



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
BING VEAYN TINVAAL**

**PROCEEDINGS
DAALTYN**

**ENVIRONMENT AND INFRASTRUCTURE
POLICY REVIEW COMMITTEE**

DEPARTMENT OF ENVIRONMENT, FOOD AND AGRICULTURE

HANSARD

Douglas, Monday, 13th July 2015

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Members Present:

Acting Chairman: Mr G D Cregeen MHK
Mr D J Quirk MHK

Apologies: Mr T P Wild MLC

Clerk:

Mrs E M Lambden

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Standing Committee of Tynwald on Environment and Infrastructure Policy Review

Department of Environment, Food and Agriculture

*The Committee sat in public at 2.30 p.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas*

[MR CREGEEN *in the Chair*]

Procedural

The Acting Chairman (Mr Cregeen): Good afternoon, and welcome to this public meeting of the Environment and Infrastructure Policy Review Committee.

I am Graham Cregeen MHK and I am chairing this meeting today as Mr Wild MLC has, with regret, submitted his apologies. With me is my fellow member of the Committee, Mr David Quirk MHK and our Clerk, Marie Lambden.

Could you please ensure that your mobile phones are switched off, not just on silent, as it interferes with the *Hansard* recording. Also for the purposes of *Hansard*, I will be ensuring that we do not have two people speaking at once.

The Environment and Infrastructure Policy Review Committee is one of three Standing Committees of Tynwald Court established in October 2011 with a wide scrutiny remit. We have two Departments to cover: the Department of Environment, Food and Agriculture and the Department of Infrastructure.

Today's session is the main annual oral evidence session with the Department of the Environment, Food and Agriculture, having last met with them on 9th May 2014 for this purpose, but also having been in continued correspondence in the interim.

EVIDENCE OF

**Hon. R A Ronan MHK, Minister for Environment, Food and Agriculture,
Mr R Lole, Chief Executive Officer and
Mr B Warden, Director of Environment, Safety and Health**

Q1. The Acting Chairman: We welcome the Minister for the Department of the Environment, Food and Agriculture, Mr Richard Ronan MHK, and also welcome Mr Richard Lole, Chief Executive Officer of the Department, and also Mr Bernard Warden who is Head of the Health and Safety at Work Inspectorate with the Department of Environment, Food and Agriculture.

Welcome to you all.

Before we begin, I would be grateful if each of the witnesses would kindly state their name, position and how long they have been in post.

25 **The Minister for Environment, Food and Agriculture (Mr Ronan):** Thank you, Mr Chairman.
My name is Richard Ronan, I am the Minister for the Environment, Food and Agriculture. I
have been in post since, I believe, it was June of last year.

30 **Mr Lole:** My name is Richard Lole, I am Chief Executive of the Department of Environment,
Food and Agriculture and I have been in post for about three and a half years.

Mr Warden: My name is Bernard Warden, I am the DEFA Director of Environment, Safety and
Health, and I have been in post now for about a year.

35 **Q2. The Acting Chairman:** And how long have you been in DEFA, because previously you
were in the Department of Infrastructure, wasn't it?

Mr Warden: One year, July last year.

40 **Q3. The Acting Chairman:** Yes, previously DoI, yes. Thank you very much.
If we could start with some issues regarding the transfer of functions, bearing in mind that
the responsibilities for planning issues now rest with your Department and the Department is a
large landowner: how does the Department manage this system and how does it work if there
are any conflicts?

45 **The Minister:** Thank you, Mr Chairman.
I think technically, planning has not previously been with DEFA, though. It has been with
DoLGE, which would do as links in the past.

I think the main reasoning behind this was, basically, the number of Department of
Infrastructure applications going in front of the Council of Ministers. There has been research
50 and work done on this and if the applications were taken from last year, I think the applications
would have been about halved.

So it is basically because of the number of applications going through CoMin from the
Department of Infrastructure, and that is why it has been given to us.

55 **Q4. The Acting Chairman:** Do you consider there are possible conflicts which may arise with
the agricultural industry under the new Agricultural Development Scheme, that as the
Department gives grants towards farming... if a farmer makes an application to diversify their
business and part of that funding has come from the Department?

Is that deemed a conflict?

60 **Mr Lole:** I do not foresee there being a conflict there. By the time a grant application would
be made we would normally expect planning permission to be in place. So if planning permission
was required that would be a separate decision, and by the time a different area of the
Department was being asked to supply grant funding for the initiative they would already have
65 secured the planning permission.

Q5. The Acting Chairman: No, I was meaning out of the payment from the old Countryside
Care Scheme that farmers were getting to help diversify their business... is the existing funding
that they were getting...?

70 **Mr Lole:** I do not see a conflict of interest in it, necessarily. I do not know whether there are
specific examples where that might be the case, but I cannot think of any off the top of my head
just in terms of a normal farming situation.

75 **Q6. Mr Quirk:** Could I ask, Chair, just to the Chief Executive then: some time ago when I was Planning Chair – that was nearly three years ago now – the old DEFA used to make statements to the Planning Committee regarding land which would be used for agricultural purposes, or good land, bad land, whatever they were calling it at the time... they made statements.

80 Do you think those particular statements will now disappear and there will be no supporting evidence from DEFA itself?

Mr Lole: We have not had an agricultural adviser for some time so have found that increasingly difficult to do anyway; and in other jurisdictions if someone were to be seeking an agricultural justification for planning application they would be expected to provide that. There are private businesses on the Island that would be very capable of providing that sort of information.

85 So I think we would expect an applicant to put in their agricultural justification if they viewed that to be the case, though we may be asked by the planning team to consider whether that justification looks appropriate – by ‘we’ I mean the agricultural team in DEFA.

90 **Q7. Mr Quirk:** Can I just ask, then, regarding Planning in itself: maybe the Minister could give us an enlightenment of the structure at the minute, because there is a new Planning Chair in DoI, but if I could say the mechanics and nuts and bolts lie at your doorstep?

95 **The Minister:** They do, the planning function lies with DEFA. This process has already started but as you will be aware, Mr Quirk, the Chairman of Planning is an independent chair appointed by myself – I signed the order off. This is an innovation and again it is something which I support, and something which I believe is already working well.

100 **Q8. Mr Quirk:** Could I just subsequently ask you from that then: how was the appointment contrived, or what does it contain within its ‘appointment’? What are the terms of reference?

105 **The Minister:** The terms of reference are relatively similar, he is the Chair of the Planning Committee. The previous Chair of the Planning Committee, Mr Thomas, chose not to get engaged, like when you were Chair, when I was Chair of Planning – this was seen not the way forward. A political independent chair was seen as a new, and may I say positive, step forward.

110 **Q9. Mr Quirk:** Finally, as far as I am concerned, can I ask the Minister or the officers: how does the Planning Chair, then... where is the policy created and where does he receive his new policies, the new instructions from? Are they from Government, or from your Department, or from Tynwald itself?

The Minister: Policy at the moment is sitting with the Department of Infrastructure. Policy will eventually move to the Cabinet Office – I think there is a timeframe on that.

115 I am eager to see planning policy move to the centre as soon as possible. Mr Robertshaw’s involvement in policy is the same as mine at the moment, we have opinions on it but it sits with DoI.

Q10. Mr Quirk: Okay.

120 Finally, regarding the Eastern Strategic Area Plan: are those particular elements in your domain?

The Minister: They are passed to the Department of Infrastructure, aren’t they?

125 **Mr Lole:** Those remain with the policy team.

The Minister: Infrastructure.

130 **Q11. Mr Quirk:** So if I could ask from you: if those key elements, which are the lifeblood of planning policies – the Strategic Plan and the Eastern Plan as it emerges, as all the plans will do – what would be your role to stimulate the progression of these plans for your committee?

The Minister: Through my Department? (**Mr Quirk:** Yes.)

135 As I say, planning policy does not sit within the Department of Infrastructure at the moment but I, like you, am very keen to see planning policy move forward.

But I will slightly correct you there, Mr Quirk: the lifeblood goes a little bit more than the Strategic Plan and the Eastern Area Plan – there are other areas of the Isle of Man which are vitally important as well to the Isle of Man's economy.

140 So I will be actively pushing for policy to get to the centre, but as I say at the minute, currently, that is with the Department of Infrastructure.

Q12. The Acting Chairman: Just for clarification, Mr Thomas was not the chairman was he? He decided not to take up the role as Chairman of the Planning Committee.

145 **The Minister:** He was Chairman of *Planning* I believe, wasn't he?

