Independent External Review

Planning, governance and operational delivery of the livestock culling operation near Fivemiletown, County Tyrone (29-30 June 2026)

Prepared by Martin Blake MVB, MBA, MRCVS
Independent Reviewer

INDEPENDENT EXTERNAL REVIEW

PLANNING, GOVERNANCE, AND OPERATIONAL DELIVERY OF THE LIVESTOCK CULLING OPERATION NEAR FIVEMILETOWN, COUNTY TYRONE (29 – 30 JUNE 2026)

Prepared for:

The Minister for Agriculture, Environment and Rural Affairs

Department for Agriculture Environment and Rural Affairs

Prepared by

Martin Blake MVB, MBA, MRCVS

Independent Reviewer

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EXECUTIVE SUMMARY

Overview of the Review

This independent external review was commissioned following a decision of the Minister of Agriculture, Environment and Rural Affairs on 2 August 2026. Its purpose is to evaluate the planning, governance, and execution of an on-farm livestock culling operation carried out by the Department near Fivemiletown, County Tyrone, on 29 and 30 June 2026.

The operation was initiated to enforce a court-ordered deprivation order and lifetime disqualification under the Welfare of Animals Act (Northern Ireland) 2011 against a keeper convicted of multiple animal welfare offences. The review provides an objective, evidence-based assessment of DAERA's compliance with legal frameworks, internal procedures, and established standards of public administration.

Core Findings and Operational Review

The review revealed a clear difference between the technical competence and the administrative governance of the operation:

From an animal welfare and veterinary science standpoint, the choice of in-situ culling of livestock at pasture using free bullets was an appropriate method. This avoided the additional fear, panic, and distress that forced yard-gathering and transport would have inflicted upon cattle unaccustomed to such handling. While the field operation was delivered in accordance with recognised technical protocols by trained marksmen, the subsequent tracking and accounting of livestock across sites identified a significant operational gap in site clearance protocols.

The review acknowledges the visual and emotional upset felt by individuals relating to the event. Witnessing the sight of animal carcases left exposed in open fields and hearing about farm animals being culled instinctively triggers a sense of disbelief, sadness, and public concern. The operation’s planning gave insufficient consideration to this human and community impact.

Pre-operational planning processes relied heavily on unwritten historical custom and practice rather than formalised policy. A check of the 2020 – 2026 period confirmed that of the four other deprivation orders in the period, one resulted in a keeper self-disposing of the animals, whilst the other three required direct intervention which involved on-farm culling. The review identified a post-conviction procedural gap, characterised by a lack of specific guidelines for implementing deprivation orders and divided management oversight of the Humane Slaughter Team (HST). Furthermore, a disconnect in understanding led to carcases being left in open fields, contributing to much public disquiet.

A well-intentioned mid-operation decision on 29 June to suspend culling—to facilitate an ad hoc private sale—introduced unintended operational complications. This deliberate change of plan by management introduced secondary risks that should have been formally assessed before the alteration was authorised. While routine tactical hazards like boundary breaches are handled immediately by field teams, a deliberate administrative deviation from an approved plan requires a structured risk update. The decision introduced further operational and reputational risks which materialised later that evening when efforts by third parties to corral the animals failed in public view and animals escaped onto the roadway.

The field operation suffered from several inconsistencies in contemporaneous data-recording. Not all ear-tag numbers were recorded at the time of confirmation of death and secondary confirmation shots were not recorded. Furthermore, due to reasons the review was unable to conclusively establish, three animals were culled on Site 1 after the decision was taken to allow the sale of the remaining animals, pointing to miscommunication or an undocumented tactical decision. Weaknesses in field tracking and site-clearance protocols also resulted in a third, previously unaccounted for, calf being discovered on the roadway on 4 July, with a neck wound. The review was unable to establish conclusively how the injury occurred although the available evidence suggests that the calf was most likely present on Site 2, which had been declared clear of stock but was not subject to a follow up check

Finally, the Department's traditional, reactive communication protocol did not anticipate a fast-moving conventional and digital media response. By maintaining the traditional privacy-first messaging approach to protect individual privacy, the Department left a space for a public narrative to form in the absence of official factual information. The inaccuracies in some of the reporting, alongside some emotive language, went uncontested and heightened public anxiety.

Proportionality Assessment

To assess whether the Department appropriately balanced its statutory obligations against public expectations, the intervention was measured against the standard four-part test of administrative law:

- Legitimate Aim: Met. The Department possessed a mandatory legal duty to execute a valid court order.
- Suitability: Met. In-situ culling is a scientifically recognised mechanism to prevent handling distress in livestock being culled.
- Necessity: Substantially Met. Challenging field conditions, unreliable infrastructure, and a lack of herd food-chain eligibility (40% lacked valid traceability data) limited commercial opportunities. However, planners did not evaluate a graduated or phased depopulation strategy which would likely have been less intrusive.
- Fair Balance: Not adequately met. This evaluation stems not from the intervention itself, but because insufficient administrative weight was assigned to shielding the local community from distressing scenes and narratives that developed. Whilst acknowledging that operational delivery on the evening of 29 June varied considerably from what was planned, the Department did not sufficiently anticipate, and therefore plan for, the full impact of a large-scale open-field cull in mid-summer on the local community and also had not anticipated the need to proactively explain the rationale of the operation to prevent widespread misunderstanding.

Summary of Corrective Themes

To turn these findings into permanent sustainable improvements, the review has proposed ten operational recommendations detailed across three pillars in Chapter 9. These recommendations are systematically grouped into five core administrative themes:

- Structural Reorganisation and Managerial Accountability – (Pillar I): Discontinue the legacy split-responsibility model for the Humane Slaughter Team (HST) to unify all operational, logistical, and external agency liaison functions under a single, coherent management structure, while critically evaluating structural arrangements to ensure routine compliance duties are not overshadowed by high-resource criminal enforcement demands. Extend the existing Welfare Panel system to include consideration of implementation of court orders, providing a formal multi-disciplinary

assessment of the most proportionate, low-risk and cost-effective method, to support decision-making.

- Legal Certainty and Authorisation Processes (Pillar I): Commence an immediate legal review to close the care and maintenance responsibility gap that exists when a deprivation order is not immediately executed. Furthermore, establish a mandatory pre-deployment protocol that requires a documented options assessment and formal written sign-off from senior operational management at the Director level, while also notifying the DAERA senior leadership team, the Minister's Office in advance of deployment to effectively manage corporate risk at a pre-determined time in advance. To support this, the standard Ministerial submission template form should be updated to include mandatory prompt fields for evaluating strategic, organisational, and public interest risks, ensuring these briefs are finalised and delivered to leadership at a specified time in advance of deployment.
- Robust Field Planning (Pillar II): Institute rigorous, unambiguous requirements for documented options assessments, including phased depopulation strategies to reduce single-day resource stress – to address both technical operational delivery as well as potential public impact. This is paired with pre-operational development of standardised field templates, ensuring real-time written recording of critical tactical choices, immediate ear-tag capture at confirmation of death, and the tracking of secondary confirmation shots. Furthermore, it proposes pre-planned perimeter management, inter-agency communication channels, and secure "clear site" clearance protocols.
- Proactive Media Integration (Pillar II): Moving away from a purely reactive communications strategy, it proposes that proactive media plans and a pre-emptive information bank are embedded directly into the pre-operational planning phase. This protocol should be designed to notify local stakeholders and neighbours at an appropriate time, establish an authoritative narrative that can be used systematically to protect the Department against organisational reputational risk, and protect frontline field personnel from personal antagonism and online intimidation.
- Rigorous Field Delivery Management (Pillar III): Strengthen on-the-ground control by assigning dedicated site leaders to individual locations during multi-site tasks and appointing a dedicated veterinary welfare officer independent of the enforcement team to large-scale culling operations to focus solely on animal welfare aspects reporting to the senior manager, to provide public assurance. Furthermore, operational execution must include strict carcase management protocols for same-day removal or shielding from public view, and a mandatory requirement that any deliberate decision to alter the

core operational programme mid-operation must be accompanied by an updated risk assessment. Such a requirement would not apply where tactical changes are necessary in response to emergencies that arise during planned field operations.

High-Level Strategic Reform (Beyond Terms of Reference)

In addition to the immediate operational corrections detailed above, the review notes a compelling public interest regarding the extensive administrative and judicial timelines that invariably precede enforcement interventions. The review makes a number of suggestions in Appendix A for strategic consideration by the Department – whilst clarifying that these are not findings or recommendations arising directly for the operational review.

The Department should look beyond purely incremental legislative changes and actively pursue a modernised administrative model for legislative reform via an amendment to the Welfare of Animals Act (Northern Ireland) 2011. This should be modelled on proven modern administrative precedents to replace the traditional prosecutorial and court bottleneck with a swift administrative notice procedure. While Northern Ireland inspectors currently have all these specific powers available to them, they must apply to the courts for a separate disposal order after animals have been seized. This proposal removes that post-seizure care and maintenance challenge and judicial bottleneck, shifting the default mechanism to an immediate administrative action unless an appeal is triggered by the keeper. To build necessary trust, developing this new framework should utilise a transparent process of procedural co-design with agricultural stakeholder organisations.

Pending more comprehensive legislative reform, Appendix A also identifies the potential for an interim legislative change to provide for pre-emptive disposal orders. This would allow Department inspectors to apply to the court for a disposal order and take animals into possession concurrently, rather than the current system which requires that the animals be taken into possession first and incur potentially substantial care and maintenance costs.

Furthermore, to sort out welfare problems before they get out of hand, the report proposes a common-sense approach that starts with an informal voluntary support network but maintains a firm cut-off time, transitioning immediately to mandatory time-bound advisory support via a Section 10 Improvement Notice if a keeper cannot or will not make measurable improvements.

Chapter 1 - Introduction, Scope, and Objectivity

Commissioning and Purpose

1.1 This independent external review was commissioned by the Department of Agriculture, Environment and Rural Affairs (DAERA) following a decision of the Minister on 2 August 2026. The decision followed on from the considerable media, political, and public controversy that developed from 31 July onwards, surrounding a departmental on-farm culling operation carried out on 29 and 30 June 2026.

1.2 The purpose of this review is to provide an independent, evidence-based assessment of the circumstances surrounding the matter. It examines whether the Department's actions were entirely consistent with the relevant legal framework, departmental procedures, and accepted standards of public administration. The Terms of Reference directed that this should be a focused and proportionate exercise, completed within a compressed timeframe, while nonetheless providing reassurance to the Minister and the public and identifying any lessons for future operations. The Terms of Reference are attached as Appendix B.

Scope of the Review

1.3 The approach throughout has been guided strictly by the objectives set out in the Terms of Reference. The review has examined governance and oversight arrangements; assessed compliance with legal and procedural requirements; and reviewed the planning, risk assessment and operational delivery. It has evaluated how the Department balanced its statutory obligations, operational practicality and staff and public safety.

1.4 Furthermore it considered the appropriateness of the method of disposal, the efficiency of the culling operation and the adequacy of communications and stakeholder engagement. Additionally, consideration was given to organisational reputational risk, broader public interest and the identification of lessons and opportunities for improvement, drawing on identified good practice and comparable approaches elsewhere.

1.5 This report presents the findings of that work. It is intended to provide a clear, balanced and constructive assessment of these events, the underlying legal and contextual

background and the lessons that may be drawn to inform future animal welfare enforcement and the humane implementation of court orders whenever necessary.

Statement of Objectivity and Independence

1.6 In the interest of full transparency and to demonstrate strict independence, the Reviewer notes their prior employment with Ireland's Department of Agriculture, Food and the Marine (DAFM), which concluded on 1 January 2025. The Reviewer's background provides deep expertise in veterinary matters, animal welfare, and regulatory governance. Past institutional collaborative initiatives between DAFM and DAERA do not compromise the objectivity or impartiality of this review.

1.7 To proactively safeguard the integrity of this evaluation against perceived conflicts of interest, prior professional associations, or any potential for subjective bias, the review has been executed under strict evidence-only protocols. No personal acquaintances or subjective internal assertions have been accepted as validation for compliance.

1.8 While all findings, performance gaps, and conclusions represent the reviewer's independent professional opinion and expert judgment, they rely exclusively on verifiable data, cross-checking across multiple sources, and objective system criteria available within the compressed timeframe. A full breakdown of review constraints and associated evidence gaps is detailed in Chapter 2 (Limitations). Subject to these defined parameters, this analysis is structured to withstand rigorous scrutiny under the objective third-party test.

Acknowledgements

1.9 Finally, the Reviewer wishes to record his sincere appreciation to the Review Secretariat for their invaluable administrative and logistical support throughout this process. Their dedication in managing an extensive volume of documentation, establishing secure communication channels for public submissions, and coordinating a demanding schedule of stakeholder interviews and meetings was vital to completing this work within the compressed timeframe.



Martin Blake, MVB, MBA, MRCVS Date: 5 November 2026

Chapter 2 - Methodology and Limitations

Triangulated Evidence Base

2.1 In conducting this work, the review adopted a structured and transparent approach designed to ensure independence, rigour and fairness. By using a comprehensive and triangulated evidence base, the review examined more than 300 individual records and submissions, evaluated extensive media reports and interviewed and had discussions with more than 50 individuals.

DAERA Documentary Evidence

2.2 The review was provided with full access to all relevant documentation held by the Department. It considered and evaluated an extensive and wide range of departmental records, including: operational plans, risk assessments, welfare guidance, enforcement protocols, inspection reports, enforcement notices, internal emails, briefings, reports, photographs, submissions, correspondence relating to the case, court orders, contractor documentation, enforcement records, veterinary reports, and relevant legislation. This material provided the factual backbone of the review and enabled reconstruction of the decision-making process.

Public Submissions

2.3 The review sought out and took into consideration submissions it received directly from public representatives, members of the public and interested stakeholder organisations. To build the evidence base to the greatest extent possible, the review set up a dedicated email address to which members of public who may have had evidence relevant to the Terms of Reference could submit such evidence. Additionally, the Department shared an extensive volume of communications it had received concerning the matter. All these submissions helped identify themes of public interest and areas where clarity or reassurance was sought.

Media and Social Media Analysis

2.4 The review monitored broadcast, print and online media coverage, alongside public commentary, to understand the wider perceptions and public narrative surrounding the

operation. It analysed, to the extent possible, social media content to identify recurring concerns, misinformation, and the scale of public interest. This informed the assessment of communications and reputational risk.

Interviews and Discussions

2.5 The review conducted semi-structured interviews with Department officials involved in planning, oversight and delivery of this operation; senior Department managers with oversight responsibilities; department policy and communications officials; members of the public with direct evidence; contractors; and independent veterinarians. These interviews were designed to understand roles, reasoning, perspectives, constraints and operational realities. The review specifically reached out to individuals that it was aware of or were reported to have been on the ground – on or near the farm - in the relevant period, with a request to speak directly with them. The review acknowledges and thanks those who came forward and provided evidence.

Data Protection and Information Governance

2.6 The review operated under strict confidentiality and information governance protocols to ensure full compliance with all relevant data protection obligations and privacy requirements. All documentary evidence provided by the Department, submissions received from the public, and records of stakeholder interviews were processed securely to safeguard personal data. To balance the principles of public accountability and transparency with the individual right to privacy, identities of members of the public, field-level personnel, and contractors have been protected and anonymised within this report.

Site Evaluation & Stakeholder Meetings

2.7 The reviewer visited the area and viewed the locations associated with the operation, as well as studying maps of the area and holdings to best understand the context of the various reports and documentations provided. The review also sought views from the Police Service of Northern Ireland (PSNI) to obtain expert views on matters relating to firearms, memorandum of understanding with the Department and mechanisms to support departmental staff, and with Rural Support to obtain expert views on matters relating to farmer supports. The reviewer also had meetings with public representatives including members of the Agriculture Environment and Rural Affairs committee, and sectoral organisations, including the Ulster Farmers' Union, the Northern Ireland Agricultural Producers Association and the Northern Ireland Public Service Alliance, to ensure that significant public interest and sectoral concerns were captured.

Departmental Internal Complaints Mechanism

2.8 The review sought and received confirmation from the Department that it had not received any complaint through any of its internal complaints mechanisms from staff, consultants, contractors or volunteers working with the Department, into the planning, decision-making or implementation of the operation to carry out the deprivation order near Fivemiletown, in June 2026.

Comparative Practice Review

2.9 The review sought relevant guidance and practice from other jurisdictions and comparable regulatory bodies, including approaches to enforcing welfare-related disqualification orders and humane destruction protocols. This comparative perspective helped benchmark DAERA's actions against recognised standards.

Analytical Framework

2.10 To ensure consistency, transparency and rigour, the review assessed the evidence against the following overarching themes:

- Governance and Oversight — clarity, appropriateness and effectiveness of roles, responsibilities, escalation routes and oversight arrangements.
- Legal and Regulatory Compliance — compliance with statutory obligations under the Welfare of Animals Act (NI) 2011, the Welfare of Animals at the Time of Killing Regulations (NI) 2014, the Firearms (NI) Order 2004, and the Court Orders.
- Procedural Adherence — compliance with internal policies, protocols and guidance.
- Planning and Risk Management — adequacy of planning, risk identification, mitigation and dynamic risk management.
- Animal Welfare — welfare standards applied, humane destruction protocols, veterinary oversight and welfare outcomes.
- Staff and Public Safety — training, equipment, risk assessment, safety management and protection of staff, contractors and the public.
- Operational Delivery — sequence of actions, on-site decision-making and coordination between personnel.

