

POA2022/05271



HM Treasury, 1 Horse Guards Road, London, SW1A 2HQ

Councillor Paul McLean
By email

Your ref: C003/22
24 June 2022

Dear Paul,

Thank you for your letter of 7 February to the Chancellor of the Exchequer about Red diesel. I am replying as the Minister responsible for this policy area. I am sorry for the delay in my response.

At Budget 2020, the Chancellor announced that he would remove the entitlement to use red diesel from April 2022, except in agriculture (as well as forestry, horticulture and pisciculture), rail and for non-commercial heating (including domestic heating).

The Government recognised that this would be a significant change for some businesses and ran a consultation to gather information from affected users on the expected impact of these tax changes and make sure it had not overlooked any exceptional reasons why other sectors should be allowed to continue to use red diesel beyond April 2022. As part of this, I understand my officials carefully analysed the consultation responses from manufacturing industries after the consultation closed.

Following the consultation, the Chancellor announced at Spring Budget 2021 that the Government would grant further entitlements to use red diesel after April 2022 for a limited number of users. However, having assessed the cases made by other sectors to retain their red diesel entitlement, including the manufacturing industries, the Government did not believe that they were compelling enough to outweigh the need to ensure fairness between the different users of diesel fuels, the Government's long-term environmental objectives and the need for the tax system to incentivise the development of greener alternatives to polluting fuels.

These tax changes mean that most businesses in the UK which used red diesel prior to April 2022 no longer get a significant tax break compared with ordinary motorists; they instead now need to use diesel fuel taxed at the standard rate for diesel, which more fairly reflects the harmful impact of the emissions they produce. These reforms are also designed to ensure that the tax system incentivises users of polluting fuels like diesel to improve the energy efficiency of their vehicles and machinery, invest in cleaner alternatives or use less fuel. The development of these alternatives is being supported by the Government at least doubling its investment in energy innovation by committing over £1 billion to the Net Zero Innovation Portfolio.

Agricultural vehicles are entitled to run on rebated fuel for purposes relating to agriculture, horticulture, forestry and fish farming. They are also able to use rebated fuel when cutting verges and hedges that border public roads, clearing snow, gritting, and clearing or otherwise dealing with flooding.

The activities accepted as purposes relating to agriculture, horticulture and forestry are defined in HMRC Excise Notice 75. The Government considers that running or participating in events which provide information and education that benefit agriculture are purposes relating to agriculture, and this includes taking part in charitable activities that promote these industries. Examples of such events are agricultural shows, ploughing matches and charity tractor runs. HMRC have updated Excise Notice 75 accordingly, which is available at:

<https://www.gov.uk/guidance/using-rebated-fuels-in-vehicles-and-machines-excise-notice-75-from-1-april-2022>

In recognition of the unique circumstances that are currently pushing up fuel prices to unprecedented levels, the Government announced at the Spring Statement that it is cutting fuel duty on petrol and diesel by 5 pence per litre for a period of 12 months. This is a significant tax cut that will deliver considerable savings to businesses over the next year, including those that use diesel, and is the first time in over a decade that the main rates of petrol and diesel have been cut.

Thank you for taking the trouble to make us aware of these concerns.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Helen Whately', with a large, sweeping flourish at the end.

Helen Whately
EXCHEQUER SECRETARY TO THE TREASURY

From the office of the Minister for Infrastructure
John O'Dowd MLA

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Your reference:
Our reference: COR-2104-2022
4th July 2022

Cathal, a chara,

ON-STREET CAR PARKING


Thank you for your further email of 22 June 2022 asking when a response will be forthcoming to your letter of 4 May 2021 requesting that my Department initiates the process to review and extend the existing waiting restrictions in a number of Mid Ulster towns.

Firstly I wish to take the opportunity to apologise for the delay responding to your original letter which was due to an administrative oversight.

While I note your desire to increase waiting restrictions times to 2 hours, it is likely that such a change could encourage motorists to circulate in search of a free on-street parking space, decrease the turnover in parking space use and increase congestion. I would therefore prefer that the management and operation of on-street parking is considered as part of the Local Development Plans as we jointly prepare a Parking Strategy. This will ensure that consideration is also given to shared objectives for our towns and for greater use of sustainable modes of transport including public transport, walking and cycling.

Should you wish to discuss the matter further I would suggest that you contact Harry Gallagher, Roads Western Division Network Development Manager who can be contacted at: harry.gallagher@infrastructure-ni.gov.uk.

Is mise le meas,



JOHN O'DOWD MLA
Minister for Infrastructure

From the Office of the
Minister of Agriculture,
Environment and Rural Affairs



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Your Ref: C118/22
Our Ref: COR-2089-2022
Date: 18 July 2022

Dear Eileen

TORRENT RIVER SPILL AND ANIMAL CRUELTY REGISTER

I refer to your email of 28 June 2022 about the above issues.

I note and agree with the concern of Mid Ulster Council over the recent fish kill event on the Torrent River in County Tyrone. Any pollution event, especially one resulting in a fish kill is one too many for our environment and my officials in the Northern Ireland Environment Agency (NIEA) continue to work with partners to investigate and where possible, take appropriate enforcement against those responsible for such incidents.