Q13. The Acting Chairman: But his delegation wasn't as... yes, right, thank you very much.

150 If we move on to the responsibility for housing which is now within Dol and the responsibility for environmental health aspects which is with DEFA: how do you see this system and how is it managed?

The Minister: I see it exactly as it was.

155 The Department of Health and Social Care had housing before it was transferred to Dol. Our role with regard to environmental health will remain the same. I think we can quite easily say there is a change of overalls, but we are just the same role. So it is exactly the same.

Q14. Mr Quirk: Could I just ask the Minister, then: sometimes the Environmental Health Department were probably asked for statements, asked for comment, or sometimes policy.

160 Do you see that there will be any conflict as your Department is submitting advice and information to other Government Departments, and particularly could be doing statements to Planning itself?

165 **The Minister:** I think we will let Bernard answer that. But what I will say, Mr Quirk, there are going to be conflicts wherever we go in Government – it is how we manage them and how we minimise them.

I think, Bernard, maybe if you can...?

170 **Mr Warden:** I do not think there is any great need to introduce any changes. The system, certainly as far as day-to-day enforcement and operational advice is concerned, is working very well. It is consistent across the Island.

There will always be circumstances where, because of the size of the Island, there could be a chance of a conflict of interest, but as it stands at the moment the system works as well as I believe it possibly could.

175 **Q15. Mr Quirk:** Could I ask Mr Warden: regarding your relationship towards local authorities... because indirectly most of the local authorities apart from Douglas, as far as I am aware, act independently, but all the other local authorities rely on yourself for prosecution purposes. (**Mr Warden:** Yes.)

180 I just wondered how much contact do you have now with local authorities to make sure that they are providing their functions?

Mr Warden: We have regular contact with local authorities through the offices that carry out those functions.

185 **Q16. Mr Quirk:** So you have a schedule to meet, say from Onchan through to Laxey, to Lonan, up to Ayre?

190 **Mr Warden:** We do not have any proactive schedules but we meet through reactive work and requests for work on a fairly frequent basis.

The Acting Chairman: Right.

Can we now move on to – I know a favourite topic of yours – agriculture?

The Minister: And yours!

195

Q17. The Acting Chairman: Yes. What is the definition of ‘Manx meat’?

The Minister: The definition of Manx meat? Well, I know it has been a hot topic in the Isle of Man – certain adverts flying around have raised the subject, and I am pleased they have.

200 I think really it is born, reared and slaughtered... not imported meat which has been further processed on the Island.

205 I think it is worth touching on the isotype database system we are looking into at the minute to allow individual meat to be tested at source. This is something which we would hope to have some movement, some traction, on at the end of the year – that is going to give some more clarity on that.

I think what was said in Tynwald, or Keys, recently – I cannot remember which platform it was – in respect of the ‘comeover’ sheep and calf, where do you draw the line? I think we have to be realistic about this. If you import cattle at the latter part of its life for finishing, I do not think that would be classed as Manx meat, but it is open to interpretation.

210

Q18. The Acting Chairman: Do you consider advertising as ‘locally sourced’ puts confusion into the public, that they think it is actually local meat but it could come from as far as Argentina or somewhere like that?

215 Are there areas that you would like to tighten up on the legislation to ensure that it is quite clear that it is Manx meat?

The Minister: I think one thing we have to be clear on is that this is a problem happening all over the world. Obviously since all this has come to the fore, we have had a little look into areas in the UK and it happens all over – but that does not mean to say it is right.

220 Certainly with respect to where Isle of Man Meats needs to go, and where its markets need to go, we need to be clear on what is Manx and what is not Manx – and I totally support that. In respect of the legislation, there again I would be cautious of the effect getting in the way of the agricultural industry in finding and looking for its new markets.

225 Legislation is always under review and maybe we will touch on this later, but again anything which we believe would forward the Manx meat industry...

Q19. The Acting Chairman: What testing do you do on meats on the Isle of Man?

The Minister: In respect of...?

230

The Acting Chairman: The quality, and if there are any diseases.

The Minister: Oh, right, okay.

235 **Mr Lole:** There are various different areas where we are involved in that. Obviously in the
Meat Plant we operate the statutory controls, and therefore we do meat inspection work of the
carcasses being slaughtered there to clarify they are fit for consumption. We also undertake a
quality grading service for the Meat Plant team, although that is not a statutory service. So in
240 terms of assessing the quality of meat and the suitability of our local meat for human
consumption there is a big role to play there.

There have been times when there have been concerns about meat quality, especially
around imports, and we have worked with local retailers to reassure us and them. So, for
example, during the horsemeat scandal we did some active work testing to prove that what was
being sold as beef *was* beef, as we expected.

245 There is another area where we are busy developing testing work at the moment – and this
comes back to your earlier question around locally sourced – so that we would be able to test
beef on the shelf or in the restaurant, to demonstrate that that *is* Manx-reared meat. We hope
that by the end of this calendar year we will be trialling that test. At the moment we are building
a database so we can demonstrably and reliably show that the meat has been locally reared, and
250 we would hope to be doing that on a commercial basis early next year.

Q20. The Acting Chairman: Can you confirm was it local meat that you were testing, or
imported meat?

255 **Mr Quirk:** Or both?

Mr Lole: In terms of the...?

The Acting Chairman: You were talking about the horsemeat.

260

Mr Lole: Right. I am afraid I cannot confirm that, I think we did both but I will clarify and
come back to you if I may?

265 **Q21. The Acting Chairman:** Are you concerned that with some of these imports of meats
which are possibly coming from countries which have got TB and foot-and-mouth disease, about
the quality of the meat that is coming into the Island? And do you consider that is an area that
should be tested?

270 **Mr Lole:** When you say 'tested'...?

The Acting Chairman: As in the fitness of it, because if it has come from a country which has
got TB or foot-and-mouth, to ensure that you have got the quality there... that we are not just
looking at testing our own meat –

275 **The Minister:** But ultimately, cattle with foot-and-mouth would not be going through a meat
plant would it?

280 **The Acting Chairman:** We thought that with horses, but in some of these continental places
we should be ensuring that it is a level playing ground, it is not just local meat which is getting
tested, we ensure that off-Island –

285 **Mr Lole:** Can I take that question in two different ways, because the first is: are we testing to make sure it is safe to eat? And of course when we are importing from almost invariably through the UK – though it may have come from other places – there are import controls for the EU as a whole where that safety aspect would be looked at in the first instance.

In terms of *quality*, that is a much harder issue, because quality of meat is a different thing to different people. So are we going to get involved in whether it is suitably marbled, and should it be a premier cut versus a value cut? No, that probably is not our role – that is for the retailers to reassure their customers on.

290 But in terms of ‘Is it safe?’ yes, that is what the food safety team would have in their minds.

Q22. The Acting Chairman: Yes, because like the horsemeat that got into the products, that must have been tested somewhere along the line and it must have been missed if that was able to get through.

295 I am just ensuring that we have got a level playing field, and that we are not being over-burdensome on our own people who are up to high standards, and then allowing the cheaper meats to come in.

Mr Lole: It is a fair point and we will come back to you to clarify. I believe we *did* test imports but we will clarify that.

Q23. Mr Quirk: Could I just ask: do you know what quantity of the non-Manx based meat is actually imported into the Island?

305 **Mr Lole:** If we think in terms of beef, sheep and pork which is the meat we have available for local production, around 60% is imported, I believe. But equally if we think of other meats which we do not particularly produce here, for example turkey or chicken, it is going to be –

The Minister: It is a lot higher.

310

Mr Lole: – virtually all of it. And the only reason I say ‘virtually’ is we have a small turkey industry for Christmas, and we have a small chicken activity as well. But almost all of that is imported.

315 **Q24. Mr Quirk:** Could I just follow up that and ask regarding procurement from the Isle of Man Government regarding schools?

Do we actually know that we are using Manx products in schools, or Government Departments?

320 I just wonder if maybe the Minister could tell me... and can we bring that down towards potatoes and smaller?

The Minister: In the Government procurement policy we have specifically asked butchers to supply us with Manx meat. I think, as we mentioned –

325 **Mr Quirk:** It is in the contract.

The Minister: Yes. This is a new process, Mr Quirk, isn’t it, this procurement policy of Government? And is something which I fundamentally support. It is something that I believe has still got a bit of a way to go, and it is *absolutely* the right thing to do.