- Communications and Stakeholder Engagement — internal communication, public messaging, media handling, engagement with elected representatives and management of reputational risk.
- Independence, Fairness and Proportionality — evidence that decisions and actions were based on evidence, balanced and proportionate.

This framework ensured that the review was systematic, balanced and aligned with the Terms of Reference.

Limitations

2.11 The review was conducted with full cooperation from DAERA, with access to extensive documentation and staff. Whilst satisfied that the review is comprehensive, it should also be acknowledged that it has a number of limitations:

- Potential Evidence Gaps: Despite efforts to gather evidence from all relevant sources, the review did not have an opportunity to speak with all members of the public that it reached out to. It is also possible that, notwithstanding the open outreach effort of the review, some other individuals with relevant information did not come forward. In a number of areas, operational decisions were not fully documented. Where documentary gaps existed, triangulation with interviews and other evidence was used to establish the most accurate account possible.
- Time Constraints: The review was completed within a defined timeframe to ensure timely reporting. While comprehensive and thorough, it does not constitute an exhaustive forensic investigation.
- Scope Boundaries: The review focused on the planning and delivery of the 29 - 30 June 2026 operation and the governance and decision-making that led to it. It did not revisit the Court's findings, the herd keeper's prosecution, or the specific on-farm issues that gave rise to the deprivation order, which were outside the Terms of Reference.

2.12 These limitations have been taken into account in assessing the evidence and reaching the review's conclusions. In this overall context, the reviewer is satisfied that the available evidence supports the findings and recommendations set out in the report and provides a comprehensive external review of the Department's culling operation near Fivemiletown, County Tyrone.

Chapter 3 - Background and Context

Introduction

3.1 This chapter establishes the framework for the detailed analysis contained in subsequent sections of the report. Its purpose is to provide the reader with a comprehensive understanding of the circumstances, challenges, and constraints that governed the actions of the Department of Agriculture, Environment and Rural Affairs (DAERA). It sets out the legal, operational, and public environment within which the Fivemiletown culling operation took place and under which it was subsequently examined. A clear understanding of this background is essential to interpreting the Department's actions, assessing compliance with statutory and procedural requirements, and identifying lessons to strengthen future enforcement practice.

Overview of the Case

3.2 On 29 and 30 June 2026, the Department undertook an operation near Fivemiletown, County Tyrone, to implement a court-ordered deprivation order. This action followed the conviction of a herd keeper for multiple animal welfare offences under the Welfare of Animals Act (Northern Ireland) 2011. A named official of the Department was appointed by the Court to carry out the order, with full delegated authority to determine the manner of disposal. The subsequent operation became a focal point for wider debates about the enforcement of animal welfare legislation, departmental decision-making, administrative transparency, and the balance between legal obligations and public expectations.

Legal and Regulatory Framework

3.3 The intervention was carried out under the statutory powers conferred by the Welfare of Animals Act (Northern Ireland) 2011, which provides for deprivation and disqualification orders, as well as the provisions for the care, disposal and also the destruction of animals where a court determines that an owner or keeper is unfit to fulfil their statutory duty of care. The legislative mechanisms are designed to protect animal welfare while ensuring that enforcement bodies have the necessary authority to intervene in cases of chronic non-compliance or severe neglect.

3.4 A deprivation order constitutes a punitive judicial judgment that negates the ownership rights of an individual and transfers disposal responsibility to a court-appointed person.

This is a post-conviction measure that can only be enforced against an individual who has been found guilty of an offence by the courts. The issuance of a deprivation order comes at the conclusion of a sequential process grounded in law, where the matter is considered and determined independently by three state authorities: evaluated and processed by DAERA, reviewed and processed by the Public Prosecution Service of Northern Ireland, and finally determined and ordered by the courts.

3.5 In this case, following convictions for multiple animal welfare offences, the Court issued a deprivation order under Section 32 of the Welfare of Animals Act (Northern Ireland) 2011. In addition, the Court imposed a lifetime disqualification on the keeper under Section 33 of the same Act, preventing him from owning, keeping, controlling, influencing, dealing in or transporting farmed animals. In granting the deprivation order, the Court directed a named official of the Department to dispose of the remaining livestock with immediate effect, subject to the statutory appeal period. The judicial direction granted the designated official full delegated authority regarding the mechanism of disposal, explicitly clarifying that this mandate could include the destruction of the animals. The Department was consequently under a strict legal obligation to execute the judicial order without undue delay; any failure to act would have constituted administrative non-compliance.

Operational Environment and Planning Context

3.6 The herd in question had been the subject of intensive regulatory enforcement activity over several years. Despite a lengthy period in which corrective improvements could have been made, the herd keeper did not achieve sustained compliance, ultimately resulting in prosecution, conviction, and the subsequent issuance of the court orders in June 2026.

3.7 In understanding these circumstances, it is necessary to place the case within the broader context of agricultural regulation in Northern Ireland. The evidence indicates that the vast majority of herd keepers respond constructively to early departmental interventions and return to compliance by responding to corrective directions. It is only a very small minority of chronic or severe cases that fail to achieve compliance and consequently progress through the legal system to formal prosecution**.**

3.8 By the time the deprivation order was made, the herd presented a complex enforcement challenge. The Department did not have a full up-to-date accurate inventory regarding the exact number, category or type of animals on the farm, as well as incomplete records regarding traceability compliance and eligibility for sale or for entry to the human food chain. From the records available, it was clear that a significant number of the

animals had limited commercial outlets. Furthermore, the Department had identified clear practical operational challenges related to the quality of the farm infrastructure and handling facilities and concerns about the animals' behaviour and manageability in the presence of strangers.

3.9 The disposal operation was deferred for three weeks, providing the keeper with an opportunity to sell some or all his stock. The statutory period in which an appeal could be submitted was fourteen days. Notwithstanding the fact that the court order negated his ownership rights, such sales would have provided him with some revenue and would have the added benefit of reducing or eliminating the need for the Department to deploy resources to give effect to the order. This interval included a statutory period in which an appeal could be formally lodged. The operation took place in a relatively remote rural area near Fivemiletown, County Tyrone, serviced by a series of narrow roadways. The holding in question was extensive, arranged over a number of locations some miles apart, with the livestock dispersed across three locations, on four land parcels.

Public, Political, and Media Environment

3.10 The event unfolded over time into an atmosphere of deep community distress. Whilst there was clearly an identifiable measure of local public and political concern in the immediate aftermath of the operation, this rapidly escalated into an event of significant national public concern and interest once it was reported in media outlets in the final days of July 2026, which was subsequently amplified across social media platforms and formed the basis on which the Department's actions were perceived, scrutinised and debated. This baseline of public commentary reflects the evidence gathered throughout the review from submissions received, media reporting and stakeholder engagement.

Overview of Concerns Raised

3.11 A wide range of concerns were expressed by members of the public, elected representatives, sectoral organisations and media commentators. These concerns centred around several recurring themes, which the review seeks to address within the scope of its Terms of Reference. Among the key themes identified were:

- Legality of the operation - Questions regarding whether the Department had exercised its statutory powers appropriately.
- Procedural compliance - Questions regarding oversight, governance and compliance with departmental protocols and procedures.

- Animal welfare – Serious concerns regarding open-field culling, the use of firearms, livestock escaping onto the public road, the reported chasing of animals around a field, and the subsequent discovery of a calf with an injury to its neck.
- Proportionality of the operation - Questions as to whether the destruction of the herd was necessary, the availability of support to the herd keeper, the timing of the intervention and whether alternative courses of action existed or were considered.
- Public safety and community impact - Concerns regarding the apparent lack of input or involvement from the Police Service of Northern Ireland (PSNI), traffic management, perimeter control, risk associated with loose animals on the road, the use of firearms, the sound of gunfire and the presence of members of the public on site.
- Emotional impact - Commentary highlighting the emotional upset felt by witnesses and others, including the herd keeper.
- Transparency and communication – Criticisms regarding the clarity and timeliness of the Department's public messaging.
- Reputational implications for DAERA - Broader reflections on public trust, departmental accountability, and the perceived responsiveness of government to public concerns.

Organisational and Governance Context

3.12 The Department's enforcement activities are governed by internal policies, operational guidance, and established protocols. In undertaking interventions of this scale, the Department is required to dynamically balance a complex range of competing responsibilities:

- Legal Obligations**:** Full compliance with mandates imposed by the Courts, alongside all other applicable statutory legislation.
- Animal Welfare Standards: Strict adherence to regulatory protection and humane handling requirements.
- Operational Practicality: The physical realities of field operations, including unpredictable animal temperament and deficient infrastructure.
- Personnel Safety: The physical protection, training, and well-being of departmental staff and deployed contractors.
- Public Safety: The systematic mitigation of risk to the surrounding local community.

- Organisational Risk Management: The management and limitation of legal, financial, and administrative risk.
- Resource Availability: The allocation and deployment of personnel within strict budgetary and operational limitations.

3.13 Implementing deprivation orders, such as the event near Fivemiletown, requires coordination across multiple internal teams, including local veterinary office services, enforcement officers, support staff, communications staff, and senior management. It also requires engagement with external contractors and the Police Service of Northern Ireland (PSNI). Accordingly, this review examines not only the operational delivery and decisions made on the ground, but also the governance structures, oversight mechanisms, and decision-making processes that shaped and directed the intervention.

Beyond Scope – Welfare Investigations

3.14 While the primary mandate of this Independent Review focuses on the immediate operational planning, decision-making, and execution of the deprivation order near Fivemiletown in June 2026, the review recognises that arriving at the point where such an order is granted is the end point of a prolonged process. The systemic delay between first engagement on an animal welfare issue and its finalisation in court is a matter that has been consistently raised with the reviewer by members of the public, public representatives, other bodies, as well as departmental staff.

3.15 The review recognises the potential for delays in resolving animal welfare cases is a matter of genuine public interest. Therefore, in the context of the forward-looking mandate of the Terms of Reference to improving future operations, the review will briefly evaluate overall welfare investigation processes. As this reflection falls outside the strict Terms of Reference of this review, it is considered in Appendix A to the report.

Chapter 4 - Governance and Strategic Oversight

Introduction

4.1 Governance within a public body encompasses the structures, systems, and administrative practices required to deliver statutory objectives transparently and accountably. In evaluating the operation executed by the Department on 29 and 30 June 2026, it is vital to examine the underlying governance framework to determine how the intervention was structured, authorised, and monitored. This chapter assesses the distribution of administrative responsibility, the availability and coherence of procedural guidance relative to the legislation, the efficacy of internal communication lines, and the extent to which these arrangements supported informed decision-making leading up to and during the deployment.

How the Department Functions

4.2 To evaluate these arrangements objectively, the operational mechanisms of the Department must first be understood. The Department operates through a structured system of delegated authority and established hierarchical procedures. The Minister sets the strategic policy direction, while the Permanent Secretary retains ultimate statutory accountability for the overall corporate governance, financial stewardship, and administrative monitoring of the Department.

4.3 The DAERA senior leadership team, comprising the heads of all departmental groups, supports the Permanent Secretary in overseeing business strategies, policies, corporate governance frameworks, sectoral oversight, the management of public money, efficiency monitoring, audit and risk assurance, finance, and corporate capacity and capability.

4.4 Day-to-day regulatory enforcement, technical decisions, and operational delivery are properly distributed to officials operating within defined operational roles, utilising established procedural guidelines and exercising specific statutory responsibilities. The operational areas function within their own dedicated hierarchical structure, overseen by operational programme managers and led by senior management. Throughout this report, any reference to senior management within the operational area specifically relates to officials at the Director-level within the Veterinary Services and Animal Health Group (VSAHG).

4.5 This distributed hierarchical model enables the Department to deliver on its business plans and respond effectively to its extensive range of policy and operational demands, while maintaining accountability through established reporting and governance structures. Interventions arising from statutory duties, such as enforcing animal welfare legislation or implementing court orders, are considered regular business activities guided by legislative processes within operational business areas and are planned and delivered by officials in the respective operational business areas.

4.6 It remains an established expectation within public administration, however, that novel, contentious, high-risk operational matters, or those likely to attract significant external scrutiny must be escalated through line management to ensure senior operational managers are fully apprised of emerging risks. Furthermore, where an enforcement action carries a high probability of attracting external public, media, or political scrutiny, it is expected that the senior leadership team and the Minister's Office be informed. This ensures that the Minister is sufficiently briefed to respond to any initial inquiries or political questions that may arise.

Review Analysis

4.7 To assess governance, oversight, and decision-making as they related to the implementation of the deprivation order on 29 and 30 June, the review examined these issues under three primary headings: Roles and Responsibilities; Legislation, Policies, and Procedural Guidance and Internal Communications.

Roles and Responsibilities

4.8 The Welfare Enforcement Branch (WEB) is the branch within the Welfare, Enforcement and Regulatory Compliance Programme Delivery area of the Veterinary Services and Animal Health Group (VSAHG) with assigned responsibility to manage, coordinate, and deliver on animal welfare cases that had been escalated for prosecution, including any enforcement arising from a court order. As WEB does not always have the necessary staff resources to operationalise enforcement activities itself, it regularly reaches out to other branches within the VSAHG, particularly to local offices and indeed sometimes to other directorates across the Department, to assemble the necessary operational teams. Other business areas release the required staff for specific events on request. For each operational case, there is a clearly identified [redacted] who is the primary contact person with the keeper.

4.9 The evidence indicates a clearly identified training schedule for staff with specialised functions and identified specific roles for both inspectorate and veterinary officer staff. The review of documentary evidence and staff interviews indicates that these roles and responsibilities were well understood, both within WEB and with senior managers. Guidance documents also clearly identified grade-specific roles and responsibilities. It was also noted that WEB has access to legal advice, when necessary.

4.10 The review noted, however, a split responsibility in respect of the Humane Slaughter Team (HST) between WEB and the Contingency Planning Epizootic Disease (CPED) unit in the CPED and Information Communications, Epizootics & TSEs/ABPs AMR and Zoonoses Programme Delivery Area of the VSAHG. Whilst day-to-day management of the HST lies within WEB, the administrative aspects relating to the HST—such as supplies, approvals, and point of contact with the Police Service of Northern Ireland (PSNI)—are managed by CPED. This is a legacy issue reflecting the initial setting up of the HST in response to the 2002 PricewaterhouseCoopers (PwC) Independent Review of Foot and Mouth Disease in Northern Ireland, which recommended that the Department set up and maintain a HST to enable rapid response to outbreaks of exotic disease. The HST is a critical response unit in the Department's contingency plan against exotic disease incursion. There was evidence available of communication between both Programme areas, and each understood their specific and inter-related roles.

4.11 The review noted that responsibility for coordination, oversight, and guidance in relation to welfare inspections and guidance towards compliance and enforcement in relation to animal welfare matters are managed as part of the same branch within the [redacted] area. Additionally, the enforcement resource within the Humane Slaughter Team can be deployed at the request of other programme area managers under their authority. There is a risk associated with this arrangement, as there is then not a single operational programme manager who has oversight across, and accountability for, all the team's enforcement activities.

Legislation, Policies, and Procedural Guidance

4.12 The legislation that is primarily relevant to the management of this depopulation event includes the Welfare of Animals Act (Northern Ireland) 2011; the Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014; the Firearms (Northern Ireland) Order 2004; and Council Regulation (EC) No 1099/2009 on the Protection of Animals at the Time of Killing. The first mentioned provides the overarching legal basis protecting the welfare of

animals and was the legal mechanism which mandated the deprivation order, whilst the other three provide the legal framework relevant to the culling operation.

4.13 The Department provides staff with comprehensive policy and operational guidance documents regarding inspection and enforcement—both in an overall enforcement sense and also specifically in relation to Farm Animal Welfare and enforcement of the Welfare of Animals Act (Northern Ireland) 2011. There is evidence of the latter being iteratively updated through lessons learned to achieve best practice in managing cases towards compliance and through the legal system as appropriate. Regarding enforcement, the Department sets a clear objective: that its actions are firm, fair, and reasonable, underpinned by the principles of proportionality, accountability, consistency, transparency, targeted delivery, collaboration, support, and regard for economic growth.

4.14 Examples of good practice in the animal welfare enforcement guidance are the inclusion of guidance for staff in categorising the level and severity of animal welfare non-compliance and the use of a Panel System to evaluate ongoing welfare cases to determine which should be considered for prosecution and which should continue to be managed towards compliance. The use of such a Panel System brings different operational perspectives to the table in a formal way and supports more balanced and comprehensive decision-making. The practice of undertaking a 'lessons learned' exercise after any significant operational event is also an example of good practice; the review noted that in respect of this case, such a lessons learned exercise commenced on 3 July 2026. However, the review noted that such a panel is not part of the established process when consideration is being given to determine the best way to give effect to a disqualification or deprivation order when the courts have given discretion to DAERA as to how to proceed.

4.15 The review noted general guidance relating to deprivation, disqualification, and seizure of animals which outlined how decisions on such issues will involve Field Staff and the Welfare and Enforcement Branch with the objective of attaining the most effective action at the lowest cost to DAERA. While the review confirms that the Department provides robust guidance for routine welfare inspections, a critical procedural gap exists regarding post-conviction enforcement. The review identified an administrative procedures gap regarding formalised post-conviction enforcement guidelines. In following through on court orders, operational decisions were guided by established organisational custom arising from a case that took place during the 2012–2015 period. This custom identified resolving enforcement mandates via immediate humane culling as the primary default mechanism to approach animal seizures, taking into account the requirements of Managing Public Money Northern Ireland (MPMNI).

