have to go on by this day. Have you had any discussions with DARD about the single farm payment issue? Given that, as you told us, 3,000 acres are involved, has DARD given you any insight into whether that may well be looked at sympathetically? My understanding is that a small element of the compensation that has been paid may well have been for single farm payments. That is the single farm payments for when the land was taken in the first place. That does not compensate for what has happened at this time, with this year's single farm payments.

Mr B Bell: I will let Wesley, our senior policy officer, answer that.

Mr Wesley Aston (Ulster Farmers' Union): You can put in your form for a single farm payment until the close of play today. It can be amended, without penalty, between now and 31 May, but you must

have your form in today. If you put it in after today, there is a penalty because it is a late application, so we advise people to get their forms in, which can be amended until 31 May without penalty.

Representatives from DARD were at the meeting in Omagh a couple of weeks ago, and they made it clear that there is a process for the force majeure issue. Our concern, and that of our members, is that they do not want that process to delay their payment. There is a process to be followed, but we worry about how it would impact on payments. They do not want them delayed. We have had informal discussions with DARD about that, and we intend to ensure that those people are not affected and that their payments are not delayed.

It probably is the case that the compensation includes an element of single farm payment, but we understand that only a very small number of people have been paid. You mentioned the £800,000. The vast majority of that, as we understand it, was not paid to farmers for land but for houses and things. So, the £800,000 was not solely for farmers. At the time, it came across as though it was, but it was not. Although a number of people have been paid, the vast majority have not. Obviously, the individuals who have been paid have been contacted directly about how they propose to deal with their individual situations, whether they want the land back or will proceed with the sale of the land to Land and Property Services. They have that option.

The Chairperson: Were the boreholes drilled by the Northern Ireland Environment Agency or were there others? I heard a couple of times that fairly substantial holes were made by archaeologists.

Ms Cairns: A few boreholes have been drilled by various organisations, but the main ones we spoke about were for testing the ground for the road, so they were probably the DRD boreholes. The issue is more about how they are reinstated. A couple of members have had animals injured from the previous reinstatement, which is maybe now null and void, where a plate was simply put in one metre deep and ground was filled in on top of that. Eventually, that plate will probably give way and an animal will walk on it and break its leg. By appropriate reinstatement, we mean that the land is completely reinstated to how it was before; that is, filled in with hardcore right down to the bottom, rather than just a plate one metre down.

Mr Ó hOisín: At the outset, let me say that, as I come from a rural constituency, I think it very important that any issues about the single farm payment are sorted out so that nobody is disadvantaged. Over the past week, I received a number of representations about mapping as well, and I am sure that that will also be an issue along the A5.

The First Minister and deputy First Minister have given an absolute commitment to the A5 project, and they are committed to seeing that the directives address the issue that has held up the project on this occasion. The statement that came from the First Minister and deputy First Minister on Monday reaffirmed that commitment, which is contained in the Programme for Government. They are talking about this possibly starting within 12 to 18 months. I understand the reservations that a number of your members along the route of the A5 have. However, given that many more of your members may benefit from the development of the A5, when will we see the Ulster Farmers' Union buying into the process and facilitating progress on it?

Mr B Bell: As I said earlier, we have never stood in the way of any improvements to infrastructure, but the real issues that we have down there are the day-to-day issues that we outlined. We have never stood in the way of improvements to the infrastructure in Northern Ireland.

Mr Aston: We have been asked by people along the A5, and by people along other road developments, electricity schemes and all sorts of schemes, to oppose those developments but, as the deputy president said, we do not do that because members will benefit from them just as there are others who will be disadvantaged. Our clear position is that members must be properly compensated for being unwilling sellers and there must be minimum disruption to their farm activities. We hold those two very clear principles.

Mr Ó hOisín: You will accept that there is more to the rural economy than farming. There are other rural dwellers, and there are 2,000 jobs in question here for the entire north-west region plus all the beneficial effects of the infrastructure being delivered. There has to be some sort of compromise, and that is the crux of the issue.

Mr B Bell: In outlining our concerns today, we have not said we are against the A5.

Mr Ó hOisín: I understand.

Mr B Bell: Those are genuine concerns that the landowners have, and they must be addressed. We have gone through them. Single farm payment compensation may be outside the remit of this Committee, but that issue is critical to our members this year.

The Chairperson: I re-emphasise that I have never heard you opposing any of these developments from an Ulster Farmers' Union point of view.

Mr I McCrea: You are all very welcome. There is nothing that you have said that I disagree with. Landowners and farmers could have been treated a whole lot better.

The Chair has probably asked all the questions I was going to ask. Have any discussions about compensation taken place between farmers or yourselves with the Department? If not, do you have any indication about when people are going to be contacted about that? At last week's Committee meeting, the Minister would not take questions on the A5, and I know that that is a thorny issue. Has there been any contact, or are you sitting here and telling us that there is nothing happening whatsoever?

Mr B Bell: We had a meeting with the Minister about two weeks ago, which was shortly after the court decision. At that stage, things were still fairly vague. It goes back to the issue that there is still so much uncertainty, and people cannot make day-to-day decisions on their farm businesses. It is critical that this is sorted out quickly. That was one of our points: we have to see sufficient numbers of Land and Property Services staff on the ground. This has to be sorted out urgently.

Mr I McCrea: Is there any evidence to show that if there is not a sufficient number of people on the ground to deal with this issue, there will be a negative impact on farmers' businesses? Are there farmers who are likely to go out of business because of some of this, or is it not as bad as that?

Mr Aston: It depends on the extent of the reinstatement works and their cost. Some will have very little cost, but others will have very significant costs to reinstate the land to its previous condition. Roads Service will do the work, but if farmers want to go ahead and do the work themselves with DARD standard costs included, the concern is that they will incur all those costs and be out that money for weeks or months. A farming business at this time cannot withstand that, depending on the scale of the reinstatement costs. A commitment was given by Roads Service the day we had its officials down in Omagh in front of our members that the process would be quick. Obviously, the proof of the pudding is in the eating, and we want to see that commitment delivered on. Roads Service is talking about a fairly quick turnaround, but it has to be delivered.

The Chairperson: We are going to have to draw things to a very quick close, as something else is about to happen. I thank you. We have all the information, which we will pass to the Department. The Minister will be before the Committee in a couple of weeks, and we will raise some of those issues. You raised other issues about other Departments, including DARD, and we will be contacting them about those points. We will make a copy of the Hansard report of this meeting available to you.

Mr B Bell: Thank you very much, Chairman. As I said, if you can, bear in mind the compensation issue.

The Chairperson: Yes indeed. That is a very important issue.

Mr B Bell: It is something that we have been pushing for a few years.

The Chairperson: We will raise it. It is a point well made about the business side of a farm. Members understand that. Thank you.

Mr B Bell: Thank you very much.