330 Are we there yet? Probably not, because at the end of the day we cannot have *everything* Manx because ultimately there is stuff that we do not do... as Mr Lole has said about chicken and things, which are *very* popular in meals at the moment.

335 But what we have to do is make sure we maximise the offering whether it be in prisons, in schools, or in hospitals. This is something I am very... well, certainly in respect of the Food Strategy which we brought forward last year, this is fundamentally key in getting awareness up there. But it is a good step; it was introduced before my time as Minister. It has still got a way to go, I believe, but we are certainly on the right track.

340 **Q25. Mr Quirk:** So all the schools, the prisons and all the Government Departments are using Manx products?

The Minister: It is dealing with the procurement process. I could not give you the exact figures on that... but whether or not we get those figures to the Committee?

345 **Mr Lole:** I am sure we can get the figures to the Committee, but exactly the same comment about meats would obviously apply: if we do not produce it here they will clearly use imported chicken nuggets, for example. But where it is a product that is produced here, the procurement contract expects them to use our product.

350 **The Minister:** Yes. It is a lot better than it was, and it needs to be better than it is.

Q26. The Acting Chairman: One of the issues is that when we have spoken to the Meat Plant they consider that the amount of meat required throughout Isle of Man Government (**Mr Quirk:** Consumption.) as part of their consumption through the schools, through the Prison and through the Hospital... the amount of meat that is needed there is not supplied from the Meat Plant here.

So it is a concern that when the Meat Plant say that the amount you are requiring –

360 **The Minister:** They are buying Manx meat though, aren't they?

The Acting Chairman: Well, they may be buying 'locally sourced' –

Mr Quirk: That is why we want to find out –

365 **The Acting Chairman:** – rather than Manx meat, because the Meat Plant considers the amount required is not the amount that they are shipping out to the butchers. So there may be a differential in there which may need to be –

370 **Mr Lole:** We acknowledge it was a relatively recent contract and we would expect for that to be audited once it is established and properly in place.

If you think about the diets in many of those places unfortunately quite a lot of that will be meats we simply do not provide here. However, the contract would be explicit that locally sourced – or as I *understand* it, I hasten to add, because I have not read the detailed contract – but what I was told was that the contract would not allow locally sourced to be confused with locally *raised*.

Q27. The Acting Chairman: So that may be an issue that we might need to bring up with... I think it is the Department of Health who are doing the procurement for Government canteens.

380 **The Minister:** I would agree and I think, as I said before in my statement on this, that quite clearly it is better than it was but it needs to go further.

We need to clarify the details of the contract, we need to make sure that it is right and fair, and we need to make sure that we can maximise the Manx products going through the

385 procurement process. But ultimately we have to remember we will not get 100%, but we have to make sure if there are grey areas they certainly need to be ironed out.

Q28. Mr Quirk: Could I just ask: how many vets do we have?

390 How many meat inspectors do we have and what are their roles, their day-to-day jobs, five days a week?

Mr Warden: Well, as far as the vets are concerned, there is one vet... if we are restricting this to the Meat Plant, there was one vet who –

Q29. Mr Quirk: Can I just do it as a total, in the pool?

395 **Mr Lole:** Okay, in which case if I speak about the total number of vets, and then pass across to Bernard for the total number of meat inspectors, if that is alright?

400 We have one contract vet who works in the Meat Plant and therefore supplies the right number of hours for the service in there, and that is what their role is restricted to. Then alongside that we have three qualified vets employed by the Department.

Q30. Mr Quirk: Right.

405 Sorry can I just ask then: the vet that is supplied to the Meat Plant is a contract vet – it is a private individual, a private business?

Mr Lole: It is a private business that supplies the individual under contract, yes.

Q31. Mr Quirk: Okay.

410 Meat inspectors?

Mr Warden: Meat inspectors: we have two and a half that are devoted solely to meat inspection duties when the Meat Plant is operating. And we have five environmental health officers who are currently trained to carry out that responsibility – we did have six, but one of those retired at the end of last year. Another one has announced his retirement for the end of August this year so we will be down to four back-up meat inspectors.

Q32. Mr Quirk: So can I ask: are the meat inspectors' contractors or full-time employees of Government?

420 **Mr Warden:** Two of them are full-time employees of Government, one is a contractor.

Q33. Mr Quirk: Right, that makes three. Do you mean the half one?

425 **Mr Warden:** That is the half one, yes, I beg your pardon he is a contractor.

Q34. The Acting Chairman: If we move onto your proposals for increasing the charges at the Meat Plant for vetting the meat graders: if the cost of the meat inspection is to be increased, who is it most likely that the charge will be passed onto?

430 **Mr Lole:** In terms of actually making that decision, that is a decision for the Meat Plant rather than ourselves; but your question was who is most *likely* to, which means I can speculate.

The Acting Chairman: Yes.

435 **Mr Lole:** If I speculate how that will happen, I assume they will introduce a fee to the farming community for a reasonable inspection charge – and we have been very clear both in discussions with the industry and in a presentation to Tynwald Members earlier today in preparation for the discussion, that we would *not* expect that charge to be higher than elsewhere, and that we would expect that to be a fair charge.

440 But at the moment some areas in the industry are paying a small charge for some of those services, and others are not.

Q35. The Acting Chairman: And do you consider there is a key role for your key stakeholders in any of these moves that you are trying to bring forward for the industry?

445

Mr Lole: Absolutely.

Q36. The Acting Chairman: And as we have heard today in the discussions from the Isle of Man Meats and from Isle of Man Farmers, there was a clear division between Isle of Man Meats and the Manx National Farmers Union.

450

How do you mitigate those concerns when it comes forward to the industry, and try to give them some sort of confidence?

The Minister: I think there was an understanding that it needed to happen, it was a question of *when* it needed to happen. So to say there was a clear division, I do not believe that is the case.

455

What is important is that we can create a landscape for Isle of Man Meats to move forward with its business model... and the meat grading fee could be described as a hidden subsidy – something that was not on their profit and loss account. We do not believe that was being factored into their business model, making them inefficient in this area.

460

I am certainly confident this is the right thing to do. I do not believe this will have a long-term material impact on the Meat Plant, far from it. I think it will have the opposite effect because it will create a better business environment. Isle of Man Meats understand this and support the direction we are going, so I believe this is the right thing to do.

465

Q37. The Acting Chairman: But do you not consider that both parties involved in this do consider it is a timing issue... and a lot of it comes down to the equivalency of payments for meat on the Isle of Man that they get into the UK? And that the MNFU are opposed to the immediate introduction of this... and it may put pressure on people to have more live exports, even if it is in the short term, until there is the equivalency being paid to the farmers here?

470

The Minister: As you know, we as a Department are determined and keen to see through the equivalency and whatever shape or form that comes in. Even in today's presentation it was clear that will probably never be defined.

475

What is important is that people out there in the farming community realise that equivalency is there, this is something that was promised – I can probably say *many* years ago. It has never really materialised and certainly as Minister I am determined to get to the stage where we can say at least the contra is in place and the discount is in place, that we have equivalency – that is the right way to go forward.

480

What you are saying is: are we going the wrong way about it? I do not believe there will ever be a right time in the agriculture industry... or in any industry where you introduce a fee they are always going to be opposed – and the union has every right to do that. We have had discussions with the union on this, I think they understand the reasons and the need for it to happen but... no, I am comfortable.

485

The Acting Chairman: Could somebody please switch off their electronic device? I can hear it pinging away in the background.

490 **Mr Quirk:** It is not an iPad, is it?

The Minister: I think it might be an iPad, yes, I think so.

Mr Lole: Apologies.

495 **Q38. Mr Quirk:** Could I just ask from that, then, to the Minister: you have been in post since 2014, how many meetings have you personally had with the NFU or the farming industry? I believe there is a north, south, east and western branch?

500 **The Minister:** For the exact details, Mr Quirk, I would have to come back and check my calendar appointments on that, but –

Q39. Mr Quirk: A dozen? One? Two?

505 **The Minister:** Certainly more than one or two.
I go round as much as I can to meet individual farmers. I have done this, I meet them individually, I meet the Manx National Farmers Union. Certainly, when I first came into office I met them personally quite a few times, I met them as part of the Environment and... what?

510 **Mr Lole:** Industry Advisory Committee.

The Minister: Industry Advisory Committee.
I have met them in their office environment, I have met them in their home environment – I think we are up to a dozen already, aren't we?

515 So for the exact numbers, if you want details I will get you the details, but what I can say in respect of a *meeting*... And it is interesting, this: is a meeting a minuted-meeting, or is a meeting a telephone conversation?