4.16 In that historical instance, Department officials utilised the powers in the Welfare of Animals Act (Northern Ireland) 2011 to seize approximately 100 cattle on welfare grounds. However, the cattle ended up remaining in the Department's physical possession for an extended period, being looked after by a department-appointed contractor. When the Department eventually was able to move the cattle on, the market outlets available were very limited and the money recouped from the sale of the cattle was substantially less than the total cost of care, collection, and the overall intervention. The net effect was that the Department suffered very substantial direct financial losses associated with the case, which were entirely unrecoverable. This gave rise to significant criticism of the operational choices made in that case—specifically that they did not adequately protect the public purse.

4.17 Civil servants are bound by the strict terms of the MPMNI, which sets out the guiding principles on how Departments must effectively use public funds. MPMNI dictates that all Departments must evaluate their functions through the concept of "value for money" and take into consideration economy, efficiency, effectiveness, and prudence when using public money. The option of seizing to immediately cull, provides complete operational certainty in advance, is the most efficient use of public funds, and strictly limits the financial exposure of the exchequer.

4.18 Whilst this historical case appears to be the origin of the policy path staff referred to, it is not clear if this was translated into a specific DAERA policy document; if it was, it is no longer available. The review was provided with a copy of a comprehensive guidance document, dating from 2015, which deals with taking possession, deprivation, and seizure of farm animals under the 2011 Act. However, an administrative update from 2022 explicitly clarified that the entirety of the guidance for seizure was currently not being used even though the powers were legally available. The 2022 update confirmed that this position was based on the negative financial experiences from the 2012–2015 case, as long-term care was not viewed as a good use of public funds. This guidance additionally clarified that the general approach should be to leave the animals under the care of their keeper on their own premises and that consideration be given to euthanising animals that were found to be in acute distress. Significantly, however, because this guidance assumed an ongoing compliance case, it offered no practical alternative for a post-conviction deprivation scenario where a keeper was permanently disqualified from holding stock. Consequently, because the formal guidelines provided no procedural path for an enforcement event of this nature, operational staff fell back on the established custom informed by the requirements of the MPMNI.

4.19 This approach would seem to have remained custom and practice from about 2016 onwards. To check the consistency of the planning approach in this case with other previous deprivation orders, the review sought information on prior deprivations. The records show that in the 2020–2026 period, there were four other deprivation orders in total. In one case in 2020, the keeper self-disposed of the animals, whilst in the other three cases, direct departmental intervention was required which resulted in the animals being culled on farm. These comprised two cases in 2025 involving 61 bovines and 17 bovines respectively, alongside a further operation in 2026 involving 11 ovines and 10 porcines. This comparison confirms that the planning team in this instance followed an established decision pathway consistent with prior cases, actively conducting a preliminary options assessment that reflected on alternative market outlets, past departmental sales outcomes, and food-chain eligibility constraints before concluding that an on-farm culling intervention was most appropriate.

4.20 The review identified a potential legal gap that may arise when a decision is made to provide an opportunity to a disqualified or deprived keeper to dispose of the animals in advance of disposal by the court-appointed official, beyond what may occur within the statutory appeal period. The deprivation order requires any person who has possession of the animals in question to deliver them up to enable the order to be carried into effect. It may be that when the period provided for in which a statutory appeal may be lodged has elapsed, the keeper, in maintaining the animals on his lands, is making the animals available for the order to be executed and has complied with his or her legal requirements. In effect, the keeper's ownership of the animals is negated at that stage; they no longer have any legal entitlement to or responsibility for the animals, and responsibility for their care and maintenance transfers to the court-appointed person. If it is proposed to allow keepers additional time to dispose of the animals for any extended period, it would be appropriate that there would be some formal agreement clearly setting out what obligations accompany this opportunity—specifically that for whatever period this opportunity is provided, he or she will remain responsible for the care and maintenance of the animals. This matter would benefit from expert legal evaluation.

4.21 The review observed clear evidence of the process by which the HST may be actioned. It also noted a clear description of roles and responsibilities, specific firearms authorisation and certification requirements, and a number of technical guidance and standard operating procedures for the humane destruction of different species. It further noted guidance concerning health and safety matters, a developed operational risk assessment tool, specified training requirements, and a requirement for training records and oversight. Expert guidance and reference material included that from the Humane

Slaughter Association and the American Veterinary Medical Association which deal with the appropriate choice of weapons and ammunition relevant to the size and species concerned, the need for a backup weapon in case of malfunction, and the necessary checks to ensure that the animals are effectively stunned or killed. The review noted that Crown Immunity has been granted to the HST team members in their roles as members of that team.

4.22 The need for escalation for the information of senior managers is highlighted in the guidance documents. It further underscores that actions which affect the property of a keeper may require information to reach Minister and the senior leadership team before or immediately after the action. This is to ensure that the Minister is aware and can provide an initial response, if questioned, about actions that his or her Department is involved in.

4.23 The review noted guidance issued to VSAHG staff outlining a response protocol to be followed if they encounter a human welfare or wellbeing concern during the course of their work. This emphasises the need to strike a balance between protecting a person's right to privacy and the potential endangerment of a person's welfare. It differentiates between serious and immediate concerns which may require immediate notification to an appropriate authority—such as the PSNI or Health & Safety Executive—and those that might be more long-term or chronic in nature which foresee a referral to the Health and Social Care Trust.

4.24 There was evidence of VSAHG arranging a training event, provided by Rural Support, for some 80 of its staff involved in dealing with on-farm animal welfare inspections. Additionally, the review noted the availability of an e-learning course available for staff as part of the Northern Ireland Civil Service Human Resources Learning and Development programme, on the identification of and supporting vulnerable people. Furthermore, the review noted detailed documentation relating to staff training on Personal Safety at Work, which was provided to WEB staff in April 2026. The review was also provided with information of supports that are available to Department staff as part of the Northern Ireland Civil Service Human Resource Learning and Development services.

4.25 The VSAHG has two separate Memoranda of Understanding with the PSNI which deal with situations where VSAHG may require PSNI support to assist VSAHG safely carry out its statutory functions. One primarily deals with the enforcement of animal welfare legislation whilst the other relates to animal disease control matters. Whilst acknowledging that the drivers behind the respective MOUs had different aetiologies, their policing support requirements remain matters in common. Neither MOU anticipates an inability to contact the PSNI in the midst of a dynamic field operation.

Internal Communications

4.26 Effective governance and strategic oversight rely on timely and accurate information flow. The review examined how information relating to the herd, the court order, operational planning, and emerging risks was communicated within the Department in the period between 8 June and the morning of 29 June. The review noted that there was regular ongoing communications among staff within WEB from the time that the court order was issued onwards; the focus initially was on monitoring progress on the farm and liaison with the local DAERA Direct office with which the keeper needed to engage to seek to resolve animal health, identification, and movement licence matters. The review saw evidence that staff in the local office were aware of the deprivation order and an acknowledgement that, in the context of a keeper faced with a deprivation order, the local office staff would seek to facilitate him to move animals, to the extent possible.

4.27 Whilst the Department's preferred option to effect the deprivation order was to allow the keeper to dispose of the animals himself, the review noted that DAERA also commenced plans for an on-farm exercise in case it was needed. The focus within WEB turned towards the planning for what was clearly understood would be a significant operational intervention if needed. The review was advised that operational aspects of the plan were discussed among the staff within WEB and with the [redacted].

4.28 In recognition that the event would likely garner public and media attention, a submission for the Minister, was drafted later on the evening of 26 June. The form used is a pro-forma standard Ministerial submission form which specifically prompts for input under several administrative, legal, and policy categories, and provides an opportunity to provide further background information in free text. The form does not, however, specifically prompt the detailing of an assessment of strategic, organisational, or reputational risk or wider public interest concerns; these issues are particularly relevant when operational matters are being advised. It may be that if such were explicitly requested, it might have elicited more detail of the strategic operational risks in the submission.

4.29 This submission was finalised on the morning of 29 June and forwarded to the Minister's office at 09:47—marked for noting by the Minister, with suggested preliminary speaking points in case asked. This was copied to the senior leadership team at the same time. It provided basic background information about the court case and advised that, because of the deprivation order, animals were to be euthanised and given the nature of the action, there could be significant media or political interest in the story. The Minister's

office forwarded the note for the attention of the Minister at 10:07. The Minister responded at 20:50 that evening, noting and approving the speaking points.

4.30 The review noted a non-alignment between the information contained in the submission concerning the disposal of carcases, which indicated that DAERA would arrange for the collection and disposal of the carcases, and the operational protocol followed by the operational team on the ground—which dictated that in line with legislation, the owner of the land is responsible for the disposal of any dead carcases thereon. This inconsistency between the briefing given to senior leadership and the Minister and the actions on the ground was particularly important in this case, as it was the sight of dead carcases in open fields that served as a major trigger for public commentary and distress.

4.31 The review noted that no formal follow-up submission was sent to the senior leadership team and the Minister to highlight the difficulties encountered on the evening of 29 June. The review understands that this was considered, however, it was overtaken by the requirement to draft a response to a query from an MLA submitted on 30 June. The draft response and accompanying cover note (which provided a preliminary summary report of what had taken place, in line with what the follow up submission would have covered) were forwarded to the Minister and senior management on or before 5 July.

Findings

4.32 In evaluating the governance and strategic oversight framework surrounding the Fivemiletown operation, it is clear that, while the Department's established structures and distributed hierarchical model deployed effectively in terms of initial field deployment, anomalies exist in managerial oversight, alongside a post-court-order legal gap, and a lack of certainty in administrative procedural guidance.

4.33 Structurally, while not specifically relevant to this case, the current framework carries organisational vulnerabilities as the Department does not have a single operational programme manager who has total oversight across, and ultimately accountability for, all enforcement activities involving the HST team. Furthermore, the fact that enforcement and welfare implementation responsibilities lie within the same Department branch runs the risk that routine welfare initiatives are overshadowed due to the pressing, complex needs of active enforcement.

4.34 Whilst the Department provides robust guidance for routine welfare inspections and general enforcement, a noticeable procedural gap exists regarding post-conviction enforcement. The review found no documented protocol or policy document that guided the decision-making process around the implementation of court orders, which represents an administrative vulnerability that weakens corporate assurance.

4.35 Legally, a potential gap exists regarding the care and maintenance of deprived livestock once the statutory appeal period has elapsed. When a disqualified keeper is granted an informal extension to self-dispose of stock, their legal ownership has already been negated, yet no formal framework exists to clarify who holds liability for the animals' care and maintenance during this interim window.

4.36 Looking to the future, addressing these legacy structural anomalies and providing legal certainty - specifically by unifying all enforcement oversight under one accountable operational programme manager, formalising legal custody frameworks when post-order extensions are provided, and establishing an integrated pre-operational escalation protocol and senior management sign-off protocols to guide post-conviction enforcement choices - will ensure that future interventions are administratively resilient and publicly accountable.

Recommendations

4.37 The following recommendations are made based on the findings of this review:

4.38 The Department should extend the scope of the existing Welfare Panel System to include the implementation phase of court orders. A formal, multi-disciplinary panel should collectively evaluate and determine the most proportionate, low-risk, and cost-effective enforcement method before any large-scale depopulation is authorised.

4.39 Whilst acknowledging that presenting factors which trigger a decision to seize animals are rarely the same, in order to overcome the identified uncertainty about the organisational approach to seizure, the Department should update and clearly set out a documented protocol to guide operational staff in making and documenting the necessary operational decisions relating to animal seizure.

4.40 The Department should immediately arrange for a legal evaluation to clarify post-deprivation custody arrangements and resolve, if necessary, the potential legal gap surrounding the care, liability, and maintenance of livestock once a statutory appeal

window expires, at which time the keeper's ownership rights are negated. In scenarios where a disqualified keeper is being granted additional time to self-dispose of livestock, it is necessary to provide legal certainty about responsibility for the care and maintenance of the animals during this period.

4.41 The legacy split-responsibility model between the Welfare Enforcement Branch (WEB) and the Contingency Planning Epizootic Disease (CPED) unit should be replaced. To ensure clear managerial accountability, all operational, administrative, logistical, and external agency liaison functions relating to the HST should be unified under a single line management structure. The placement of responsibility for both active enforcement activities and general welfare activities within a single branch should be critically evaluated to ensure routine welfare initiatives are not overshadowed.

4.42 The Department should establish a pre-operational escalation and strategic sign-off protocol that formalises clear risk-based criteria that define when a planned intervention must be escalated to senior leadership during the pre-operational planning phase. Interventions carrying a high probability of public interest, local community impact, or significant logistical risk must require, in any event, documented strategic direction and formal written authorisation from senior management prior to deployment. This pre-deployment protocol must explicitly safeguard field-level autonomy once an operation begins, ensuring real-time tactical choices remain the sole responsibility of the on-site managers.

4.43 The Department should set down a strict administrative requirement for the real-time, written recording of critical operational decisions as they are made in the field.

4.44 Operational planning for complex operations should include written, documented evidence of alternative options considered. This should include risk and relative cost assessments, even in respect of options that experienced staff might intuitively consider to be unsuitable on logistical or cost grounds, ensuring complete transparency.

4.45 Introduce a mandatory impact assessment framework to evaluate the external and societal effects of high-visibility or high-public-interest enforcement actions. This should be accompanied by a proactive communication plan to mitigate community distress and prevent public misunderstanding.

4.46 Review and update the current memoranda of understanding with the PSNI to bring forward a single, comprehensive agreement, ensuring that communication channels

between both organisations are clearly defined, especially in a live, unpredictable field operation when contact may be difficult to establish.

4.47 Submission timelines should be optimised to ensure that strategic information submissions to the Minister and senior leadership are finalised and delivered at a specified time in advance of operational deployment for high-risk operations. The submission form itself should be reviewed to ensure more explicit capture of strategic organisational risks and public interest evaluations.

Chapter 5 - Pre-Operational Planning and Decision-Making

Introduction

5.1 This chapter evaluates the transition from the overarching departmental policy framework to the actual advance planning for the enforcement operation on 29–30 June 2026. Carrying out a court-ordered deprivation in a public environment introduces immediate and competing challenges. These are recognised in the Terms of Reference, in that it asks the review to evaluate how effectively the Department balanced its core statutory obligations against the unpredictable and dynamic realities of field delivery:

- Legal Obligations: Compliance with the explicit mandates of the Court deprivation order.
- Operational Practicality: The practical feasibility of the enforcement plan within an unpredictable farm environment.
- Animal Welfare Considerations: The protocols, oversight, and standards necessary for humane disposal and culling.
- Staff Safety: The protective measures established for departmental officials and contractors deployed to the site.
- Public Safety: The mitigation of risks to local residents, onlookers, and the broader community.

5.2 The deprivation order issued on 8 June did not provide any specific court guidance or impose any specific restriction on the Department as to how it was to conduct the operation. It delegated to a DAERA official the decision about the manner of disposal and clarified that disposal could include destruction of the animals.

5.3 Accordingly, this section independently assesses the adequacy of the Department's pre-operational planning and details how the operational team set about implementing the direct legal mandate. This chapter examines how key operational decisions were made, documented, and authorised.

Decision-Making Process

5.4 As outlined in the previous chapter, the evidence shows that the Department's preferred option to effect the deprivation order was to allow the keeper to dispose of the animals himself. There is much evidence of engagement between the assigned [redacted] and the keeper in the three weeks between the court proceedings and the disposal operation.

5.5 Whilst that was the preferred option, the Department also initiated plans for an on-field depopulation operation in the event that this preferred approach was not successful. The first written evidence of this was on 18 June, when staff were canvassed as to their availability to carry out an on-farm humane slaughter exercise on 29–30 June, if needed. This was providing a three-week period in which the keeper was allowed to make arrangements to move the animals from his property.

5.6 Although there are few written contemporaneous records, the review is satisfied that consideration of possible options was discussed within WEB in the period between 8 and 18 June, which led to the decision on 18 June to move forward on the basis of a controlled on-farm cull of the animals in open fields using free bullet. This proposed plan of action – to be deployed if necessary – and subsequent plans for its implementation were approved by the [redacted] in consultation with and under the authority of the Programme [redacted].

5.7 In the period between 18 and 29 June, decisions relating to operational planning, staffing requirements, and onsite management were made by the WEB team in accordance with established procedures, reflecting the delegated nature of operational authority. The review noted evidence of Standard Operating Procedures (SOPs) and team tasks were subsequently distributed to staff who had indicated their availability, and also evidence of contact with the Police Service of Northern Ireland (PSNI) on 26 June (and again on 27 June) in preparation for the planned operation. Communications between staff concerning the finalisation of the operational risk assessment and confirmation of contact with the PSNI were also noted on 27 and 28 June.

5.8 A submission to notify senior leadership team and the Minister was drafted by the [redacted] on Friday afternoon 26 June and discussed with the Director of the Enzootic Control, Animal Welfare and Field Delivery Division. It was not finalised, however, as there was some hope that the keeper might have arranged to sell animals and the scale of the proposed

operation might change significantly. It was subsequently finalised and submitted on the Monday morning.

5.9 The review did not see evidence that broader high-level strategic issues – such as strategic communications and organisational reputational risk – were actively considered at this time.

Evaluation of the Operational Decision — Principle of Proportionality

5.10 A critical requirement of public administration is that all actions taken by state bodies must adhere to the principle of proportionality. In the context of the Fivemiletown operation, DAERA was legally required by a valid court deprivation order to remove all farmed animals from the custody of a disqualified keeper. However, the possession of a legal mandate does not grant absolute discretion regarding how that mandate is executed.