Regarding the Torrent River incident on 19 June 2022, NIEA officials were able to quickly trace the source of the pollution to a specific site. The follow up investigations remain ongoing and given the potential for formal enforcement action I am not at liberty to discuss further specific details of the case at this time.

In relation to the restocking of fish, DAERA Inland Fisheries do not routinely stock rivers after fish kill events. Research carried out by the Agri-food Biosciences Institute (AFBI) has shown that trout stocks in the affected stretches will usually recover naturally within three to five years, as trout from unaffected areas of the river move into the stretch of waterway previously affected by the pollution. There is also a considerable body of

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evidence to demonstrate that stocking does not have any benefit on overall stock levels in the longer term. In fact there can be potentially negative effects from stocking on locally adapted fish populations as they may have a different genetic make-up.

DAERA have a number of approaches to preventing pollution and increasing general awareness of the impacts of water pollution, which are tailored to the sector being targeted.

Within the agriculture sector the CAFRE Knowledge Advisory Group (KAS) provide information to farmers through Business Development Groups including an Environmental Farming Business Development Group. This provides farmers and growers with the opportunity to discuss how they can bring about environmental benefits by managing their land to enhance biodiversity, water quality and air quality. All sectors targeted through the Business Developments Groups have an environmental element conveyed to the members.

The DAERA funded Group Environmental Farming Schemes are coordinated by facilitators that provide environmental advice which includes highlighting the consequences of pollution events and actively encourages good environmental management of our priority habitats and sensitive water catchments. Inspections of agricultural premises regarding water quality issues are also part of the cross compliance regime.

Pollution Prevention awareness for industry and domestic situations is led by the NIEA Pollution Prevention Team based in the Water Management Unit (WMU). This team proactively assists businesses and members of the public across Northern Ireland in minimising pollution risks to waterways through a range of mechanisms such as targeted inspections and pollution prevention campaigns such the 'Proper Use of Drains' information leaflets and the recent 'Yellow Fish' awareness campaign in Ballyclare.

NIEA also raise awareness of water quality issues through partnership working groups such as the Water Catchment Partnership involving Northern Ireland Water (NIW) and the Ulster Farmers Union (UFU); the Water Quality Improvement Strand of the

Environmental Challenge Fund; the continuing support of the Rivers Trust movement in NI with whom NIEA partner with regard to local pollution prevention campaigns.

In addition to the measures detailed above, NIEA maintain a 24hr pollution investigation and response service via the Incident Hotline on 0800 807060. Every report of water pollution is investigated and where significant incidents occur and the polluter is identified, offenders are dealt with according based upon the severity and impact of the pollution. This can result in the submission of a file for consideration of prosecution by the Public Prosecution Service (PPS) and, where applicable, the recoupment of fishery remediation and other costs incurred. Other formal enforcement options, available under the Water (NI) Order 1999, include the issue of a Warning Letter or a binding Notice requiring action. The maximum fines for water pollution are set in legislation and the application of existing sentencing guidelines is a matter for the judiciary.

In relation to my recent decision on the creation of animal cruelty register, I understand and have previously supported calls from the councils and others for a register and what it intends to achieve. To explore the matter, I met with the Minister of Justice last year and instructed my officials to carry out detailed research on it. I have accepted that creating a register of animal cruelty offenders is not feasible upon consideration of detailed advice provided my officials following that research. That advice confirms that the relevant reoffending rates are low and do not suggest a clear evidential need for a register, the costs of establishing and maintaining a register would be significant and the data protection implications involved are prohibitive. No register of animal welfare offenders exists in any other part of the British Isles and there are no plans to create one. Indeed, a Task and Finish Group established by the Welsh Government, and led by the Royal Society for the Prevention of Cruelty to Animals, to examine the establishment of an animal cruelty register in Wales was unable to identify any evidence to prove that such registers are effective or identify a way to overcome the data protection and costs barriers identified by my Department.

I am satisfied that there are other steps that can be taken immediately in order to ensure those convicted of animal cruelty offences cannot reoffend. I have, therefore, instructed my officials to develop and publish guidance encouraging animal rehoming organisations to require potential animal owners to apply for a Basic AccessNI check

and disclose details of the certificate obtained to them before transfer of the pet. My Department already uses the access it has to the Department of Justice's (DoJ) criminal records system to ensure that persons disqualified from keeping or owning animals are not permitted to carry out any activities involving animals that are regulated by my Department. I am satisfied that the guidance my Department develops will further reduce the opportunities access convicted animal cruelty offenders have to animals.

In addition, following the last review of our animal welfare legislation in 2017, councils are continuing to work to secure access for its officials to the DoJ criminal records viewer. I have also asked my officials to work with councils and the Police Service of Northern Ireland to determine if enhanced information sharing could be facilitated between the existing enforcement bodies. These matters can be explored with a view to lessening even further any opportunity for those convicted of animal cruelty offences to keep animals without having to spend significant time and public resource to develop a register.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Edwin Poots', written in a cursive style.

EDWIN POOTS MLA
Minister of Agriculture, Environment and Rural Affairs