What I can say is that there is regular communication – and if it is not with myself then certainly with my officers or my Chief Executive – with the Manx National Farmers Union.

520 **Q40. Mr Quirk:** I think it is, under the Code of Conduct for the civil servants... and it applies to Ministers and Members too, and correct me if I am wrong – if a meeting is proposed and an agenda is produced, something takes place and an officer takes some notes and it is recorded on a computer.

525 **The Minister:** That would be considerable. For example, if I had a meeting with the Manx National Farmers Union in their office environment and we sat for two hours and no official minutes are taken – but progress is made.

530 In fairness, we have had plenty of meetings, but in the format you are saying, like in every environment, considerably less.

Q41. Mr Quirk: I am sure there was a diktat from the Civil Service to say that when officers and Members met with companies and individuals, or whatever – because we have in the past fallen foul of little issues regarding when a meeting has not taken place, and there has been a conflict at the end – a minute or a note put on the file covers you.

535 **Mr Lole:** Yes, and we would have notes of by far the vast majority of those meetings. So there will be the odd phone conversation where there has not been something noted... but in my

daybook, in my case – and I am sure that officers will have their own situation – I will have a note of the conversation, the key themes discussed. Similarly if I was in a meeting with the Minister, in most those meetings I think the NFU would take their own minutes and I or one of my colleagues would be noting the key issues that were discussed.

Q42. Mr Quirk: Can I ask: underneath the Minister structure and Chief Officer, are there liaison committees? I remember when Graham and I were in Agriculture some years ago, there was a vast structure where they met all sorts of organisations... and which met and channelled into the Department.

I have looked at the website and there are quite a few, but it does not say much about what they actually do.

Mr Lole: The Minister, for example, referred earlier to the Industry Advisory Committee: that team worked together on the detail of what was the Countryside Care Scheme, and was part of the consultation process that we went through to come forward with the proposals that subsequently became the Agricultural Development Scheme.

We have, at times, had a wider committee that included the food retailers as well. Through the Food Strategy we have a commitment to re-establish something of that nature, so that all sectors work together. In that area we are busy trying to sort out the Food Business Development Manager, and therefore at the moment we have got an informal steering committee that have been part of agreeing how we do that – and we have included retailers, processors and various stakeholders in that. At the moment it is an informal working group, but the intention is for that to become a formal steering group for that piece of work.

Q43. The Acting Chairman: When was your last IAC meeting?

Mr Lole: To my recollection – and I am clearly talking from recollection at this point – I do not think we have met since just before the proposals were taken to Tynwald, which I think was March, wasn't it?

The Industry Advisory Committee has been looking at the support mechanisms that we use and that was the last significant change that we did. When we brought forward the Government circular regarding 'Active Farmer' that was circulated to all the Industry Advisory Committee and their views were brought in electronically, because the timescales on that became quite tight. But they were involved in the process and their comments were taken on board in the preparation of it.

Q44. The Acting Chairman: Were you not concerned with the MNFU's view regarding the introduction of the fees at the Meat Plant, that there had been no consultation with them and the first time that they knew about it was when it was on the Tynwald Order Paper?

Mr Lole: Yes, we were concerned about, the Minister withdrew it. I personally apologised to the MNFU over that.

Q45. The Acting Chairman: Was there any reason why you did not discuss that with them?

Mr Lole: Our focus had been dealing with the Meat Plant who are the people in receipt of the fees. We had it in writing that they supported the position – and, with hindsight, clearly we should have involved more stakeholders. But in terms of did we speak to the people who would be directly impacted by these fees? Yes, we had done.

Q46. The Acting Chairman: And if we carry on about the fees: you were mentioning today regarding the EU proposals. Is there any reason why you are jumping ahead to try and introduce

590 these costs now, whereas in the EU the proposal prices coming in – and they are a proposal, so
we do not know when those introductions... that you are actually leaping ahead of the EU and
ticking the box first?

Mr Lole: You will have registered, I hope, that in the presentation we made to Tynwald today,
595 we really did not dwell on the EU proposals on this, because they are not the real reason for
doing this.

What we tried to make clear was, this was something that was in response to the needs of
the Isle of Man Meats, who wish to be able to operate their business in a much more flexible
way, to operate the slaughtering line whenever they have a good market that means they can
600 profitably supply it, and we had previously worked with them to reduce the cost of our statutory
controls that we supply to them and they were operating just two days a week.

We adjusted our staffing structure because of that, which included a painful reduction in staff
numbers with people not leaving of their own choice, and we did not have the capacity to
service that increased need.

605 So what we asked the Meat Plant to work with us on, is we should get them to the point
where they are clear that they can make money from slaughtering more often; and if they can,
we need to find a way to be there to service them whenever they need to operate.
(**The Minister:** The business.) And this was the way we agreed between us that we would go.

610 **Q47. Mr Quirk:** So can I just ask through you, Chair?
What tempts a farmer to sell offshore?

The Minister: Export – live export?

615 **Mr Quirk:** Yes. Choice, is it?

The Minister: Choice, yes.

And are we going to stop that choice? No, we are not. And have we legislated? No, you
cannot.

620 **The Acting Chairman:** Excuse me, can we just ask for whoever has got the iPad to please
switch it off. There is one ping away again.

The Minister: Who is ping away? It is not me, I am turned off.

625 **The Acting Chairman:** Mine is turned off.
Okay, thank you.

Q48. Mr Quirk: Can I just ask too, then, Chairman, regarding you are saying it is down to cost
630 and you indicated we have one vet on contract to the Meat Plant.

Could the Meat Plant not contract that vet or does it have to go through these statutory
organisations?

Mr Lole: As I understand these vets are statutorily controlled... so at this point the EU is a
635 relevant factor because obviously the intention is to make sure that our meat is of exactly the
same standard as any imported meat, and equally importantly could compete in the UK markets
or further afield because some of it goes into France. Therefore we do have to be cognisant of
the standards they expect – and the expectation is that there would be an independent vet on
site whilst they are slaughtering. So –

640 **Q49. Mr Quirk:** Would the independence still be there, if it was a contracted vet?

Mr Lole: I cannot answer the question properly, but I will come back to you on that.

645 **Mr Quirk:** Okay, because if I could just say to you, the only time I have ever been round the Meat Plant on a non-kill day, I remember the meat inspectors showing you the different grades of beast after they had been slaughtered, and that was clear to me the only way you could actually do it.

650 So I can see the premise to have an independent meat inspector as a statutory body, but having a vet, which just makes sure that the animals coming to slaughter are fit and proper –

Q50. The Acting Chairman: Because I think, even in your presentation you said there is a 26% pension liability in there, which probably does not occur in the United Kingdom. So I take it they must be outside the government control in the United Kingdom?

655 **Mr Lole:** And, in fact, in terms of pension on the vet that is operating the Meat Plant, that again would, in just the same way, not be our responsibility – they are a contractor from a UK business and we simply pay a fee for the use of them.

660 And if I may build on my previous answer, which was obviously cautious – and I will come back with absolute clarity on this – but my impression would be that it would be expected that would be provided by the Government, because of course the objective is food safety and making sure that the animals that are slaughtered are fit for consumption. But I will clarify that in writing.

665 **Q51. The Acting Chairman:** So in the United Kingdom, do they supply a government vet, or is it through a contracted body?

670 **Mr Lole:** I think it is mostly done – and again I will clarify this in writing so I am talking from recollection now because this is not my specialist topic – but I understand that they are effectively through a government quango, because it is part of food safety.

The Minister: A branch of government.

675 **Q52. The Acting Chairman:** Through your presentation you were saying that there were going to be savings through the Department to support your critical health and safety front-line services.

What services are you looking to redirect that funding to?

You were saying there was going to be about a £30,000 saving which was going to redirect –

680 **The Minister:** Let's get one thing fundamentally clear: that is not the reason this is happening.

The Acting Chairman: I understand that is not the reason, but you are going to redirect your –

685 **Mr Quirk:** It has been mentioned in the afternoon.

The Minister: That is part of it.

690 **Mr Lole:** There are two different aspects to that.

One is as Mr Warden identified a few moments ago, we have had several members of that team leave, and we do need to undertake succession planning, so we do need to start training people to be able to make sure we have enough people to provide cover – because we recently had a very senior officer working on the line simply because we needed to train people in place.