5.11 To evaluate how effectively the Department balanced its core statutory obligations (legal, operational practicality, animal welfare, staff safety, and public safety) against the dynamic realities of a field operation, this review applied standard administrative law four-part proportionality test.

Legitimate Aim

5.12 The Department's intervention had a clear and legitimate statutory aim – a mandated duty to implement a court order.

Suitability

5.13 The humane slaughter of animals on-site was a suitable way to achieve that aim. However, the decision to use firearms to cull the animals across a number of fields in three locations introduced additional complexity, increased health and safety risks, and potential public concern that required additional justification.

5.14 In the absence of written contemporaneous evidence detailing the specific decision-making process which led to this choice, the review formed its conclusions on suitability by cross-referencing and corroborating verbal evidence with records of communications with the herd keeper, between staff members in planning for the operation, and in scientific literature. The use of free bullet to kill animals is a recognised legal method. The culling of 'herd animals' in situ, avoiding the stress of gathering and transport, using free bullet, is considered a humane method, especially when dealing with animals that are not habituated to being gathered, being moved by strangers or being transported. Where the

objective is to kill and directly dispose of such animals, this method applies less overall stress on the animals than if they are subjected to forced gathering and transport and then killed.

Necessity

5.15 This is a pivotal issue in evaluating the Fivemiletown cull operation. This is also the question most frequently raised by the public. Proportionality dictates that public administrations must select the least intrusive options available to achieve its objectives.

5.16 In assessing this perspective, it is important to understand that this is not a simple theoretical or retrospective question – it must be judged on what the decision-makers knew at the time the decision was made.

5.17 It is clear from records seen and from interviews with staff that the preferred method to effect the deprivation order was to allow the keeper to dispose of the animals himself. In the immediate aftermath of the order being issued, a [redacted] was appointed as a point of direct contact for the keeper to provide support if he needed clarification/support regarding DAERA processes. There is evidence of regular follow-up contact by this officer with the keeper in the following weeks and also outreach to his legal adviser. On the day after the order was issued, officials visited the keeper and provided a detailed list of the animals listed as being in his herd recorded on DAERA systems, with their assessed status as to route of sales opportunities set out.

5.18 Whilst direct disposal of the animals by the keeper was the preferred method, it is also clear that there was a clear expectation among Department staff that the approach of allowing the keeper to dispose of the animals might not achieve the necessary outcome and that a direct DAERA intervention needed to be planned for.

5.19 The review noted the first written evidence of initial preparation for a direct intervention was on 18 June, enquiring about staff availability for an on-farm exercise on 29 or 30 June, if needed. This was approaching the end of the second week of the period afforded to the keeper to move his animals, and the decision to commence operational plans was likely influenced by the lack of any visible progress in the preceding period.

5.20 The review was advised that the following factors were considered by the planning team when deciding on the operational approach, relating specifically to the initial decision to cull the animals and the subsequent choice to execute the operation directly in the fields:

- Department records provided to the keeper on 9 June indicated that approximately 40% of the animals recorded in the herd carried unresolved identification restrictions, which limited their eligibility for commercial sale or entry into the human food chain.
- The livestock lacked current food chain status, meaning that they would have required an extended period of maintenance on an alternative holding to re-establish eligibility, and they further lacked the Food Quality Assurance standards routinely required by commercial processors.
- The Department had previously experienced highly unfavourable financial outcomes when attempting to market seized livestock, and in a separate comparable enforcement case, a commercial processor had explicitly refused to accept animals for slaughter.
- Planners were bound by the necessity of complying with the judicial instruction within the court order directing that the disposal take place ‘with immediate effect’.
- The herd profile presented a significant handling risk, as many of the animals were horned, many adult males remained uncastrated, and the stock were generally nervous and unaccustomed to management by strangers.
- Historical handling records showed that recent tuberculosis testing had been problematic, frequently requiring a number of days to complete. This indicated that the keeper—whom the animals were most accustomed to—was unable to successfully gather the entire herd on a single occasion.
- The handling infrastructure on the holding was severely deficient, as one site possessed no facilities, another was in total dereliction, and the facilities at a third site structurally weak as well as presenting difficulties for corralling fractious stock. While the handling infrastructure at the fourth site was more structurally robust, it would have required significant departmental input to make it safe and usable from a health and safety perspective. In a scenario where the operational need was for rapid access, attempting to force agitated cattle into these spaces posed an unacceptable risk of animal injury and personnel trauma.
- The quality of internal fencing across the lands was weak, which prevented the operational teams from gradually and progressively confining the livestock into smaller, less public enclosures where a controlled cull could have taken place.
- The terrain was expansive and exceptionally challenging, being interspersed with a heavy proliferation of reeds and gorse bushes that restricted visibility and movement; furthermore, extensive areas of ground had been badly poached and had subsequently

hardened during the summer months, presenting dangerous underfoot conditions for staff and contractors.

- From an animal welfare perspective, a free bullet remains an accepted, humane, and effective method for culling livestock in situ when animals cannot be safely gathered and transported, and the Department possessed the necessary internal expertise to undertake this task safely using skilled operatives.

5.21 This list of considerations shows that due regard was paid to core issues: animal welfare, staff safety, legal compliance, market limitations, operational capacity, and public expense. These factors are particularly relevant when undertaking lawful forced enforcement actions which are inherently complex, not welcomed and potentially open to resistance or external disruption.

5.22 The review concludes that these factors support the case that the operation was necessary. However, the lack of written contemporaneous records of the actual decision or the evidence supporting it is an administrative shortcoming.

5.23 This is particularly important as other evidence was presented that the animals had been recently gathered by the keeper to facilitate TB testing, that potential purchasers walked amongst the animals in the previous weeks without causing alarm, and that some animals were gathered by the keeper and moved off-site, even on the day of the cull. Conversely, the unsuccessful attempt by the keeper and others to gather and load the remaining five animals on the evening of 29 June when given the opportunity to do so – and which resulted in animals escaping onto the public roadway with consequential risks to public safety – underscores the risks inherent in the operation.

5.24 The review was presented with evidence of several failed health and safety inspection reports in respect of the handling facilities on the holdings dating back to 2022 and health and safety notices issued dating back to 2020. The most recent inspection report of June 2025 indicated some improvements at two of the sites. The review would conclude that these improvements enabled animals to be presented for the long overdue, but ultimately incomplete, TB test.

5.25 The review identified an issue, however, that did not appear to receive a sufficient level of reflection/evaluation during the pre-operational phase. It did not see evidence of consideration of a graduated approach to the depopulation – which would have reduced operational risks and reduced resource requirements on any given day (e.g., start with one site; or with one type of animal, e.g., adult bulls). Such an approach might also have encouraged the keeper to expedite his own efforts to sell the animals.

Fair Balance

5.26 This evaluation requires a determination as to whether the choice of intervention appropriately balanced the need to carry out the court order in a timely fashion, legally and in a humane way, whilst ensuring the safety of staff and the public, minimising public costs, and avoiding public distress, especially among the neighbours. These priorities do not always align, and operational compromises must be made. There is automatically no single correct answer at field level – different people considering the same facts may reach different conclusions.

5.27 The review noted that the planners did acknowledge that the planned exercise was of potential public interest and that a submission should be made to inform senior leadership and the Minister that the event was taking place. The risk assessment did identify that neighbours may have concerns when they would hear gunfire in the neighbourhood, and that the matter was discussed with the PSNI. However, there was no evidence of any specific mitigating action taken to address this risk in advance. This risk of public disquiet or distress seems to have been underestimated.

Conclusions

Process

5.28 The evidence shows that the operational teams acted within their delegated authority and in accordance with established procedures.

5.29 The absence of contemporaneous written records detailing the justification, the method, and the timing of disposal represents an administrative deficit that weakens overall governance assurance.

5.30 While the Department effectively planned to manage the immediate operational risks, it did not adequately plan to mitigate the public distress and scrutiny inevitably caused by a large-scale, open-field cull in mid-summer, where several carcases were left in public view, inevitably drawing public and media attention.

5.31 The operation highlighted clear vulnerabilities at the interface between operational responsibility and strategic oversight. The information submission drafted for senior leadership and the Minister did not adequately highlight the heightened organisational reputational risk associated with the timing of the event and the specific method of

disposal chosen in this case. It also indicated that the department would arrange for carcase disposal, which was not in accord with the operational plan.

5.32 Furthermore, the Department did not sufficiently evaluate a graduated approach to depopulation.

Proportionality Test

5.33 The investigation confirms that the operation fulfilled the criteria for a legitimate statutory aim and suitability. Culling herd animals in situ on pasture using free bullets is a legally compliant, humane method that minimised animal handling stress.

5.34 The course of action chosen generally satisfied the test of necessity, justified by risks identified at the time, including challenging terrain, inadequate handling infrastructure, potentially dangerous horned cattle and entire males, and animal identification and sales outlet restrictions. However, this review also identified an administrative deficit in the absence of contemporaneous written evidence detailing the specific decision-making process or the evidence to support the situational analysis. Better record-keeping would have provided further assurance regarding necessity.

5.35 With the benefit of hindsight, it is clear that the Department did not sufficiently anticipate, and therefore plan for, the full impact of a large-scale open-field cull in mid-summer on the local community, including the public distress and confusion that could arise. Although this does not, in itself invalidate the operational decision it meant that insufficient weight was given to mitigating the operation's wider public impact and that the fair-balance test was not adequately met.

5.36 In summary, the decision to undertake in-situ culling was justified by legal, animal welfare and operational considerations identified. However, the adequacy of wider considerations surrounding its implementation was undermined by deficiencies in planning, record-keeping and communications. In particular, insufficient weight was given to anticipating and mitigating the potential public impact. These deficiencies did not invalidate the justification of the decision itself, but greater weighting should have been given to anticipating public and local distress.

Recommendations

5.37 Operational teams should enforce a simple, clear requirement for the real-time, written recording of critical operational decisions. The justification for the chosen disposal methods, timing, and situational risk analyses should be documented contemporaneously to ensure a transparent audit trail.

5.38 Operational planning for complex seizures should include written, documented evidence of alternative options considered. This should incorporate assessments of risk and costs, even in respect of options that experienced staff might intuitively consider unsuitable on practical or cost grounds.

5.39 Standard operating procedures for large-scale interventions should require planners to evaluate whether a phased or staggered depopulation strategy would be appropriate. Phasing interventions by location or category of animal should be considered to alleviate single-day staffing resource demands and to manage operational risk.

5.40 A mandatory review procedure should be introduced to evaluate the public impact of high-visibility enforcement actions. Operations carried out in open fields, near public roadways, or during periods of high visibility should incorporate proactive communication plans and urgent carcase management protocols to mitigate public distress and misunderstanding.

Chapter 6 - Operational Delivery

Introduction

6.1 Good practice in planning for major field-based operational events requires detailed advance preparation. This includes operational risk assessments, health and safety evaluations, selection of personnel, operational briefings, and clear assignment of responsibilities (including a [redacted] and [redacted]). Furthermore, preparation requires establishing clear communication channels and acknowledgement that unforeseen events can be expected that may necessitate on-the-spot decision-making on the day.

6.2 The event under review was a complex, multi-site, dynamic operation carried out simultaneously across three distinct locations within the same general neighbourhood.

6.3 Given the simultaneous and dynamic nature of events on the day and taking into account the significant public interest in the operation, the review has determined it would be appropriate to firstly develop and set down a chronology of events on both days, before setting out its findings and subsequent recommendations.

Chronology

6.4 The review has developed this chronology based on interviews it carried out with departmental staff, contemporaneous records kept by some staff members and evidence provided by members of the public who were present on the site on 29 and 30 June.

6.5 Some contemporaneous records are quite detailed and specific; however, the review has also had to rely on individual recollections which understandably lack absolute precision. For this reason, the review has grouped the events that unfolded into broader time ranges. The review is confident, notwithstanding this caveat, that the chronology developed paints a reasonably accurate picture of events as they unfolded on both days and subsequently.

29 June 2026

09:00 – 11:25: Field Deployment and Initial Contact

6.6 The operational phase commenced at 09:00 with a mandatory staff briefing at the local office. During this meeting, management briefed the team on the operational plan, the final

risk assessment, confirmed the composition of each team along with their roles and responsibilities, and reviewed the local control arrangements. To establish the continued necessity for the operation, a staff member was earlier deployed to conduct a preliminary inspection of the farm. This step was to verify that livestock were still physically present on the lands and that the keeper had not complied with the order over the weekend.

6.7 The main operational team departed the local office at approximately 10:15 to assemble at a pre-arranged rendezvous point near the farm. At approximately 10:45, the deployment split into three distinct units, with each team moving to its individually assigned site. In accordance with the operational plan, all teams were under instructions not to commence culling operations until direct authorisation was issued by the [redacted]

6.8 The [redacted] initially accompanied the team assigned to Site 1 to formally notify the keeper that the depopulation exercise was underway. The keeper was not present on the holding. The [redacted] attempted to contact the keeper by telephone on two separate occasions without success. At approximately 11:15, the keeper returned the call, whereupon the officer advised him that the Department teams were on-site to proceed with the depopulation.

6.9 The keeper informed the officer that he was currently with another livestock keeper who had purchased fifteen cattle from him. He stated that these specific animals were confined within a shed on Site 1 and that they were actively completing the necessary documentation to formalise the transfer. Following consultation with their line manager and the [redacted], the [redacted] notified the keeper that the fifteen confined animals would be excluded from the culling operation, on the strict understanding that all licensing movements would be completed and the animals removed from the farm that day – the purchaser would arrange to collect the animals later that afternoon. Following this agreement, the [redacted] issued the official authorisation to all three field teams to commence operations simultaneously at approximately 11:25.

11:25 – 13:15:

Simultaneous Field Operations

Site 1: Initial Operations

6.10 The Humane Slaughter Team (HST) commenced operations at Site 1 at 11:25. The operational plan involved staff calmly guiding the animals away from the public road and towards a place where the natural terrain provided a backstop for the safe use of firearms. The animals were culled in accordance with the HST standard procedures for safety, containment and verification of death. The initial phase of the Site 1 operation proceeded systematically without any difficulty or public disturbance.

6.11 At approximately 13:00, the team reported that they believed that there may be up to four remaining animals at large on the holding, though they were not currently in their view due to the dense vegetation cover and terrain.

Site 2: Completion

6.12 Operations at Site 2 commenced immediately upon receipt of the authorisation, at 11:25, following the same standard safety, containment and confirmation protocols. The team proceeded without incident or external disruption. The team confirmed to the [redacted] that the site was entirely clear of livestock at 13:00, with fourteen culled. On completion of their duties, the Site 2 personnel cross-deployed to Site 1 to provide additional assistance there.

Site 3: Initial Operations, including Safety Repositioning and Conclusion of Operations at Site 3.2

6.13 Site 3 comprised two separate land parcels, which the review has designated as Site 3.1 and Site 3.2. Upon arrival, the field team observed a member of the public actively cutting silage in a field adjacent to Site 3.1. To minimise health and safety risks and avoid potential public disturbance, the team altered their plan and moved to the second parcel, Site 3.2. Culling operations commenced at Site 3.2 following the same operational and safety protocols, and eight animals were culled without incident or disturbance. The team successfully completed their work at Site 3.2 at approximately 12:15.

6.14 Upon returning to Site 3.1, the team was met by officers from the PSNI who had arrived to check on operational progress. The police officers advised that they would be patrolling in the general area and provided a direct telephone number should the Department require assistance later. Following the departure of the PSNI officers and

having observed that the silage-cutting operation had concluded, the team commenced culling operations on Site 3.1. The deployment proceeded in accordance with the same standard operational procedures and safety guidelines without incident or disturbance. At approximately 13:00, the Site 3 team indicated that there were eleven animals culled with five or possibly six animals remaining alive.

Operational Adjustment

Concurrent Events

6.15 Between approximately 12:30 and 13:15, the situation on the ground altered significantly due to two concurrent but related developments:

- At about this time, the keeper was attending at the local Department office resolving the movement licensing issues for the fifteen confined animals and six additional cattle he had moved out over the weekend. He stated that he had found another buyer willing to purchase the remaining animals on his holding and requested Department officials in the local office to halt the depopulation exercise to facilitate this sale opportunity.
- At approximately 12:30, a member of the public arrived at the yard entrance to Site 1 and asked to speak with the person in charge. This individual proved to be the prospective buyer who wished to purchase the remaining animals.

The Decision to Suspend the Operation

6.16 As the [redacted] returned towards the yard at Site 1 to meet the member of the public, they received a telephone call from the [redacted]. The [redacted] enquired as to the exact number of livestock remaining alive at that stage, indicating that a prospective purchaser had been identified. The [redacted] contacted all three field teams to establish the position across the holdings and relayed this information back to headquarters.

6.17 Having assessed the situation, the [redacted], in consultation with the [redacted], made an on-the-spot decision to provide the newly identified purchaser an opportunity to gather and remove the remaining animals and therefore to suspend the cull as soon as safely possible. The [redacted] updated the three teams.

6.18 The [redacted] met with the prospective buyer in the yard at Site 1. The officer advised the potential buyer that his offer to purchase remaining animals would be accommodated – subject to the condition that the identified livestock must be successfully gathered and completely removed that same evening. The buyer was advised that he would be contacted by phone later that afternoon to advise of the location of the

remaining stock and the time that he could safely access the land to collect them. The [redacted] then relayed the suspend cull instruction to the three teams.