695 So there is a cost to undertaking that training. But also you will remember from the presentation at lunchtime we did acknowledge that that funding might not just be used for staff purposes, because it may be that we need to look at how to make sure those charges to farmers are fair, and whether that is a cost that needs direct support.

700 **Q53. The Acting Chairman:** And that is my concern, that if you are saying you are going to put these into your front-line services, and then you suddenly find out that your charges are actually hindering the Meat Plant from developing, how you would then balance that in your departmental budget that you have budgeted it to go to one place and it has to come out again?

705 So, as part of your review regarding the introduction of these charges and how they are going to work, how soon do you think you will have your first review on whether more animals are leaving for live slaughter?

Mr Lole: In terms of review of the fee structure you will recall at lunchtime we committed to doing that at the end of the second year.

710 In terms of the other aspect which is, is this causing extra export of livestock? I think if we saw evidence of that we would be concerned. But I do not think it will ever be something we can really confidently talk about cause and effect, and I do not think there is a desire to say exports should not happen.

715 We have a growing high quality breeding stock industry on the Island, and it is a great new piece of economic development and we would love to see that continue and grow. So live export as such is not a measure that the Department will currently hold itself as a matter of concern; though equally, throughput for the Meat Plant is something we would like to see, providing they can profitably process those livestock and add value.

720 **Q54. The Acting Chairman:** Do you consider that the Isle of Man may suffer from a certain amount of dumping of UK or European meat into its markets?

It has often been said that we export meat to the UK, but do you think it puts unfair pressure on the Isle of Man market if meats are dumped here?

725 **The Minister:** Are you on about the dumping of cheap meats? (**The Acting Chairman:** Yes.) Cheap meat cuts into the supermarkets, etc? Yes.

I suppose the market is open and we are liable to get cheap cuts. You have got to remember, Chairman, there are a lot of families out there and that is all they can basically afford.

730 One thing which is clear is that if Isle of Man Meats – being a small jurisdiction and a small area – is going to succeed, it has to be of high quality and of high value. This is something we have said all along. We are not in the commodity market, we have got to add value and we will ultimately never compete with cheap boxes of mince, boxed lamb, or whatever it may be – and neither *should* we.

735 Through the work that we have done we have identified that there are changing shopping habits right now. Whereas many years ago people's shopping habits were quite narrow and they were focused on the supermarket, people now – with more information available to them – are realising that to eat locally within your region, wherever they may be in the UK, is good for its local economy. More importantly is the quality of the Isle of Man produce and this is an area which will ultimately be the success of the Isle of Man food industries.

740 **Q55. The Acting Chairman:** If we can go back on to the equivalency: could you explain the EBLEX pricing to us?

745 Also, how current is the pricing and how does it take any percentage rates of carcass actually used into account – i.e. the percentage of waste matters and dressing systems in a comparable manner – when establishing local prices?

Mr Lole: Okay.

If I may make a flippant comment to start with – and please take it in that way. The honest answer is probably no, I cannot explain the EBLEX system; but then to take a more serious answer and try to explain it as best as I can.

750 This is a UK process rather than our own – and this has a very long history to it – when what was the Meat and Livestock Commission in the UK undertook market reviews to provide data on market price trends, etc. (*Interjection*) As part of that, UK meat plants were expected to provide purchase prices to the Meat and Livestock Commission, who co-ordinated in various different ways – and that is where the difficulty in this process comes – and published various different
755 figures. So there are some figures available for last week's market, some figures would be available for this week's market, some figures are associated with live weight purchases – in other words, buying the animal whilst it is still alive – and some figures are associated with dead weight prices, which is the value of the carcass once the animal has been slaughtered.

760 Over the years I think there is an argument that the value of those figures has been eroded, in that there was a point when probably with the majority of animals bought the figures actually were part of that process – whereas increasingly fewer UK abattoirs are still feeding reliable data into that.

765 Another quite important point is, there is a massive range of carcass specifications these days, and therefore if somebody is slaughtering for one retailer as against another, the carcass specification may be quite notably different, and that means several kilos worth of weight in the finished animal if we were talking about beef, for example – and obviously that impacts on the price that is quoted.

770 So, the flippant response was not unreasonable, though I have tried to explain roughly how it happens.

Q56. The Acting Chairman: Now, you have currently undertaken some work regarding the pricing equivalency. When do you expect those results to be published?

775 **Mr Lole:** We have seen an interim draft which, like many drafts, has as many questions as it does answers, and there is a whole load more work needed to flesh out the questions that Mr Webster has not yet concluded. We will work with him on those and it may involve going back to the Meat Plant team and it may involve going back to the industry.

780 So my guess would be that within a couple of months we would have something for wider consumption.

Q57. The Acting Chairman: So do you not consider that, if you are going to have these results and you are going to be able to publish these to give them to the industry, the timing of your introduction of fees could have actually been held back until your report has been published, to give that confidence to the industry that you have got this pricing, and this has been quantified
785 by an independent party... which would give that confidence to the farmers that, when the meat goes into the Meat Plant, they are getting pound for pound for what they would in the UK?

790 **The Minister:** Okay, taking that aside, can we not understand that the reasons are driven through inefficiencies?

The Acting Chairman: Yes, we understand that.

795 **The Minister:** Okay, so it does not matter how much we move the goalposts because they will always be moved, but what this is about is creating a little bit of a surety in there. And we can shift and alter as much as we want... and maybe now is not the right time, or maybe next year, or maybe two months will be the right time.

I believe *now* is the right time.

Q58. The Acting Chairman: But, as you have a new man at Isle of Man Meats who is driving these efficiencies –

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The Minister: Correct, so now is the time to do it then, isn't it?

The Acting Chairman: – no, they are driving these efficiencies forward, he is already acting on this, so for the farmers who are actually looking to sell their animals, if they can actually go and say –

805

The Minister: This scheme, as I have said before, has a soft start, this is why it is being done. So if we have got a soft start for a year, so we have already done that in fairness, haven't we? We have already addressed that.

810

Q59. The Acting Chairman: Well, likewise if it is such a soft start and it is not going to have that much of a financial effect on the implementation –

The Minister: But it is implemented.

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The Acting Chairman: – but the PR that you are actually looking to get over to the farmers to give them confidence so that you do not have the live exports going out... because they are not actually seeing a difference at 95% equivalent to the UK, that once you have got your PR that the equivalencies –

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The Minister: We are trying, Mr Cregeen, sorry. We have stated we are looking to get equivalency and we are... sorry –

Mr Lole: Can I take us back a little bit, because your question was, 'Do it now or leave it until we have all the answers.'

825

I appreciate I have only been involved for a short time but it is now 10 years of working with the agricultural community on the Island – which has been fantastic fun and they are wonderful people – but I regret I have lost confidence that I will ever be able to say, 'And that is the answer', because I think it is very complex.

830

Equivalence is such a complicated concept and the beauty of it is it can never be agreed because there are so many different aspects; and so I regret I do not ever believe anybody would be willing to say you have sorted equivalence, because I think there will always be an aspect that is unresolved.

So the danger of saying, 'Let's just wait for this next thing', is it will take us further forward; but the point is that at the moment the Meat Plant is saying to us, 'We need to slaughter more often.' We have laid off staff because we changed the way we operated with them, and we need to find a way of affording to supply them with the services they need as soon as possible, because we are holding them back from going into new markets.

835

The Minister: We are holding a business back.

840

Q60. The Acting Chairman: As you have already acknowledged, your lack of engagement with one of your key stakeholders, the MNFU, as you never brought them in at an early stage on this, that has possibly been one of the obstacles that you have got... there was no early engagement with the MNFU, who was a key stakeholder with the Meat Plant, and you may have actually got the buy-in earlier than you have.

845

The Minister: Well, we have had two months now and we have worked with them as much as we can, and whereas I think they understand the reasoning for doing it they will still not publicly support it.

850

So, would we ever have got the support? I do not know. It is fees at the end of the day –

Q61. Mr Quirk: Chair, can I just slightly change the tack a little bit? Can you give us a little update on what is happening at the Food Park in Peel?

855

Mr Lole: We have been through three phases of capital investment to effectively refurbish the Infrastructure of the site and the majority of that work is now completed. We have put in a new infrastructure, we have put in a new road structure, we have established the hub which is the building at the entrance which has a boardroom and meeting room so that the processors can meet there with buyers etc, in what is quite a nice convivial atmosphere.

860

We have now passed the day-to-day management for the site to the DOI in keeping with the shared services concept, and our responsibility really ended as we came to the end of that capital project. There is one outstanding aspect of the refurbishment that is yet to be sorted out, in that there is a building where we still have to resolve a couple of issues with the tenant to allow it to be rebuilt.

865

The Acting Chairman: Can I just pause the hearing for a minute. Could everybody please check their electronic devices because there is still one going off.

So if somebody could please... no, no there is an iPhone or something pinging, or iPad. Could you just check your devices, please.

870

The Minister: It does liven up the proceedings though. *(Laughter)*

The Acting Chairman: Okay, has everybody checked their devices?

875

Mr Quirk: Mine are off, sir.

The Acting Chairman: Have you checked your devices, somebody's was pinging.

880

Mr Lole: As far as I understand it the button is pressed so it should be off now. I don't know whether we want to put them out of the room?

Mr Quirk: We have now got a Taser.

885

Mr Lole: As long as it is turned off, that is fine!

Q62. The Acting Chairman: Right, if we can now turn onto the silt in the marina in Peel.

Could you give a date when your samples were taken from the Peel Marina? What dates they were taken prior to the emergency order being put in place?

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Mr Warden: Sorry, do you mean **(The Acting Chairman: The samples.)** the original samples or these series of samples that were taken before the dredging took place?

The Acting Chairman: The samples that were taken before the emergency order that the Minister signed.

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Mr Warden: There were a range of dates, Mr Cregeen.

The ones from the marina itself, the sediment samples were taken in 2013 – forgive me, Richard is looking for the exact date, but it was in 2013.

900 There was a set of samples taken from the Peel Bay area prior to the disposal of 4,000 tonnes in the spring of 2014; and then a series of sampling taken through the summer, autumn and winter 2014 into 2015.

905 **Mr Lole:** My apologies, the report – and I think you have had a copy of this report dated June 2013 – I cannot see a date there that says which day Kevin went down and took the samples, but we will clarify that in writing. But it seems to acknowledge it was after the date of 16th April 2013 and must have been before June 2013 because that is when he published his results.

910 **Mr Quirk:** Sampling areas.

Q63. The Acting Chairman: So your samples were taken in 2013 from the Peel Marina?

Mr Warden: From within the marina, yes.

915 **Q64. The Acting Chairman:** As part of the order did you actually look to see what the contaminants were in the marina before it was pumped out to sea? You have taken it from the marine environment outside the marina to ensure that they were safe to actually dispose into the marine environment?

920 **Mr Lole:** I am sorry, can you repeat the question?

The Acting Chairman: You took your samples in 2013 from the marina, and then later on in 2014 I think you said some were pumped out to sea?

925 **Mr Quirk:** I think it was 4,000 tonnes.

Mr Warden: That is correct.

930 **Q65. The Acting Chairman:** Four thousand tonnes. So, what was the time difference between your samples to ensure that what the Department of Infrastructure were pumping out was safe?

Mr Lole: My apologies, I will try and answer.

935 **The Acting Chairman:** To see what the contaminants were in there, before it was –

Mr Warden: I am struggling with the question, I apologise.

940 **Mr Lole:** I still do not understand the question.

The Acting Chairman: Did you ensure that the level of contaminants were not too high to be pumped out to sea in 2014?

945 **Mr Lole:** The sampling work that was done between April and June 2013 identified what was in the material – and that identified both PAHs and heavy metals – and that is identified in the report.

There was then a question about how frequently did we do the sampling. We have done it approximately every two months since then in terms of monitoring.

950 **Q66. The Acting Chairman:** Is that inside the marina, or outside?

Mr Lole: That is outside the marina – that was monitoring the results of the trial disposal to sea.

955 **Q67. Mr Quirk:** Just for clarity then, Chair, I wonder whether the officers could provide a map for information for us in the future, for sampling areas? So if they give it inside the marina –

Mr Warden: We could certainly provide a map. There is also a map of the intertidal and Peel Bay locations included at the back of the report that has been submitted. But we can provide a
960 locational map for those areas further afield.

Q68. Mr Quirk: I think the Chairman was asking the questions, really, regarding before we actually pumped the material over the back of the breakwater.

965 What sort of samplings did we do, because there was a long period between 2013 and when we actually did it? I do not think you did any.

Mr Lole: Right, I understand there was one set of sample data prior to starting pumping. I think it is referred to in the report. I will confirm this in writing because I am clearly speaking from recollection. And in terms of maps, as Bernard said page 41 and 42 of the report that we
970 supplied you on 30th June identifies where the sampling work has been done subsequently.

Mr Warden: Some sampling was undertaken prior to the disposal of the 4,000 tonnes because our scientists wanted something to compare before and after.

975 **Q69. The Acting Chairman:** And before the excavations started at Poortown, was the Department going on the figures from 2013 about the contaminant levels?

Mr Warden: Yes, 2013, they were the main figures that we were basing our approach on.

980 **Q70. The Acting Chairman:** So to 2015 you have not had anything from the Peel Marina sampled before it went off to Poortown?

Mr Warden: Not from within the marina.

985 **Q71. The Acting Chairman:** Is there any reason why that was not carried out?

Mr Warden: Because they were thought to be representative of the conditions within the marina.

990 **Mr Lole:** The advice that we had at the time was that the sample we had would be representative.

Q72. Mr Quirk: Can I just ask through you, Chair, then. Was the sample... because at that particular time Bernard was in the DoI, and DEFA was separate than.

995 Who was the sample requested from? The DoI? DEFA?

Mr Lole: Sorry, which sample? Sorry, I am not being deliberately obtuse.

1000 **Mr Quirk:** No, no don't worry about it: the subsequent samples after the 2013 ones, which were all designated in the document there. From 2013 on, who asked for the samples?

Mr Lole: We had a series of meetings with the DoI harbours team exploring what the options were, and as part of that we agreed together what sampling regime we would undertake.

1005 **Q73. Mr Quirk:** So, just for clarity it was yourselves and the Harbour Department of DoI?

Mr Lole: Yes.

Q74. Mr Quirk: Because I think Captain Brew had gone by then, hadn't he?

1010 **Mr Lole:** Yes.

Q75. Mr Quirk: So that was – sorry, just for clarity – Miss Reynolds?

Mr Lole: And colleagues.

1015

Mr Quirk: Yes.

Q76. The Acting Chairman: I don't know whether you have a copy of the business plan that they had for the Peel Marina? This goes back to 2007 when they carried out some sampling of the marina itself in 2001.

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The Department's conclusion was: 'Following the findings of the original environment assessment that subsequent site investigation results from the Department considers that it is unnecessary to commission any further environmental impacts' – because they did not consider the contaminants to be of a high enough level to impact on the external environment.

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Are you aware of any input that your Department, or the previous Department, had on the construction of the environment or the business case going forward?

Mr Lole: I believe we were part of that – I have to confess at that time it is important to add, I obviously was not Chief Officer though I was working in the Department, so I was Director of Agriculture at that point. I believe we were involved in the conversations.

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I believe we would always love to see more and more work done, because we have a team of passionate scientists; but that said, I believe that their report did identify – and I cannot check it because it is on my iPad and I would not dare turn it back on – but I believe that that identified there *were* heavy metals present and that there would be an expectation of regular dredging, but that it was not perceived to be something that would cause problems.

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But really that is not a matter for us, because that was not our report – and I do not mean to be defensive or dismissive about that.

Q77. The Acting Chairman: I think when we go through the business case for the Peel Marina it does identify that maintenance should be carried out every three years on it.

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Do you not consider it was negligent on the Department that they never carried out any maintenance of this level; and then to come forward with an emergency measure even though they have known since the introduction of the marina that this work had to be carried out?

The Minister: You are obviously talking about the Department of Infrastructure here, aren't you?

1045

The Acting Chairman: Yes.

The Minister: Okay. I think what is important is that – as a new Minister myself, and Mr Gawne in Infrastructure – we were faced with a problem in Peel which was getting to a stage where the harbour was becoming unusable. And as you quite rightly say, sir, there is a statutory obligation to clear the harbour.

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We believed that what we did was in the right interests of Peel Harbour and the Isle of Man's economy as well, and I do not particularly want to get dragged into what should have happened

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many years ago – or design faults, or whatever it may be with Peel Marina. What we did at that point was deal with the situation, or possibly faced the potential closure of Peel Marina – which again, is a statutory obligation to clear the harbours anyway. (*Interjection*)

1060 You must also remember – sorry – that the process had not just happened overnight, this was a process we went through for nine months. We had meetings about this, we had studies done regarding disposal at sea, impact studies, and when it was seen that we could absolutely not do that, we then looked at land-based options – and then we were faced with the situation where we had to do something.