13:15 – 17:30:

Site 1 Resolution

Secondary Sweep and Conclusion

6.19 Personnel from the completed Site 2 and Site 3 deployments returned to Site 1 to assist in a systematic search of the extensive lands in an effort to locate unaccounted-for animals. During this search, the teams identified a remaining group of three animals, which were subsequently culled under the standard protocols. The search failed to locate a fourth animal, a calf, which the team believed to have seen earlier - the search was abandoned for the day in or around 14:00, with fourteen animals culled.

6.20 The purchaser of the fifteen animals held in the shed arrived on-site to collect them mid-afternoon, after the cull had been halted. The keeper had also returned at this time. A physical head count revealed that only fourteen animals were present. The livestock were loaded and moved from the holding in two separate lots, with the final consignment leaving the site, estimated to be between 16:30 and 17:00.

6.21 The [redacted] prepared and signed a by-products notice at 16:21 and at 17:10 served this formal notice on the keeper, requiring him to arrange the lawful disposal of all animal carcases across the three sites within a prescribed period.

6.22 Several Department staff were stood down at this juncture. The remaining operational staff left Site 1 at approximately 17:30 and relocated to Site 3.1 to monitor the private gathering of the remaining live cattle.

17:30 – 22:00:

Site 3.1 — Attempted Private Gathering, Boundary Breach, Public Safety Escalation, Resolution

6.23 When the instruction to suspend was issued, the Site 3 team had moved to Site 1 to support the search there. They had reported that there were eleven animals culled with possibly five or six animals remaining alive on Site 3.1; however, they were dispersed among the vegetation on the holding.

6.24 The [redacted] phoned the potential purchaser at approximately 16:15, advising that it was now safe for him to enter at Site 3.1 and seek to gather the animals remaining.

6.25 Sometime in the region of 17:45, the keeper, the prospective purchaser, and an assistant arrived at Site 3.1 to begin gathering the remaining animals. DAERA staff took up positions at a high point in the field to observe and confirm that the animals had been gathered and taken away, but also to be on standby if the efforts were not successful. The keeper used a feed bucket to entice the animals to assemble and move toward the proposed loading point. Although initial movements appeared positive, the five animals resisted when the others moved in to help – the cattle broke away and quickly dispersed across the extensive tract of land. The party made a number of subsequent attempts to corral the animals; however, these efforts were unsuccessful. Throughout this extended process, the livestock became increasingly agitated, fearful, and fatigued.

6.26 At approximately 19:15, Department staff on-site had concluded that there was a low probability that the animals would be successfully gathered and transported away. The [redacted] and the [redacted] who had arrived at the site to bring supplies to the staff, spoke with those attempting the gathering, directing that they cease their efforts and leave the holding. During the final attempt, the agitated animals ran towards the yard, bypassed the shed and escaped directly onto the public road.

6.27 It was suggested to the Department officials that since these animals were no longer on the deprived keeper's property, the order had been complied with, and Department staff could now leave. The [redacted] rejected this suggestion, noting that the loose livestock now posed an immediate public safety risk on the road and officials needed to ensure that this risk was addressed.

6.28 Throughout the latter stages of the unsuccessful effort by the keeper and the potential purchaser to gather the animals, members of the public were gathering on the adjacent public road. Insofar as the review could ascertain, between nine and twelve members of the public had gathered on the roadway at about this time. Several of the individuals expressed acute dismay and distress to staff regarding the unfolding situation. This distress arose from two distinct factors: first, several animal carcases were visible on the land, and second, the erroneous impression that Department staff were actively 'chasing animals around the field' as part of its enforcement operation. Whilst this impression was mistaken, it is nonetheless understandable, in the absence of any official clarification or explanation, how onlookers arrived at such a conclusion – after all, it was clear that DAERA staff and vehicles were present. Some people expressed understanding when the matter was explained to them. A member of the team also spoke to the occupant of the nearest house to explain the situation.

6.29 This public agitation, combined with the escape of the cattle, created an immediate public safety risk and potentially threatened to disrupt operations. Staff attempted to contact the PSNI at 19:14 and again at 19:36 to request assistance but were unsuccessful.

Whilst they were unable to make contact, the risks abated a short time afterwards when the cattle were returned to the keeper's lands and the people dispersed.

6.30 The escaping livestock separated at a junction – the cow and calves went in one direction, whilst the bull went another.

6.31 The Cow and Calves: With the assistance of members of the public, the cow and three calves were successfully intercepted and driven back onto the keeper's original land. During this incident, two neighbours experiencing acute distress regarding the fate of the animals sought to direct the cow and calves onto their own adjacent property with the explicit intention of purchasing them, to spare them from depopulation. This was not facilitated by DAERA officials who directed the livestock back into the original field from which they had escaped. At about 20:00, the public gathering on the roadway adjacent to the holding had dispersed, with some members of the public moving to assist the Department staff track and corral the bull, whilst others departed. When it was safe to do so, a member of the HST culled two of the animals that had been returned to the field, following standard protocols. The team initiated a search for the remaining two calves; however, this was not successful and as light was fading the search was stood down for the night.

6.32 The Escaped Bull: The bull broke away in an opposite direction and travelled a significant distance down the public road. Department staff, supported by several local neighbours, tracked the animal as it left the road adjacent to a dense forestry area. In view of the serious risk posed by an uncontained and now highly agitated bull, and the absence of any means to capture him, a member of the HST tracked the animal and, following a risk assessment, safely culled it following standard procedures sometime around 21:00. Department staff immediately visited the owner of the property, advised him of the emergency circumstances, and confirmed that the carcase would be collected by the Department on the following morning.

22:00: Operational Stand-Down and Carcase Removal

6.33 The remaining staff left the holding and returned to the operational rendezvous point at approximately 21:55. The team were aware that there were three animals unaccounted for – one on Site 1 and two on Site 3. The [redacted] reported to the [redacted] who directed that the Department assume direct responsibility for arranging the collection and disposal of the carcases across all the sites. Accordingly, an officer contacted the Department's designated fallen animal contractor at 21:59. Arrangements were made for a multi-vehicle carcase collection and removal operation to commence on the following morning, 30 June.

30 June

09:30

6.34 The [redacted] rang the keeper to confirm that DAERA had arranged for the collection of the carcases which would commence later that morning, to enquire if the keeper had located any of the missing animals and to advise that DAERA staff would be calling to search for the animals and to support the carcase collection.

11:00 – 13:00

6.35 The DAERA team arrived on site. They initially commenced a search of Site 3.1 for the two animals that were not located on the previous evening. One animal was found and it was culled following established protocols. The team continued the search of the site for the other missing animal, without success. The team also carried out a search of Site 1 for the animal missing from these lands – again without success.

13:00 – 19:30

6.36 The fallen animal contractor arrived at approximately 13:00 with two trucks and a teleporter and commenced operations – initially collecting the bull that was shot off-site and then systematically working from Site 3.2 and 3.1, to Site 2 and finishing up at Site 1. Department staff assisted in directing the contractor to where the carcases lay and recorded the tag numbers as they were collected. Fifty-one carcases in total were collected - one from off-site near forestry, eight from Site 3.2, fourteen from Site 3.1, fourteen from Site 2, fourteen from Site 1.

6.37 Because of the nature of the location and terrain, it was necessary to park the trucks on the roadside and transport the carcases via teleporter to the trucks. The trucks parked on the road restricted road passage at certain times. The logistics of loading carcases on the roadside inevitably resulted in unavoidable public visibility, likely adding to local distress. At Site 2, the truck was moved further away from a nearby house when requested to do so by the householder.

6.38 The carcase collection exercise was completed at approximately 19:30, at which time the trailers were fully covered, the paperwork completed and the trucks departed.

Follow Up

3 July

6.39 The 'Lessons Learned' exercise commenced.

6.40 A person in the locality reported to DAERA that he had seen a calf near to Site 1. A staff member phoned the keeper who indicated that whilst he had not located the animal

at Site 1, a neighbour had told him that she had heard a calf 'calling' late the previous night.

6.41 The keeper later attended the local office from where he called the [redacted] to advise that he had located the missing calf at Site 3.1 and that he wished to transfer it to another keeper who had accompanied him to the local office. This transfer was facilitated.

4 July

6.42 The keeper reported to the [redacted] that he had found a second calf on the roadway, that the animal had a wound on its neck, had been treated by a private veterinary practitioner and that the keeper had fed it. The keeper was being assisted by a neighbour to look after it. The [redacted] advised that a staff member would visit on Monday to evaluate and decide on the future of the calf.

6 July

6.43 DAERA staff visited the keeper, and this wounded calf was evaluated by a veterinary officer**.** The animal was in good health except for a wound high up on the crest of its neck region. Whilst this was reflective of a gunshot wound, this was not verified. The keeper requested that the calf be transferred to the same keeper who had accepted the earlier animal. The animal was assessed as being fit to travel and this was facilitated.

7 July

6.44 The keeper attended the local office reporting that he had found a third calf – this was the calf associated with Site 1. He requested that it be licensed to move to the same new keeper – this was facilitated.

Findings

6.45 The review examined the documentation relating to operational planning and completion of the operation, including the preparatory risk assessment, and found them to be comprehensive and clear.

6.46 The operational team of thirteen staff members was of sufficient scale to allow for simultaneous operations across three sites and did include veterinary officer staff among its number.

6.47 Whilst the review noted the critical appointment of a [redacted] and also an off-site [redacted], for an operation progressing simultaneously across three sites, the formal assignment of a dedicated team leader role for each site would be best

practice, to support and report to the overall [redacted] who cannot have sight across all sites. Their roles would be to control operations on each site, confirm in writing compliance with standard operating procedures, highlight any deviations from the plan or unusual occurrences and provide a final tally of animals culled. Across-site coordination in this case was carried out in an informal way.

6.48 Each operational team was provided with general oversight information from the early morning reconnaissance (but not exact numbers) on the distribution of animals across the sites. They were also supplied with animal-level data from the Department's information system which provided an estimated profile of the animals that may be present.

6.49 From interviews with the HST staff, the review concluded that they were very familiar with the relevant guidance and expert guidelines and health and safety requirements, including confirmation of death.

6.50 The standard approach of the HST was explained as follows: to direct animals towards a safe location with an appropriate backstop; move them away from public view as best possible; operate from an appropriate distance beyond the animals' flight zone'; shoot animals individually; carry out post-stun checks to ensure death and apply a second shot if there is any doubt that the animal is not dead.

6.51 The marksmen confirmed that in most cases the animals were killed instantaneously by a single shot. A second follow-up shot was administered in a small number of cases to confirm death if it was not instantaneous – this was in line with standard protocol. Records were not kept of these secondary actions.

6.52 The review was provided with information on the type of weapons and ammunition used – these were consistent with what was recommended in the expert guidance material.

6.53 The review noted that noise suppressors were used on some weapons but not on others. Whilst suppressors reduce the sound somewhat, guns with suppressors fitted still emit a discernible loud sound. Most of the shooting occurred in the period 11:30 to 13:30. The review's understanding from the limited number of witnesses who reported hearing gunshots was that whilst there was an appreciation of shooting taking place in the countryside, it was not perceived as oppressive or alarming. Information provided by the PSNI is that it had no record of any reports of gunfire from any member of the public on that day.

6.54 It was clear to the review that the keeper had made tangible progress over the immediately preceding weekend to dispose of some animals. This, however, was outside the statutory appeal window in which enforcement action would not take place. It also was

not known to the Department until after it had already deployed its enforcement teams on 29 June, and there were still substantial numbers of animals remaining on the holding.

6.55 The review noted that in most cases the tag numbers of the animals culled were recorded by a member of the teams as they worked; however, this did not happen in all cases. The location of each carcase in the fields was also marked on a map, to assist in subsequent carcase retrieval and removal.

6.56 When the operation concluded on 30 June, the Department's understanding was that two calves remained unaccounted for – one from Site 1 and another from Site 3.1. However, it subsequently transpired that a total of three live calves had been missed. These were located by the keeper in the following days. All three were subsequently moved under licence to another keeper who accepted responsibility for them. One of the animals presented with a wound on the crest of its neck.

6.57 The review noted evidence that the Health & Safety Executive (Northern Ireland) had in the intervening period confirmed to DAERA that it was satisfied with the Health & Safety (H&S) arrangements relevant to the HST, including how they related to the operation near Fivemiletown, as well as broader Health & Safety arrangements within the VSAHG.

6.58 The review noted a clear non-alignment between the operational procedures and the submission to senior leadership concerning the disposal of the carcases. Whilst a legal notice was issued to the keeper requiring him to arrange for their disposal, this was corrected later, on the night of 29 June. Arrangements were made with the animal collection service at 22:00 that night, just in advance of the operational team departing.

6.59 The review identified that the potential risk concerning possible neighbourhood concerns and that of possible disruption to the operation were considered and evaluated as part of the original risk assessment. Whilst the matter was discussed with the PSNI to make them aware, these risks were apparently not deemed of sufficient probability to warrant an early or continuous presence of police support.

6.60 The operational planning acknowledged that on-the-spot decision-making is a feature that is often necessary in managing dynamic, evolving field operations. Such dynamic decision-making can introduce new risks or change the impact of risks already assessed.

6.61 While the initial risk assessment proved accurate during the early part of the day, the risk changed fundamentally after approximately 13:00 when a deliberate decision was taken to suspend the cull and allow private individuals to attempt to gather the cattle remaining alive later that evening.

6.62 The decision to allow a gathering of the animals by private individuals, in what was still a live DAERA field operation, introduced additional risks – such as agitation of the

animals or breach of boundary fences. While the specific emergency responses to the subsequent boundary breach were managed directly by staff on the ground, there was no evidence of a dynamic risk assessment being carried out when the decision was taken to change the core operational plan. A requirement for such updated risk assessment would apply strictly to intentional operational adjustments and does not imply that field teams are expected to perform administrative risk assessments while actively resolving emergency handling incidents or field breaches.

6.63 The review noted that Department staff intervened to stop the continuing but unsuccessful efforts by the retrieval party to gather the animals when it became clear that the animals were becoming more agitated, fearful and tired, and there was little sign that it would be successful.

6.64 The review further noted the commitment and efforts of staff to contain the situation when they were notified of the boundary breach, and they moved to take control of the situation.

6.65 The review evaluated the evidence regarding the decision to cull the escaped bull in the location where it was found, removed from the area of operations. This dynamic decision took into account the agitated nature of the animal, the lack of options by which it could be contained and/or moved back to the controlled area of operations, public safety risks and staff safety concerns. A member of the HST team proceeded to safely cull the animal when it had settled somewhat in a restricted and safe area.

6.66 The potential purchaser provided evidence to the review that he had attended at the keeper's farm very early on the morning of 29 June, where he had assisted in checking the tag numbers of the 15 animals the keeper had already assembled in the shed for later collection by another keeper. He further advised that he had agreed to purchase non-pregnant animals from the keeper based on weight – to be weighed at a nearby facility and that he was to contact the keeper once again later that Monday evening to progress the matter.

6.67 He further indicated his understanding, that when he spoke to the [redacted], that there were only eleven animals culled at that stage, so he was surprised that there were only five animals alive when he attended to collect them later than evening. Evidence from the [redacted] was that the eleven animals mentioned in discussions related to Site 1 only and not the overall operation. Adding to this discrepancy, the review noted that three animals on Site 1 were culled after the decision was taken to suspend operations and allow the private sale of remaining animals to the potential buyer.

6.68 The purchaser further expressed the view that it would have been more appropriate for the Department to allow time for the gathering effort to take place on the following day when the agitated animals would have been more settled and calmer and when there would be fewer onlookers present, rather than requiring that they be gathered that evening.

6.69 The review heard evidence from members of the public about a request to allow the animals straying on the road to be put onto other third-party lands where they would have been taken care of, but that this was denied. The evidence from Department staff is that their sole focus on the ground at that time was to retrieve the animals and minimise health and safety risks. They did not have the authority to make any further change to the operational plan when the situation was already strained.

6.70 The review noted the unsuccessful efforts of Department staff in locating animals known to be on the lands but still unaccounted for, and the extensive time and resources used in systematic searches of Sites 1 and 3 on both days, however no search was carried out on Site 2.

6.71 The review noted documentary evidence that the Department commenced its 'lessons learned' exercise on 3 July.

Conclusion

6.72 The evidence shows that the operational teams acted within their delegated authority and established procedures.

6.73 The operational teams demonstrated a clear understanding of their respective roles, drawing on comprehensive guidance documents and adhering to necessary animal welfare and health and safety standards.

6.74 The review concluded that the animals that were culled on 29 and 30 June were killed humanely. This conclusion is based on the evaluation of direct evidence from the marksmen, of other DAERA staff – including veterinary officers who were present - a member of the public who observed an animal being shot from some distance away from neighbouring land, non-DAERA evidence relating to the condition of the carcases, as well as insights from scientific literature.

6.75 The use of a free bullet is a legally permitted and considered humane method to stun and kill animals. Because cattle are highly sensitive to noise, a gunshot in open countryside causes significantly less distress than it would in a confined or enclosed space. Furthermore, gathering and transporting animals that are not habituated to it

inflicts severe stress and fear. When the purpose of the operation is to cull and then directly dispose of carcases, undertaking this task in their accustomed environment alongside their herd mates is supported by most modern science as likely the most humane course available.

6.76 While animals are sentient beings, behavioural studies of livestock show that they respond primarily to immediate physical triggers rather than abstract future threats. Culling them individually in their familiar pasture surroundings avoids the development of fear and panic that invariably occurs when they are forced into crowded or poorly designed handling facilities, especially if they are not used to being regularly handled.