1065 **Q78. The Acting Chairman:** Before your time, Minister, Minister Gawne was in your seat at DEFA: were there any reasons why DEFA never pursued them? The Minister was aware that there was a problem with the silt in Peel – and he made public that he was in the Department of Infrastructure and he knew something had to be done. And then he went to the Department of Environment, Food and Agriculture.

1070 Was there anything in the Department that stopped the Department of Infrastructure carrying out those works? Did you instruct them not to, prior to this emergency notice?

1075 **Mr Lole:** We do not have the powers, as I understand it, to instruct them not to do that work. They have a licensed dump site to sea, we are a statutory consultee prior to them undertaking any disposal works at sea; but that said I understand during the time when Minister Gawne was in what was then DEFA, post-2010, that there were discussions about what to do with the product, because by that point we faced quite a difficult and complex situation.

1080 **Q79. The Acting Chairman:** So there has been no interference from your Department restricting the Department of Infrastructure from disposing of the silt from Peel prior to this emergency notice?

1085 **Mr Lole:** There were discussions about the product – and the product is quite complex to handle – and we will have expressed concerns about it being handled in an appropriate way. I do not think that is interference, but we are a statutory consultee and I am sure we will have been keen to see it handled in an appropriate way.

Q80. The Acting Chairman: So you would not have prohibited them from disposing of it?

1090 **Mr Lole:** As I understand it we do not have the powers to prohibit them disposing of it to sea.

Q81. Mr Quirk: Could I ask the Minister regarding moving on a little bit to the direction that was given?

1095 Can you tell us how you came to that decision for you giving a direction to another Government Department?

The Minister: Ultimately, as I said, we went through a process which took nine months to reach a decision to get the Peel Marina dredged to a satisfactory state – which again is the statutory obligation.

1100 The process was, Mr Quirk, what I would describe as rigorous – it was something which I kept on top of, certainly in the latter part of this. We did look at various land-based options where they could go and there were some which could have been used but there were reasons we did not – transportation, engineering difficulties, etc. There was one at the Airport which was a problem as well.

1105 But another thing to take into consideration is we also had a situation in that there are certain times of the year you should, and should not, be dredging – we have got an issue in my

home town of Castletown at the minute where we cannot dredge the lake again until December because of the fish spawning. So that is another consideration we have to take into account.

1110 And with all those factors a location was found on Government-owned land which was again logistically suitable, it was near the Peel Marina itself, it was very close to the Poortown Quarry which made logistical sense in respect of mechanical equipment; engineering specifications were met on that site, and it was deemed the right place to go. And I still believe it was the right place to go.

1115 **Q82. Mr Quirk:** Minister, can you tell me... it includes a direction to a field number, doesn't it? You gave a direction to a field number on the plan.

The Minister: Yes, to a specific area – Rockmount.

1120 **Q83. Mr Quirk:** Only one field number. Is that correct?

The Minister: I will have to check the order, sir.

Mr Warden: I think that is correct.

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The Minister: It is correct, yes.

1130 **Q84. Mr Quirk:** Could I ask you then, Minister – and we can pass you the map – I just wondered: the lagoons are in another field with another number on it. Can I just ask you why your officers, or yourself, did not consider putting the direction on both fields?

Mr Warden: I would need to take responsibility for that, it was an omission.

1135 **Q85. Mr Quirk:** Right, so my question to the Minister is: normally if it was an emergency – and an emergency could happen tomorrow, next week or something like that – we are talking about a period of time where the Department, and your predecessors, knew something was happening. Do you still think in hindsight that it was an emergency?

1140 **The Minister:** Well, I think it depends how you use the word 'emergency', sir. I think it is hardly a 999 emergency, I would agree, but it is an emergency *provision* and this had been left and we would have had to go through a planning process for one of the other sites which *possibly* could... this would have taken time, and ultimately meant that it would not happen this year, which could ultimately have led to the closure of the Peel Marina.

1145 **Q86. Mr Quirk:** Can I just go, then, to the extraction of the material. How many in an estimated physical tonnes did we extract?

Mr Warden: It was just over ten and a half thousand during the most recent operation.

1150 **Q87. Mr Quirk:** So that is considerably short of the figure that they wanted to try and do.

1155 **Mr Warden:** That is considerably short of the estimated figure, but I believe it was not too far short of the estimated result – the estimated required outcome. I think it was a difficulty associated with the complexity of the material, and it was very difficult to make an estimate of how much it would actually fill in terms of volume.

Q88. The Acting Chairman: And could I ask, now it has been identified that you do not have the emergency powers on that other field: what actions do you consider taking regarding the lagoons that are not on the development plan?

1160

Mr Warden: The lagoons are currently blocked off and to my latest understanding there is no water run-off from the silt into the lagoons. And at this present moment in time there is no intention to allow the run-off to move into the lagoons unless there is a serious weather situation.

1165

Q89. The Acting Chairman: But then, as you do not have the emergency powers put onto the lagoon, do you not consider it is something that you should put as part of your planning process, because it had been neglected in your first application?

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Mr Warden: There is the opportunity within the Public Health Act for us to update the direction.

Q90. The Acting Chairman: But then would it not be a case of that is not an emergency, because you know there is an issue?

1175

Mr Warden: Well, sorry, I hope I do not sound flippant, but there is no emergency now. The situation is being very well managed, the material is safely stored so the circumstances have changed and we would need to review it in light of those circumstances.

1180

Q91. Mr Quirk: Sorry, Chairman, if I could just clarify then: Mr Warden, you are saying to me that where the hazardous pond is at the minute, in the settlement lagoons, there is no fluid in them?

Mr Warden: No, there will be fluid in them, there will be rainwater and some run-off, but they were engineered to prevent adjacent field run-off entering into it.

1185

Q92. Mr Quirk: Can I ask you then, as part of your responsibility, if you could provide us the testing points downstream of the lagoon towards the river points where they are to be taken up for human consumption?

1190

And have you – not yourself personally – but have your officers done any testing and had any results?

Mr Warden: Yes, there has been extensive testing of the stream into which the lagoons empty out.

1195

Q93. Mr Quirk: Right, and is that information published?

Mr Warden: Yes, the information on the streams has been put onto the DEFA website. I am hoping that it has been updated, the request was made last week to make sure that the latest figures are there, but those figures are available should they be required and we can pass them over to you.

1200

Q94. Mr Quirk: And could I ask through you, Chair, how was that testing done? Is it done by your own officers? Is it done independently by somebody?

1205

Mr Warden: These samples have been collected by DEFA officers and they have then been analysed by the Government analyst.

Q95. Mr Quirk: And then the information is passed to yourself?

1210

Mr Warden: That is correct.

Sorry, there is one exception to that: the polycyclic aromatic hydrocarbons, PAHs – they are contaminants known to have been in the sediments – sampling for those goes offshore.

Q96. Mr Quirk: Right, is that information then also shared with the local authority?

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Mr Warden: The local authority were made aware that they were going on to the website, and they have access to them.

Q97. The Acting Chairman: Minister, you were a part of the Council of Ministers' Environment and Infrastructure Committee.

1220

Was the matter of the Peel Marina discussed on many occasions during that Committee?

The Minister: It was certainly discussed in the Environment and Infrastructure Policy Review Committee, but how many times, again, with that information I will have to get back to you. But it was certainly discussed and I certainly remember discussing the results of the study that was done on the potential of dumping it to sea, and the potential impact that would have.

1225

Q98. The Acting Chairman: When the silt was pumped out to sea, what measures were looked at through the Fisheries Division regarding tidal flows about how it would be dispersed in the fishing grounds?

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Mr Warden: Dispersal modelling was undertaken and that showed there was quite extensive dispersal from the Peel Bay area. In one direction it was the seabed processes that took it – forgive me if I am wrong – south; and in the other direction it was a suspended sediment process that was taking it north. That could be back to front if I have got that wrong. But there was significant dispersal out into the Irish Sea.

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Q99. The Acting Chairman: Future disposal, I think, when you are looking at possibly next year or the year after, there will be further dredgings that need to be done.

1240

What part of the discussions with the Department of Infrastructure are you going to take? And, are there any directions that you hope they would follow?

Mr Warden: The first stage in that is to know what it is that we are dealing with in the marina again, and we have already started to make plans to take samples from within the marina to find out the material that we are dealing with.