6.77 Nonetheless, the review acknowledges that the visual impact of this operation caused understandable public distress. Witnessing the destruction of animals and the sight of multiple carcases lying in a field is inherently disturbing, and the strong public commentary reflects natural human empathy and community values. The review acknowledges these emotional and ethical responses as a significant aspect of the event's wider impact.

6.78 Culling of animals in public view is fundamentally unpalatable to the general public. Because livestock slaughter is normally restricted to controlled environments hidden from view, encountering it unexpectedly in the open countryside is likely to cause severe local distress. It is simply human nature to feel deep sadness when seeing animal carcases left exposed in a field, and this shock was shared by the wider public who only learned of the event second-hand. Without early, clear facts from the Department to explain the background of the case, an information gap developed that allowed public anxiety to build. While inaccurate media reporting certainly added to this distress, the intense community reaction reflects a genuine, deep-seated concern for animal welfare. This public impact is entirely valid and must be actively accounted for in the planning of any future enforcement actions.

6.79 This scenario highlights the difficult balance between objective veterinary science and deeply held public feelings, which are not homogenous. While there is universal agreement on punishing deliberate animal cruelty, individuals naturally vary in how they judge an emergency culling operation. Public expectations are not uniform, and people often view different animal species through entirely separate moral lenses. Future operations must explicitly take these complex community standards into account during both planning and operation, while ensuring that the objective welfare of the animals remains the primary consideration throughout.

6.80 This assessment of the outcome of the culling exercise supports the review's conclusion that the [redacted] were appropriately trained and had the necessary

expertise to undertake the task. The review noted the completeness of the operating protocols and was satisfied that the choice of weapons/ammunition was appropriate to the species and size of animals being culled. The review acknowledges the genuine practical difficulties and challenges of maintaining comprehensive written records during active field operations. However, even when operating under such strenuous conditions, there were inconsistencies in record-keeping that ultimately weakened the necessary administrative audit trail.

6.81 The review was unable to ascertain how the calf found on the roadside on 4 July received its wound. Whilst the evidence suggests that it likely was the result of a gunshot, this was not verified. Given the reported location of where the calf was found, the review would conclude that this was most likely an animal that was present at Site 2 but was not noted as being unaccounted for. The review notes that Site 2 was reported as clear of stock at lunchtime on 29 June and there was not any subsequent search of the site. A follow up search of the site on 29 or 30 June might have discovered the animal, though given the inability to locate animals known to be present on Site 1 and Site 3.1 following extensive searches, this might not have been successful.

6.82 The review concluded, through a review of documentary evidence and in discussions with the Police Service of Northern Ireland (PSNI), that this operation was carried out in compliance with legislative requirements regarding firearms use.

6.83 While the Department effectively managed the immediate operational risks of the cull, it had, as mentioned in the previous chapter, under-appreciated the broader extent of local neighbourhood impact associated with the sight of numbers of carcases in the open field. This risk was exacerbated by the sight of animals being chased around a field for a sustained period of time – the mistaken public assumption being that this was a continuation of the DAERA culling exercise – and that the animals breached the boundary and accessed the public road. These outcomes were the direct consequence of the decision to permit a private sale while the Department was in the middle of a complex multi-site enforcement operation. While the specific emergency responses to the subsequent boundary breach were managed directly by staff on the ground, the lack of a revised updated risk assessment, when there was a deliberate change to the core operational plan, was a vulnerability which forced staff to respond to a situation that it had not planned for. Whilst this decision was made with the best of intentions, the review concluded that as the potential public impact had been underestimated at the outset, it also received insufficient consideration when the decision was taken to allow the private individuals to attempt to gather the cattle later that evening.

6.84 Whilst the review was unable to ascertain why three additional animals were culled in Site 1 after the decision was taken to allow for the private sale of the remaining animals, it

indicates either an on-the-ground miscommunication or a tactical decision by the field team that was not documented. In a multi-site operation running under field conditions, a clear coordination process is necessary when transitioning from an active deployment to a suspension. Whether this gap occurred due to a lag in transmitting the decision or a deliberate field choice to safely conclude an active situation on Site 1, it directly contributed to the discrepancy in live animal numbers encountered by the potential purchaser later that evening.

6.85 The inconsistent recording of data during the operation was a notable administrative deficiency, which, if better, would have provided greater assurance as to adherence to protocols and the effectiveness of the operation.

Recommendations

6.86 While the culling of livestock in the field may need to be utilised from time to time, the review recommends that the Department update its Standard Operating Procedures for field culling to formally consider and address potential for emotional and visual impact on members of the community.

6.87 Review, update and reinforce compulsory field recording and post-action reporting requirements, explicitly including the recording of instances where a secondary shot is required during verification of death, ear tag recording at the confirmation of death, standardising reporting formats and clarifying lines of responsibilities in the field, to ensure clear individual sign-off.

6.88 Recognising that in open field operations there is a heightened risk that animals may be missed or escape from the operational controlled area, develop standardised systematic 'clear site' and 'missing animal retrieval' protocols. Evaluate the potential use of available technologies to support.

6.89 Ensure operational plans are fully aligned with senior management strategic operational decisions to guarantee the timely but safe removal of carcases.

6.90 Make provision for formal assessment and enforcement of secure perimeter management tailored to each specific case – to include, in consultation with the PSNI, the need for road closures and 'no-fly zones', as necessary.

6.91 Mandate that a fresh, updated dynamic risk assessment must immediately follow any dynamic decision to alter the course of operations whilst underway – assigning explicit responsibility to undertake this to a designated member of the team.

6.92 In multiple-site operations that are being progressed simultaneously, appoint a team leader to each site to support and report to the overall [redacted].

6.93 For large-scale or sensitive (to be defined by the Department) culling operations, assign a dedicated veterinary officer – independent of the enforcement team – to a welfare officer role whose function is to oversee the operation from an animal welfare point of view and report to senior management – to provide additional assurance to the public.

Chapter 7 - External Communications and Stakeholder Engagement

Introduction

7.1 Communications and stakeholder engagement are critical elements to consider in the context of any significant operational intervention, particularly those involving animal welfare, public visibility, and potential political or media interest. Whilst these matters were always important, they have taken on much greater significance in recent years with the evolution of 24-hour news broadcasting and the rapid proliferation of social media platforms and digital messaging.

7.2 This chapter examines the Department's external communications before, during, and after the operation on 29 and 30 June 2026. It further evaluates its engagement with elected representatives and stakeholders in the period leading up to the Minister and officials appearing before the Agriculture, Environment and Rural Affairs (AERA) Committee on 10 August 2026.

External Communications and Public Messaging

7.3 The Department does not ordinarily issue public statements or press releases relating to its on-farm inspections or enforcement activities. This practice respects the individual keeper's right to privacy. Notwithstanding that actions taken to implement a court order have their basis in public court records, the Department follows this same approach. Consequently, in this case, as in the enforcement of previous court orders, no pre-emptive or post action press notification was issued.

7.4 The reviewer noted the Department's earlier press release of 8 June 2026, which recorded the outcome of the court proceedings, noting that the keeper had been convicted, sentenced, fined, and that disqualification and deprivation orders had been granted. The publication of a press release in such circumstances is in accordance with established practice.

7.5 The reviewer observed that, in line with normal practice, the Department press office was copied into the submission sent to the Minister and senior leadership team on Monday 29 June 2026. This was a routine administrative notation and did not entail any immediate request for action.

7.6 The first public press commentary from the Department took place approximately four weeks after the event, as reported on 28 July in the Ulster Herald — in response to discussions at the Mid Ulster District Council which had taken place on 23 July 2026.

7.7 Following on from this initial response, the Department responded to a large number of requests for information and comment, commencing on 30 July and increasing significantly from Friday 31 July onwards. Media coverage at this stage included extensive commentary from elected representatives and sectoral organisations. The Minister subsequently announced his intention to commission an external independent review on Sunday 2 August 2026.

7.8 The following week saw extensive commentary and coverage across a wide range of media outlets. This intense media interest and public commentary continued thereafter, covering the Minister and officials attending the AERA Committee meeting on 10 August, the accompanying public protest, and continuing well into September 2026.

7.9 The reviewer monitored and evaluated this extensive range of media reporting, focusing particularly on the critical period between 28 July and 6 August, when the Minister issued a detailed statement to the Assembly providing a comprehensive account of the event. The reviewer focused on this interval because it was during these days that public opinion was largely formed.

7.10 The reviewer recognises the genuine concerns and considerable distress caused by the incident, as well as the legitimate public interest in understanding how the situation arose and unfolded. The review also identified instances in which published or broadcast commentary presented unverified claims as established fact. Such reporting may have contributed further to public concern and made it more difficult to distinguish confirmed information from reports than had not been substantiated.

Social Media

7.11 The reviewer considered a sample of social media commentary following the emergence of the story from 31 July onwards. The review did not attempt to track all online activity as this was not practical given the volume and changing nature of social media content, the circulation of material within private groups and the alteration or removal of material over time. As such, the review's findings are based on an assessment of the material reviewed, not an exhaustive account of online discussion.

7.12 The commentary was predominantly critical, reflecting widespread public, political, and agricultural sector concern. Some contributions raised specific and highly relevant questions about the Department's planning, decision-making and handling of the event.

Others addressed wider issues beyond the actual event itself. The existence of criticism and the extent that it was expressed are relevant to understanding the public response; the accuracy of individual claims however must be assessed separately.

7.13 Social media material is difficult to evaluate from an evidential perspective. Posts may repeat accounts from a common source and the repetition of a claim does not verify its accuracy. Some material reviewed contained emotive or factual assertions that could not be corroborated from evidence available to the review. Because these statements are unverified, they cannot be treated as reliable evidence. They nevertheless can influence public perceptions and the direction of public commentary.

7.14 The reviewer also recognises that online discussion can go beyond scrutiny of the specific operation to wider policy disagreements and personal criticism. Where such material may be relevant, it is important to distinguish informed comment and legitimate challenge from unsupported allegations or conduct directed at individuals. The review has not sought to attribute motive to those contributing to the debate but to consider the material in the context of the available evidence.

7.15 While investigating matters outside of the Department's remit falls outside the scope of this review, reports that individual members of the operational team were named and subjected to targeted intimidation warrant acknowledgement. While public scrutiny of departmental decisions, policies and procedures are entirely legitimate from an accountability perspective, intimidation and harassment of frontline staff acting lawfully in accordance with established departmental procedures is not.

7.16 The welfare and safety of staff involved in statutory enforcement operations are important. To omit mention of this would be to ignore one factor in how public commentary developed after 31 July and would risk undermining staff welfare and the execution of future statutory interventions.

Engagement with Stakeholders

Public and Sectoral Stakeholders

7.17 No communication, other than with the PSNI, took place between the Department and external bodies in the period preceding the operations on 29 June. This is in line with the standard approach adopted for enforcement actions, which are rarely welcomed and remain open to potential external disruption.

7.18 Whilst the operational planning exercise anticipated that there might be neighbourhood interest or concern when the operations commenced, and it was noted

that this matter was discussed with the PSNI, the reviewer found no evidence of any specific pre-emptive action taken to mitigate the potential risk of public alarm.

7.19 The reviewer noted direct engagement by members of the operational teams with members of the public on the evening of 29 June, when individuals gathered on the roadway. Staff engaged with an adjacent household and with the owner of the lands on which the bull was culled to advise them of what was transpiring and to provide as much assurance as they could under the circumstances.

Elected Representatives

7.20 The reviewer heard evidence of a department manager speaking with, and explaining the situation to, a local elected representative on the evening of 29 June, following reports that constituents had raised concerns regarding the conduct of the operation.

7.21 The reviewer noted that a local Member of the Legislative Assembly (MLA) wrote to the Minister on 30 June 2026, having been contacted by distressed constituents. This communication conveyed reports that cattle had been euthanised in open fields within sight of local residents, that carcases had been left exposed on the land, and expressed grave concern regarding the public safety risks posed by the bull which had escaped onto the public highway. The MLA sought clarification from the Minister and restated the profound distress of the local community regarding the manner of the operation.

7.22 The Minister responded on the morning of 8 July 2026, clarifying that it was a departmental operation to implement a court order. The response set out how events unfolded on the evening of 29 June, noting that deployment had encountered unforeseeable issues — including attempts to obstruct officers — and that, in line with normal practice, a ‘lessons learned’ exercise would be undertaken.

7.23 The MLA responded on 17 July 2026 following further discussions with constituents, enquiring as to the mitigations the Department took when the PSNI were unable to attend, and querying why the cull had taken place in open fields rather than in a confined yard out of public view, as had been done in a separate case some years previously.

7.24 The Minister replied on 29 July 2026, again referring to the ‘lessons learned’ exercise, which was underway, noting that arrangements were in place to meet with the PSNI to discuss the operational issues encountered, that the choice of culling location was driven by operational reasons unique to this case, and that the carcases were collected as soon as possible after the event.

7.25 The Minister, Permanent Secretary, and departmental officials met with the Chair and Deputy Chair of the AERA Committee on 3 August 2026 to provide an overview of the

operational processes and to clarify how decisions were made, following which there was an exchange of views. The Minister confirmed his decision to commission this independent review during that meeting.

7.26 The Minister, Permanent Secretary and officials also met with two MLAs on 3 August 2026 to provide background information on the operation and respond to detailed questions concerning the event, where the Minister again confirmed his decision to commission an independent review.

7.27 On 6 August 2026, the Minister issued a comprehensive information note to the Assembly, providing background information on the case and confirming the formal activation of this independent external review.

7.28 On Monday 10 August 2026, the Minister and officials attended a meeting of the AERA Committee for an extended session.

7.29 The reviewer notes that there has been voluminous correspondence between elected representatives and the Minister since the meeting of the AERA committee on 10 August 2026, much of which is on public record. This review and report seek to address as many of the operational matters raised as possible within the core Terms of Reference and available timeline.

Sectoral Organisations

7.30 The Chief Veterinary Officer and officials met with representatives of the Ulster Farmers' Union on 3 August 2026 to provide background information on the event, following which there was an exchange of views.

7.31 The Chief Veterinary Officer met with a representative of the Northern Ireland Agricultural Producers Association to provide background information on the operation following which there was an exchange of views.

7.32 The Chief Veterinary Officer rang a representative of the Ulster Society for the Prevention of Cruelty to Animals to provide brief background information relating to the event.

7.33 The Minister and officials met with a representative of the Ulster Society for the Prevention of Cruelty to Animals on 6 August 2026 to provide further background information on the case, alongside departmental processes and procedures, after which an exchange of views took place.

Findings and Conclusions

7.34 Information concerning the operation was intentionally restricted prior to deployment to protect the operational team during a sensitive and complex exercise and to minimise the risk of external disruption.

7.35 Whilst the Department team was well-practiced in undertaking similar events, operations of such high visibility must invariably be approached with an awareness of potential reputational challenges and the likelihood of public or political criticism.

7.36 While the Department had a legitimate interest in not drawing premature attention to a sensitive operation, the absence of a pre-arranged communication plan contributed to widespread misunderstandings regarding the purpose of the intervention, the legal obligations on the Department, and the veterinary welfare standards observed.

7.37 Public interest and media scrutiny were foreseeable but were not anticipated to the extent that they subsequently materialised; whilst individual incidents were effectively managed on the ground, the lack of a pre-planned information strategy contributed to significant reputational difficulties for the Department.

7.38 While not all stakeholders require advance notification of statutory interventions, the absence of any structured engagement increased the risk of misunderstanding and reduced opportunities to manage public expectations.

7.39 The absence of a strategic communications plan deprived the Department of opportunities to temper public expectations. Onsite public engagement relied entirely on operational staff, whose primary focus remained technical operational delivery, animal welfare, public safety, and staff safety.

7.40 The review concludes that external communications and stakeholder engagement were not sufficiently integrated into the planning or operational delivery phases. By implementing the following recommendations, the Department will significantly enhance its capacity to maintain public confidence, protect its operational teams, and ensure structural transparency during future statutory interventions.

Recommendations

7.41 Ensure that the Department's communications and media relations team are integrated into the preliminary planning phases of all sensitive statutory enforcement operations.

7.42 Develop a comprehensive two-part communications plan that firstly includes a protocol for notifying neighbours, local elected representatives, and sectoral organisations at an appropriate time on the day of an operation, ensuring community awareness whilst protecting the integrity of the operation. Secondly, it would develop a 'comprehensive information bank' that explains the Department's enforcement role, its approach to delivery, and the type of actions that may be necessary. This would serve as an immediate comprehensive source of structured material to advise media outlets post-event or to quickly finalise responses to media queries.

7.43 Ensure future communication strategies clearly incorporate measures designed to protect frontline operational staff. The absence of an official corporate narrative serves to direct confrontation, misrepresentation, and targeted hostility towards field personnel. Communications strategies should seek to ensure that any criticisms of visible enforcement events are directed at the organisation itself, its policies, its procedures, and as necessary, the organisational leadership.

Chapter 8 - Overall Summary Conclusions

Introduction

8.1 This final chapter brings together the overarching conclusions of this review, drawing upon the findings detailed across the preceding sections of the report.

8.2 The evaluation of the enforcement operation carried out by the Department of Agriculture, Environment and Rural Affairs (DAERA) near Fivemiletown on 29 and 30 June 2026 shows a difference between technical competence and administrative governance. From a veterinary and animal welfare perspective, the culling of herd animals *in situ* using a free bullet was carried out humanely and safely by trained and competent marksmen. This approach avoided the unnecessary distress that a forced gathering and transport would have inflicted upon livestock unaccustomed to handling by strangers. This assessment of the method does not remove the separate concerns identified in relation to tracking and site-clearance.

8.3 However, from the standpoint of public administration, accountability, and external communication, the operation exposed several structural vulnerabilities. The application of the Department's traditional, 'reactive only' communication protocol—while standard practice for routine on-farm compliance inspections—did not account for the high visibility of this specific enforcement intervention. This factor, combined with a well-intentioned mid-operation decision to suspend culling—to facilitate an ad hoc private sale—introduced unintended operational complications and increased field risks. This procedural adjustment generated a heightened public risk environment.

8.4 Ultimately, this case demonstrates that the lawful implementation of a court order needs to consider more than technical and lawful capability; it requires robust administrative record-keeping, clear lines of managerial accountability and oversight and a proactive appreciation of the public impact of any state interventions.

Systemic Governance Deficits and Structural Anomalies

8.5 The review has identified several structural vulnerabilities within the Department's governance framework that undermined corporate assurance even before deployment to the field:

8.6 In the absence of written policy, operational staff relied on historical custom arising from a problematic case arising between 2012 and 2015. This custom was reinforced by a 2022 administrative update to the Department's comprehensive 2015 seizure guidance document which stated that the full seizure guidance was no longer in operation due to significant financial exposure associated with that historic case. In that previous case, seized cattle remained in the Department's custody for an extended period, accumulating significant care and maintenance costs that far exceeded the eventual sale returns, resulting in a substantial loss to the public purse. This is reinforced by high-level data from the 2020–2026 period showing that the planning team followed a similar pattern to this case. Out of four prior deprivation cases, the three that required direct departmental execution (two in 2025 and one in 2026) all involved an on-farm culling approach. Mindful of the principles of Managing Public Money Northern Ireland (MPMNI), which mandate economy, efficiency, and prudence, staff understood that seizing to immediately cull, was the default option to limit financial exposure. However, in the absence of a written policy or specific guidance on applying the principles of the MPMNI to depopulation events, it left operational staff without clear direction.

8.7 While DAERA maintains robust guidance for routine farm inspections and for enforcement, a noticeable administrative gap exists regarding post-conviction enforcement. The review found no specific protocol or policy document to guide staff on decision-making on giving effect to a court-ordered deprivation order.

8.8 Whilst this was not identified as in any way contributing to a deficiency in this specific case, a legacy vulnerability exists in the split-responsibility model for the Humane Slaughter Team (HST). While day-to-day management sits with the Welfare Enforcement Branch (WEB), administrative and logistical controls rest with the Contingency Planning Epizootic Disease (CPED) unit. Furthermore, other programme managers can arrange for the deployment of the HST under their authority. This separation means that no single operational programme manager possesses total oversight or ultimate accountability for the team's deployment.

8.9 Placing both routine welfare guidance and compliance activities and complex enforcement actions within the same branch runs an ongoing risk. The pressing, resource-intensive demands of enforcement, court prosecutions, and criminal mandates risk overshadowing the Department's normal preventative and regulatory welfare responsibilities.

Assessment of Proportionality

8.10 A critical requirement of sound public administration is that all actions taken by state bodies must adhere to the principle of proportionality. The possession of a lawful mandate via a valid court deprivation order does not grant absolute discretion regarding how that mandate is executed. To determine whether the Department appropriately balanced its statutory obligations against the dynamic realities of field delivery, the review applied the standard four-part proportionality test commonly used in administrative law:

- The Department's intervention clearly fulfilled a legitimate statutory aim, driven by a mandated legal duty to execute a valid order issued by the courts.
- The culling of herd animals in situ using free bullets constitutes a legally compliant and suitable mechanism to achieve this aim, as animal welfare science confirms that culling livestock in their familiar environment reduces the additional acute stress, fear, and panic associated with forced yard gatherings and commercial transport.
- The decision to cull pasture-bound livestock in situ substantially satisfied the requirements of operational necessity due to case-specific field parameters, including inadequate handling facilities, weak internal fencing, expansive terrain, and an animal profile consisting of nervous, horned, and entire cattle. However, planners failed to evaluate a graduated clearance strategy, such as clearing one land parcel at a time or culling specific categories of livestock first, which concentrated operational demands and stress into a single day.
- It is under the final parameter of a fair balance that the Department’s pre-operational framework was weakest; while planners successfully balanced legal compliance, staff safety, and public expense, the operational setup lacked a formal mechanism to assess and mitigate the external societal and visual impact on the surrounding community, leading to severe public distress and misunderstanding.

8.11 In summary, the operational choice was justified in light of the legal, animal welfare and operational considerations identified. However, deficiencies in planning, record-keeping and communications weakened the assurances concerning the decision-making process, while there was not sufficient weight given to anticipating and mitigating public and local distress and misunderstanding.

Operational Procedural Adjustment and Site Security Breakdown

8.12 The events of 29 and 30 June 2026 proved that while initial field actions proceeded in line with the operational plan and complied fully with standard safety protocols, a critical mid-operation procedural adjustment introduced severe operational complications on the evening of 29 June.

8.13 At about 13:00 on 29 June, following the orderly culling of animals on the three sites up to that point, a well-intentioned decision was made to suspend culling to allow a private buyer an opportunity to gather and purchase the remaining cattle. While the review was unable to determine the precise circumstances, the fact that a further three animals were subsequently culled on Site 1 points to either an on-the-ground miscommunication or an undocumented tactical field choice. This variance in execution directly contributed to the discrepancy in live animal numbers encountered by the potential purchaser later that evening.

8.14 As the private efforts to retrieve the animals on the evening of 29 June were underway, members of the public gathered on the roadway. The onlookers could see DAERA vehicles and staff present at the site and see people in the field chasing and trying to corral cattle. The onlookers mistakenly concluded, with considerable distress, that Department staff were "chasing animals around the field to shoot them". This perception, combined with the sight of dead carcases left exposed in open fields, triggered intense community distress.

8.15 The agitated animals eventually breached the boundary fence and escaped directly onto the public road, creating a public safety risk. This led to agitation with some onlookers who wished to take some of the animals into their possession to save them from being culled and to a tracking operation that culminated in an [redacted] culling an uncontained bull in a nearby forestry area at about 21:00.

8.16 While the review fully recognises the intense practical difficulties of capturing precise data during a live, unpredictable field operation, several record-keeping inconsistencies occurred during the operation. Not all ear tag numbers were recorded at the immediate confirmation of death, and no records were kept of secondary shots administered during death verification.

8.17 Most critically, the Department stood down on 30 June believing that only two calves were missing. It later transpired that a third calf had also been unaccounted for. This calf was discovered on a public roadway on 4 July, with a wound to its neck. Although the review was not able to establish conclusively how the injury occurred, the available

evidence suggests that this calf was most likely present at Site 2, which had been declared clear of stock at lunchtime on 29 June, but was not subject to any further physical search. This represents a significant weakness in the site's clearance and verification process.

8.18 A major disconnect occurred between the internal operational protocol (which left carcase disposal responsibility to the keeper), and the strategic briefing given to senior leadership (which stated DAERA would handle disposal). This led to a reactive late-night directive from the [redacted], for the Department to assume direct responsibility. The resulting day-two removal operation involved trucks parking on the roadside and carcases loaded via a teleporter. This may have presented an additional unpalatable sight to some observers and added to public distress.

Communications Gap and Staff Protection

8.19 The Department's reliance on not issuing any proactive comments about any of its on-farm activities prior to and during the operation, or even post event, left it unprepared for a fast-moving media crisis, which materialised some four weeks after the event.

8.20 To protect individual privacy and protect the team from the possibility of external disruption, information concerning the operation was intentionally restricted as is standard procedure. However, by not having a prepared comprehensive official corporate narrative, the Department was forced into a reactive, explanatory and defensive mode when the external media attention intensified on 31 July. It is acknowledged that it would have been difficult to anticipate an intense media focus on an event that took place some four weeks previously. However, when the operation had not gone to plan, and when there was an immediate query from a local MLA, the review did not see any evidence of any formal consideration of a need for a communication strategy at that stage.

8.21 This absence of an early official narrative contributed to unverified assertions and serious inaccuracies being widely and repeatedly reported as fact between 28 July and 6 August. The specific nature of some reporting and the descriptive language used, however, added unnecessarily to the deep emotional distress felt by the public. This critical time interval, which culminated in a significant public protest to align with a meeting of the Agriculture Environment and Rural Affairs Committee on 10 August, was the period in which public opinion was largely formed. The Department's traditional reactive communication model could not counter the acute public anxiety and sectoral concerns that developed.

8.22 The most unacceptable consequence of this communication fallout was the subsequent naming, pillorying, and targeted intimidation of individual frontline operational staff on digital platforms and indeed in person. The review draws a definitive distinction between legitimate public scrutiny of departmental policy and procedures, and the targeted hostility directed at public servants acting lawfully under established procedures. Corporate communications must seek to inform and lead the narrative in a way that protects frontline staff and ensures that any criticisms of enforcement events are directed at the organisation, its policies and as necessary its senior leadership.

Strategic Legislative Reform and the Post-Deprivation Custody Gap

8.23 To bridge the gap between these narrative findings and the formal actions required, the Department could consider a response split between immediate operational corrections and long-term legislative adjustments, as structured across the Schedules of Recommendations in Chapter 9 and Appendix A.

8.24 A potential significant legal gap exists when a disqualified keeper is granted an informal extension to self-dispose of livestock after the statutory appeal window has expired. At this juncture, the keeper's ownership rights are legally negated, yet no formal framework clarifies who holds liability and legal responsibility for the animals' daily care and maintenance during this interim window. Expert legal evaluation is urgently required to determine if the Department automatically assumes default legal responsibility the moment an appeal window closes.

8.25 The review has received a considerable range of comments highlighting that the current prosecutorial enforcement processes and procedures are not considered fit for purpose. The review highlights this issue, not because there was anything unique or different about this case, but because that such delays in resolving animal welfare cases can prolong animal suffering, making this a matter of significant public interest.

8.26 From a long-term perspective, it is recommended that the Department look to proven more progressive legislative frameworks operating elsewhere which bypass the traditional prosecutorial bottleneck by replacing the requirement for a prior court order, with a robust, time-limited administrative notice procedure. By adopting this model, an authorised inspector is granted the immediate power to treat, transfer ownership, sell, or humanely cull a seized animal on the Department's own authority, subject to a short-window decision notice served upon the keeper. If no appeal is lodged, the Department’s decision automatically takes permanent legal effect. This allows the Department to proactively, lawfully, and humanely determine the destination of a herd weeks in advance, thereby

reducing the risk of potential legal gaps and the need for high-visibility, high-stress field operations.

8.27 Finally, to prevent animal welfare cases from escalating to the ultimate criminal sanction of deprivation, the Department should explore introducing a mandatory, time-limited advisory support for affected farmers at the outset of welfare cases. Farm welfare events often have complex causes, and international experience shows that farmers respond best to peer learning and support. Specifying this participation as a statutory condition within an improvement notice under Section 10 of the Welfare of Animals Act (Northern Ireland) 2011 would legally bind the keeper to accept external expertise to resolve developing welfare problems before they become chronic or catastrophic.

Chapter 9 - Consolidated Schedule of Recommendations

To ensure that the findings detailed across the preceding narrative chapters are translated into a resilient, accountable, and legally robust operational framework for the future, the review puts forward the following formal schedule of consolidated recommendations for structural, regulatory, and procedural implementation for consideration by the Department. The following ten recommendations consolidate, and where appropriate, combine the more detailed recommendations set out in the previous chapters. They represent the primary actions proposed by the review for consideration and implementation by the Department.

Pillar I- Governance, Oversight and Legal Frameworks

Recommendation 1 – Establishment of a Post-Conviction Review Panel: The Department should extend the scope of the existing Welfare Panel System to encompass the implementation phase of court orders. A formal, multi-disciplinary panel should collectively evaluate and determine the most proportionate, low-risk, and cost-effective method of enforcement before any large-scale depopulation is authorised.

Recommendation 2 – Clarify Custody, Liability and Maintenance Arrangements: The Department should immediately arrange for a formal legal review to resolve the potential legal gap surrounding the care, liability, and maintenance of livestock once a statutory window for appeal has expired, at which point the keeper's rights of ownership are negated. Clear guidance is required to determine whether the Department automatically assumes default legal responsibility for the care of such animals if an Order is not executed immediately upon the expiry of the appeal period. In scenarios where a disqualified keeper is granted an extension of time to dispose of livestock independently, it is necessary to establish absolute legal certainty regarding responsibility for the husbandry and maintenance of the animals during this interim period.

Recommendation 3 – Structural Reorganisation and Unification of Team Oversight: The legacy arrangements dividing responsibility between the Welfare Enforcement Branch (WEB) and Contingency Planning Epizootic Disease (CPED) should be discontinued. To ensure clear administrative accountability, all operational, logistical, and external agency liaison functions relating to the Humane Slaughter Team (HST) should be unified under a single, coherent management structure. The placement of responsibility for active enforcement proceedings and routine welfare initiatives within the same branch should be critically evaluated to ensure that standard welfare compliance duties are not overshadowed by high-resource enforcement demands. Furthermore, the administrative

and governance benefit of giving clear oversight responsibility to one operational programme manager across all departmental enforcement activities should be formally assessed.

Recommendation 4 – Establish an Operational Sign-Off and Strategic Leadership Notification Protocol: The Department should formalise clear risk-based criteria that define when a planned intervention carries a high probability of public interest, local community impact, or logistical risk.

- Such interventions should require a documented options assessment and formal written authorisation from senior operational management at Director level prior to any deployment, to ensure broader strategic implications are evaluated and to preserve administrative accountability.
- Concurrently, the senior leadership team and the Minister's Office must be formally briefed in advance of deployment to effectively manage corporate risk at a pre-determined time in advance of deployment. To support this, the standard Ministerial submission template form should be updated to include mandatory prompt fields for evaluating strategic, organisational, and public interest risks, ensuring these briefs are finalised and delivered to leadership at a specified time in advance of deployment.

These protocols however must explicitly safeguard field-level autonomy once an operation begins, ensuring that on-site operational managers retain sole responsibility for any necessary real-time operational tactical choices.

Pillar II - Pre-Operational Planning and Risk Assessment

Recommendation 5 – Provide Clear Guidance on the Seizure and Culling of Animals: To overcome identified uncertainties among operational staff, the Department should set down a clearly documented protocol to guide decision-making during seizures – this should include consideration of both the technical aspect of the operation but also the potential impact on the public. While the culling of livestock in the field is supported by animal welfare science as a humane method, departmental plans must formally account for, and seek to mitigate, the potential emotional distress that such operations may cause within the local community. Standard Operating Procedures for field culling must be updated to explicitly acknowledge this factor.

Recommendation 6 – Documented Options Assessment, Phased Strategies, and Communications Preparedness: Direct that operational planning for complex

interventions includes written evidence of alternative courses of action considered—explicitly incorporating risk and cost-benefit assessments even for options that staff might intuitively dismiss based on past operations. Standard Operating Procedures (SOPs) should require planners to evaluate a phased or staggered depopulation strategy by location to reduce single-day resource stress. This approach to planning should formally integrate a proactive communications plan and a pre-emptive information bank, establishing clear protocols to notify neighbours, local elected representatives, and relevant sectoral organisations at an appropriate time to manage public expectations, mitigate community distress, and systematically protect the Department against organisational reputational risk. Most importantly, this communications strategy should contain specific measures to deploy an official corporate narrative designed to protect frontline staff, ensuring public and media criticism is directed squarely at the organisation, its policies, and its senior leadership, rather than individual officers carrying out lawful duties in the field.

Recommendation 7 – Establish Clear Record-Keeping Rules and Standardised Field Reporting Templates: Establish clear lines of field responsibility and distribute standardised reporting templates before any team deploys. Planners must institute a strict pre-operational protocol requiring real-time, written recording of critical tactical choices as they happen. In doing so, the Department must ensure that these field recording templates are designed to be simple, practical, and focussed, acknowledging the genuine physical difficulties of maintaining records within an intense, physically demanding and dynamic field environment. The framework must explicitly enforce the tracking of ear-tag data immediately upon confirmation of death and the mandatory recording of instances where a secondary shot is required during death verification.

Recommendation 8 – Formalise Inter-Agency Agreements, Perimeter Management and Site Clearance Protocols: Consolidate existing Memoranda of Understanding with the PSNI into a single, comprehensive agreement that explicitly defines clear communication channels during fluid field operations. Pre-operational planning must mandate a formal assessment to enforce a secure operational perimeter tailored to each case, including provisions for road closures and restricted airspace ("no-fly zones") in consultation with the PSNI, as determined necessary. To mitigate the risk of stray or missing livestock, planners should embed standardised "clear site" and "missing animal retrieval" protocols into the readiness plan, utilising modern tracking technologies where appropriate.

Pillar III - Field Operations and On-Site Management

Recommendation 9 – Appointment of Site Leaders and an Independent Welfare Officer: In complex operations, the report proposes that dedicated site leaders are assigned to individual locations during multi-site tasks, and that a dedicated veterinary welfare officer independent of the enforcement team be appointed to large-scale culling operations to focus solely on animal welfare aspects reporting directly to senior management – this is not to correct any identified deficiency in this case, but to provide additional public assurance in the future.