1245

One of the reasons why I say that is the first step, is because back in the spring/summer of 2014, 2,000 tonnes were taken from the entrance to the marina and reused because of the type of material we are talking about. But that extraction created a pool in which some of the river sediments can settle, and it effectively stops the sediment from going into the main body of the marina and closing up the harbour again – or slows that process down.

1250

So we need to know more about those sediments, the ones that have fallen into that sump, because they could be reasonably contaminant-free and that would enable us to make a decision one way or the other as to whether or not to support a request for further sea disposal.

1255

Q100. Mr Quirk: Just exploring that little avenue there, will your Department be discussing this particular issue with DoI for the use of the material?

1260 **Mr Warden:** Yes, and we have done in the past... because of the make-up of the material going back to last summer's extraction of 2,000 tonnes – it is a coarser type of material, we were talking almost up to gravel size.

1265 The nature of the sediments are that the majority of contaminants are bound into the finer settlement. So there was the opportunity for the company that extracted it to reuse it for certain aggregate and construction purposes. Only approximately 20% of the sediments taken out have had to be dealt with and stored in a safe location.

Q101. Mr Quirk: Can I just ask regarding the Poortown exercise now, regarding the hazardous lagoon, if I could call it that?

1270 How much capacity is estimated to be in that now?

Mr Warden: We wanted to make sure that there were at least 70 or 80 – if my memory serves me correctly – cubic metres' worth of capacity there. That has been extended over the course of the operation of the Poortown facility.

1275 **Q102. Mr Quirk:** So are we saying we have a good 50% capacity left? Volume, sorry.

1280 **Mr Warden:** It took several weeks during the start of the operation for the first two of the five to six lagoons to even get to a stage where they were full. There has only been a very short period of time – less than half I would guess – during the operation where those lagoons were actually releasing water into the adjacent stream. So the capacity has been seen to be effective to date.

1285 **Q103. The Acting Chairman:** I take it that you will be working with the Department of Infrastructure to find a suitable site for disposal of the material from Poortown? (**Mr Quirk:** Five years, four now.)

What sites did you look at previously for the disposal?

Has consideration being given to any of the old mine workings, because in Minister Gawne's statement he goes on to say:

1290 'I also want to dispel the myth about the content of the silt being dredged from the marina. It is simply collected river sediment, rather than some form of toxic waste. To put things into perspective, people would be more than 20 times more at risk walking over some of the old mining sites in the Isle of Man than walking over a minor spillage of silt on the Poortown Road.'

1295 What consideration has been given to disposal of the silt in the old mine sites, which would cap-off something that is possibly more contaminated than –?

1300 **Mr Warden:** There was considerable consideration. We consulted colleagues in other directorates within DEFA who were responsible for management of those locations. The reasons why we did not pursue those options any further were numerous.

First was, we have very limited information about buried shafts and therefore there would have been safety concerns about heavy vehicles, and heavy plant, moving in that area. There would have been significant costs associated with upgrading the transport and the access arrangements.

1305 There were wildlife concerns because some of the shafts are known to be bat roosts. But importantly one of the main restrictions would have been the time required to go through the planning process, because they would have all needed planning approval for a change of use.

So there was quite a lot of work going into assessing them for suitability.

1310 **Mr Lole:** And they remain a potential candidate for future disposal.

We spoke to the mines group – and forgive me, I will get the name of the organisation wrong, is it Peter Geddes that is associated with that? – about both the practicalities of pumping the material into the mine itself, or using it as you have just talked about for remediation. And the remediation especially still remains a potential long-term solution subject to all those caveats.

1315 But it is clear it would need some reasonable engineering work to stop the stuff just coming straight back down the river again and to hold it in a way that it could then get vegetation growing on it – but it is a more diluted product than what we would be covering.

1320 **Q104. The Acting Chairman:** Just at the point when you were saying ‘more expensive’, they are still going to have to dig out the silt from Poortown and then transport it to another site, so you have got additional costs –

The Minister: Can I come in on that?

1325 I think what is important with this now is that we assess *all* eventualities for the product, whether it be in Poortown Rockmount or whether it be in the Peel Marina coming out in the future. One thing we have done from this, which I think is a good exercise, we are all learning from it, where just dumping it might have been seen as the way forward.

1330 We have spoken to industry experts in the UK, who do this on a far greater scale than we could ever do, about the re-use of the material – what we could use it for and where we could use it. This is work that is ongoing at the moment, but I would see this very much as a positive coming out of this situation. There is a lot of work to do on this yet, but it is a possibility in the future that we might be able to do something with the product.

1335 That does not take away the fact that the Isle of Man does not currently have a hazardous waste site and it is something which – I think you asked the question earlier, Mr Chairman – will ultimately need to be addressed in the Isle of Man. But again, we all know how politically sensitive that will be as well.

Q105. Mr Quirk: Could I just ask the Minister: how are you progressing with the alternative sites? As I say, you only have a five year... and we are only down to four and a half years now.

1340 So in planning terms in the Isle of Man, which you are responsible for now –

1345 **The Minister:** I can say that I have told the Department of Infrastructure that this needs to be addressed as soon as practically possible, because of the very issues raised this year. They realise that but they have to go through the process as well, and I have assurances from the Department of Infrastructure that they are working on potential sites for hazardous waste.

Q106. Mr Quirk: I am sure the Minister will not want to be giving an emergency directive in four years’ time.

1350 **The Minister:** I would sooner not. But at the end of the day if needs must, then that is within the gift. That is something again you do not *wish* to do it... but, no.

1355 **Q107. Mr Quirk:** I am just concerned though, Minister, ‘if needs must’ coming from yourself as a Minister of a Department, when years have been accumulating and these issues are happening, and we have not addressed them... just to use a mechanism that Government can use (**The Minister:** No, I agree.) and that Joe Public cannot, does not sit well with me.

The Minister: I agree, yes, I agree.

1360 **Mr Lole:** May I just build on that for a moment, please?

One of the aspects that we have done some research around is what happens in other jurisdictions. Many jurisdictions have this problem from old mine workings, and I guess if I am

1365 honest one of the things that shocked me was to realise that we all have the same challenge, and there are other areas where stuff has had to go into temporary holding because there is not an appropriate solution.

They will in time identify what is best to do with them... and stuff is being re-smelted. Those are all things that we did explore far enough to prove it was not something we could do in the timescales, but it could still be on the cards in the future.

1370 **Q108. Mr Quirk:** Could I ask through you then, Chair, about the Douglas harbour one, which is the gravel traps below what we call E B Christian's bridge?

There are no mine workings upstream so the material in there is just gravel silt, ideal for recycling. I am just wondering if the Department is taking a view... because it has responsibility with DoI for the extraction of those other materials?

1375 **Mr Lole:** It was DoI who approached us to extract the gravel from Peel, so I am sure they will be looking at that eagerly. We have had conversations, but they have not yet reached any conclusions.

1380 **Q109. The Acting Chairman:** Okay, thank you very much.
Do you have any more questions before we wind up?

Mr Lole: May I just make one point before we move off Peel silt?

1385 There was a point earlier in the conversation around a specific field and the fact that it was not on the direction, and Mr Warden was good enough to say that would be his omission.

I would just like to put on record my personal gratitude for the way Mr Warden worked through what was a very difficult and complex situation, where we were with the regulator at a time when we needed to find an appropriate solution, and I have absolute confidence in the way he operated through that process.

1390 **Mr Quirk:** If I could say, Chairman, there was no... from my personal perspective, not as a Member of this Committee, that Mr Warden did not do anything inappropriate. I think it was just one of those mistakes. But the trouble is when these mistakes happen and we as a committee look at it and –

1395 **Mr Warden:** No, it is your job.

Mr Quirk: – it is flagged up. And I believe lessons need to be learned.

1400 **The Acting Chairman:** If there isn't anything else other than that, we shall wind up the –

The Minister: Can I just say as well: Mr Quirk, thank you for those comments I really appreciate that, and I am sure you understand some of the difficulties... you have faced them yourself in Government, as well.

1405 I would also like to thank you, Mr Chairman, for giving us the opportunity to answer some of the questions that have been burning in the last few months, and I hope we have answered them satisfactorily.

1410 **The Acting Chairman:** Thank you very much for your attendance. That now brings a close to the public oral evidence of the Environment and Infrastructure Committee and we shall now sit in private.

Thank you very much.

The Committee sat in private at 3.58 p.m.