Recommendation 10 – Timely Carcase Collection and Dynamic Risk Assessments: Operational plans must align precisely with senior management decisions to guarantee the prompt and safe removal of carcases from the site. Standard operating procedures for open-field and high-visibility operations must incorporate strict carcase management protocols to ensure that exposed carcases are removed as a priority on the same day or actively shielded from public view if immediate removal is not possible. Furthermore, any deliberate decision to alter the core operational plan while it is underway, such as suspending operations to allow for a private sale, must be accompanied by a clear cross-site coordination process that ensures all dispersed field staff acknowledge and implement the command concurrently to avoid unintended actions. It should also be accompanied by a fresh, dynamic risk assessment, with explicit responsibility for its recording assigned to a designated team member. This requirement would apply strictly to deliberate intentional changes to the operational plan, not to changes required as part of emergency response to incidents that may arise during a live field operation.

Appendix A - Beyond Scope: Welfare Investigations Analysis

A.1 Although strictly speaking outside the formal terms of reference for this Review, the review has received a considerable range of comments from members of the public, public representatives, and other organisations highlighting that the implementation of a deprivation order comes at the end of a very long legal process during which extended period, animals may be exposed to continued suffering. These delays raised serious questions as to whether the initial enforcement processes and procedures are fit for purpose. The review also heard similar expressions of frustration from Department staff who had to deal with ongoing animal suffering on the ground throughout this period.

A.2 The review highlights this matter, not because there was anything unique or different with this case but that such delays in resolving animal welfare cases can contribute to prolongation of animal suffering, making this a matter of significant public interest.

A.3 It is also important to note that the vast majority of livestock keepers respond immediately and positively to initial Department interventions. In those few instances that progress towards a prosecution, the Department has typically been engaged for a considerable period, attempting to deal with the underlying welfare matters arising on the holding and seeking to guide the keeper towards compliance.

A.4 The chronological timeline to prosecution of this case – from the decision of the Department to move the case to prosecution, until completion of the court process is outlined below:

- 31 January 2024: Department decision to initiate preparation of a case for submission for prosecution.
- 12 November 2024: Department case file completed and formally submitted to Public Prosecution Service of Northern Ireland (PPSNI).
- 27 June 2025: PPSNI issued decision to move forward with prosecution.
- 8 June 2026: Case completed and sentencing finalised.

A.5 The review compared the progress of this case with other recent cases submitted for prosecution. Whilst every case is different, and have factors specific to themselves, the review saw evidence of cases taking between 21 and 33 months. Whilst the duration of each stage in the process varied between cases, the greatest variations related to evidence gathering and detailed file preparation by the Department and progressing the cases though the courts.

A.6 The core issue of concern is that the current administrative and judicial systems are cumbersome and extremely time-consuming. A more efficient, quicker, and rationalised administrative enforcement mechanism would ensure the swifter resolution of animal welfare issues and might well reduce the frequency with which matters escalate to the ultimate criminal sanction of deprivation. At a minimum it could reduce the period in which animals are exposed to unnecessary suffering.

A.7 From a legal standpoint, animals are considered as the personal property of their owners. This is a fundamental tenet of democracies - for example Article 1 of the First Protocol of the European Convention on Human Rights (ECHR) protects the right to peaceful enjoyment of one's possessions.

A.8 Nevertheless, reflecting the public interest in protecting animals, the legislature has maintained laws to punish cruelty to animals for more than a century, making it a criminal offence to act contrary to the law. With the advancement of knowledge and in recognition that animals are sentient beings, more modern progressive animal welfare laws have been incrementally introduced across the developed world. These modern statutes focus on seeking to proactively ensure the welfare of animals and not just on criminal prosecution after cruelty has been inflicted. These legislative changes have primarily been informed by advancing scientific knowledge but also influenced by evolving values within society concerning animal welfare.

A.9 In seeking to hold an individual to account for compromising the welfare of animals, there are challenges within the legal framework. The courts are highly protective of individual property rights and are therefore reluctant to intervene unless absolutely necessary. Furthermore, to achieve a criminal conviction under animal welfare legislation, the courts rightly require the prosecution to prove its case to the strict criminal standard of 'beyond reasonable doubt'.

A.10 Within a functioning democracy, this high burden of proof and the onerous obligation on the enforcement agency to gather meticulous, detailed evidence are entirely appropriate for the purposes of criminal sentencing. A critical mismatch occurs however when the slow, adversarial timeline required to secure a criminal conviction is applied to an active, live-animal welfare crisis. While detailed file preparation takes necessary time, tying the immediate safeguarding the welfare of livestock to a cumbersome prosecutorial process fundamentally fails to serve the interests of animals on the ground, exposing them to prolonged and unnecessary suffering.

A.11 The Welfare of Animals Act (Northern Ireland) 2011 is a very progressive Act. Section 17, which addresses animals in distress, gives extensive powers directly to inspectors and

constables. Acting on their own authority, or supported by a certificate from a veterinary surgeon, they may intervene directly when an animal's welfare is compromised – to take immediate measures to alleviate suffering, including humane destruction.

A.12 Section 17 (5) of the Act goes further and gives what might be considered to be extraordinary powers to an inspector or constable (generally subject to supporting veterinary certification) to actually 'take an animal into possession' if it is suffering or if it is likely to *suffer if its circumstances do not change*. Most importantly, this intervention can take place in advance of any case being prosecuted before the courts. Section 17 (8) clarifies that 'taking an animal into possession' includes removing it to a safe place or caring for it on the place where it was being kept when it was found, or another place. Once an animal has been taken into possession, the enforcement authority assumes full legal responsibility for its care and maintenance.

A.13 Because an animal is considered personal property in law, the state cannot permanently rehome, sell, or cull it without either the owner's permission or an order of the court. The enforcement body that takes possession of the animal can apply to the court for a disposal order under Section 19 of the Act. If granted, this allows the permanent disposal of the animal in advance of any criminal trial or its outcome. This is a highly progressive legislation mechanism, offering a clear avenue to resolve urgent welfare problem long before a criminal conviction is secured.

A.14 Unfortunately, while these seizure powers look robust on paper, deploying them in a challenging farm situation introduces significant challenges, such that this power is rarely used when dealing with livestock. First, there is the real practical challenge of identifying a vacant suitable secure location with the necessary infrastructure to accommodate what are often large numbers of farm animals. Such sites may require specialist management and equipment – for instance in the case of dairy cattle or intensive pig housing. Second, placing an independent manager or management system in place on the farm under investigation, where the keeper retains access – poses acute operational risks and potential security concerns. Under either scenario, the enforcement agency must incur daily costs for the care and maintenance of the animals whilst awaiting an opportunity to have the matter dealt with before the court. Precedent shows that the likelihood of recovering these costs is remote, as reflected in outcomes of historical cases. Whilst one might assume that the legal threshold applied by a court adjudicating a disposal order would be the civil standard of 'on the balance of probabilities', the process nonetheless places an additional administrative burden on the enforcement agency. Staff must prepare a second separate court file, in parallel with the one being prepared for the criminal case in the hope that the application will be successful. This demands considerable time and

resources to ensure a sufficiently persuasive case is put before the court. As there is no statutory timeframe within which such matters can be brought before the courts, the enforcement agency risks being tied into a costly long term open-ended 'care and maintenance' programme for the animals, with little prospect of cost recovery.

A.15 A further consequence of these operational challenges is that Department inspectors frequently find themselves undertaking repetitive monitoring visits to non-compliant holdings. Because the practical arrangements for taking pre-emptive custody of livestock are not workable, officers find themselves dealing with individual animals that have deteriorated to a point of acute suffering where the inspectors can intervene, act and exercise their emergency powers under Section 17 of the Act to euthanise animals on their own authority. The current framework therefore creates an administrative anomaly: inspectors regularly find themselves culling animals without prior judicial oversight, whilst procedural bottlenecks prevent the Department from taking earlier preventative action to resolve the welfare issue at the overall herd level.

Potential legal amendments

A.16 Given that the clear intention of the legislation is to provide a faster mechanism to resolve animal welfare cases, some relatively minor adjustments could deliver very significant benefits to welfare enforcements within Northern Ireland.

A.17 The review has identified two incremental improvements to the current legal framework that are worthy of detailed consideration:

- Pre-emptive disposal orders: Amending the legislation to allow an inspector to apply for a disposal order in advance of taking the animal into possession. This would enable the seizure and permanent disposal to occur contemporaneously and thus avoiding the significant logistical challenge of holding livestock and associated costs, and
- Expedited civil court access: Introducing a fast-tracked civil court access mechanism dedicated solely for animal welfare disposal order applications. This would allow the courts to determine the best outcome for the animals quickly, whilst allowing the criminal trial to proceed at its necessarily slower pace

A.18 While the judicial adjustments outlined above would undoubtedly improve efficiency, the review concludes that a more profound and structurally transformative approach represents the primary preferred option for Northern Ireland. Rather than merely reforming

court access, the Department should look to the highly successful legislative precedent established under Scottish law, via the insertion of Sections 32A to 32L into the Animal Health and Welfare (Scotland) Act 2006.

A.19 This progressive framework completely bypasses the traditional judicial bottleneck by replacing the requirement for a prior court order with a robust, time-limited administrative notice procedure. If adopted by the Department, this preferred framework would operate through three distinct statutory pillars:

- An authorised inspector or constable is granted the immediate power to treat, transfer ownership of, sell, or humanely cull a seized animal on the Department's own authority, without requiring either the owner's consent or prior recourse to the courts.
- To preserve due process and satisfy the requirements of human rights legislation, the Department would serve a formal decision notice upon the keeper outlining its intended action. The keeper is afforded a strict, non-extendable short time window within which they may lodge a summary appeal to the courts. If no appeal is lodged, the Department's decision automatically takes permanent legal effect.
- Within a defined period following execution of its decision, the Department would be required to provide a full financial accounting to the owner. The owner would be entitled to the market value of the livestock, minus all reasonable operational expenses - to include transport and staffing costs - incurred by the public purse. It would be prudent to have an independent valuer value the animals as they stand on the day of seizure taking all relevant traceability information into account. Where expenditure exceeds market value, the balance would be legally recoverable as a civil debt due to the state.

A.20 The implementation of this administrative model within Northern Ireland, by way of an amendment to the Welfare of Animals Act (Northern Ireland) 2011, would directly address the severe operational bottleneck detailed throughout this report. Furthermore, by moving the operational decision out of the courtroom and into a structured notice procedure, it allows the Department to proactively, lawfully, and humanely determine the destination of a herd – in whole or in part – weeks in advance of any final field intervention. Importantly, it would equip inspectors to proactively intervene to resolve developing welfare problems at an early stage, rather than forcing them to wait until individual animals are actually suffering, as is currently the case. Accordingly, the review recommends that the Department move beyond purely incremental court reforms and actively pursue this comprehensive administrative model as the primary strategic goal for legislative reform.

A.21 Naturally, any such proposals for legislative reform would require expert legal assessment and careful legislative drafting.

Utilising Independent Advisory Services in early stages enforcement of animal welfare cases.

A.22 Farm welfare events often have complex aetiologies, and each case is generally unique in its background circumstances. International experience shows that farmers benefit greatly from and best respond to peer learning and support. Early proactive interventions in animal welfare cases generally mitigate the impact on livestock and offer a greater chance of successful resolution.

A.23 The review notes the excellent services already provided by Rural Support. It notes however that its services are entirely dependent on a request on the part of the affected individual for its supports. Whilst Department officials may and do advise and encourage keepers to seek the services of Rural Support, this mechanism is independent of, and falls outside of, DAERA's statutory role as a regulatory enforcement body.

A.24 The review noted examples from elsewhere of similar type pre-prosecutorial voluntary interventions in efforts to resolve developing animal welfare cases. Ireland's Farmer and Animal Welfare Network (FAWN) is based on sectoral representative organisations, state bodies and human and animal health services working together within an informal collaborative framework to identify – and intervene as necessary by way of short-term direct support - farmer and animal welfare problems early, before they become critical or overwhelming.

A.25 Voluntary interventions assist in many cases, but not all. They are dependent on a non-compliant keeper accepting and responding to the advice given. Introducing a similar framework in Northern Ireland could effectively reinforce the work of Rural Support, subject to interest and engagement from relevant sectoral organisations and the establishment of clear boundaries regarding both operational scope and timelines from the outset.

A.26 While voluntary frameworks offer valuable early-intervention models, their total reliance on a keeper's willingness to cooperate leaves a critical gap in enforcement. Every effort should be made to maximise and extend informal voluntary cooperation through such initiatives. However, experience shows that the voluntary phase itself can inadvertently prolong animal suffering if left open-ended. To prevent this drift, a definitive

pivot point is required: where voluntary support fails to achieve immediate, measurable improvements within a strict timeframe, a mechanism must be ready to bridge the gap and transition the case seamlessly from informal assistance to formal enforcement or legal prosecution.

A.27 With a view to resolving animal welfare problems at the earliest possible opportunity once the limits of voluntary supports have been reached, a more directive approach is also proposed. It is suggested that the introduction of a mandatory time-limited period of short-term advisory support for non-compliant farmers might yield positive results. This requirement could be formally specified as a statutory condition within an improvement notice served under Section 10 of the Welfare of Animals Act (Northern Ireland) 2011. Such targeted time-bound advisory interventions – delivered by third parties or perhaps representatives of relevant sectoral organisations – which the keeper is legally obliged to accept, could equip such non-compliant farmers to confront and overcome developing welfare problems before they become chronic or catastrophic.

A.28 Such service must operate under a very strict and brief mandate to resolve the immediate crisis within a specified time frame and establish a 12-month farm management plan to which the keeper must formally agree. Making participation a mandatory condition of an improvement notice provides the necessary legal basis for introducing external expertise. Whilst such an approach may not be suitable for every situation, the review believes that it is an avenue worth exploring, perhaps initially by way of a pilot scheme subject to prior legal assessment.

A.29 In evaluating the path forward, it is vital to acknowledge that the current two to three year administrative and prosecutorial bottleneck satisfies no one: it prolongs animal suffering, exposes the public purse to unnecessary costs, and subjects struggling farm families to prolonged psychological stress. To move away from this adversarial process and associated delays however requires a collaborative change towards rapid, welfare-focused resolution. Any modifications to primary legislation that affect property rights require careful and transparent drafting, which can be assisted greatly by a co-design development process. Actively engaging agricultural stakeholder organisations, legal experts, and regulatory specialists to co-design the specific legal safeguards—such as the precise parameters of the summary appeal window—will ensure the proposed notice procedure remains robust, equitable, and legally resilient. This balanced administrative approach ensures that necessary improvements to regulatory efficiency are fully aligned with the requirements of due process and civil liberties

Consolidated Legislative Recommendations

The review would make the following suggestions for strategic consideration by the Department – whilst clarifying that these are not findings or recommendations arising directly for the operational review.

Recommendation A1 – Primary Strategic Goal for Legislative Reform: The Department should look beyond purely incremental legislative changes and actively pursue a comprehensive administrative model for legislative reform via an amendment to the Welfare of Animals Act (Northern Ireland) 2011. This should be modelled on the precedent established under Scottish law (Sections 32A to 32L of the Animal Health and Welfare (Scotland) Act 2006), replacing the traditional prosecutorial and court bottleneck with a robust, time-limited administrative notice procedure. This mechanism would give authorised inspectors immediate direct powers to treat, transfer ownership of, sell, or humanely cull seized livestock on the Department's own authority, subject to the provision of a strict summary appeal window for the keeper. The core difference from the current legal framework is that while Northern Ireland inspectors currently have these specific powers available to them, once animals are taken into possession they must apply to the courts for a separate disposal order after the seizure has occurred. This proposal removes that post-seizure judicial bottleneck, shifting the default mechanism to an immediate administrative action unless an appeal is actively triggered by the keeper. It should incorporate an equitable accounting mechanism allowing operational expenses to be legally offset against any realised market value of the animals, with any deficit recoverable as a civil debt due to the state.

Recommendation A2 – Pre-emptive Disposal Orders: Pending full legislative reform, the Department should seek interim statutory adjustments to allow an inspector to apply for a court-approved disposal order in advance of taking animals into physical possession. This would allow seizure and permanent disposal to occur contemporaneously, thereby avoiding the substantial logistical challenge and open-ended care and maintenance costs associated with holding livestock.

Recommendation A3 – Expedited Civil Court Access: The Department should explore the introduction of a fast-tracked civil court access mechanism dedicated solely to animal welfare disposal order applications under Section 19 of the Act. This would permit the courts to determine the best outcome for the animals quickly, allowing the broader criminal trial to proceed at its necessarily slower pace.

Recommendation A4 – Short-Term Time-Bound Advisory Interventions: With a view to resolving animal welfare problems at the earliest opportunity, the Department should explore a graduated two-phase intervention model once a herd comes to its attention:

- Establish an informal, collaborative framework modelled on proven peer-support networks, bringing together sectoral representative organisations, state bodies, and rural support services to deliver early, voluntary direct assistance to struggling keepers. To prevent open-ended drift and protect animal welfare, this voluntary support phase needs to be timebound from the outset.
- Where voluntary cooperation fails to achieve measurable improvements within a strict, brief timeframe, the requirement to accept targeted advisory support must be formally specified as a statutory condition within an improvement notice served under Section 10 of the Welfare of Animals Act (Northern Ireland) 2011. Legally obliging the keeper to accept this independent third-party expertise provides a precise mandate to resolve the immediate crisis and establish a binding 12-month farm management plan, which could be initiated via a localized pilot scheme

Appendix B - Terms of Reference

TERMS OF REFERENCE -INDEPENDENT EXTERNAL REVIEW

BACKGROUND

On 8th June 2026, a Court imposed a lifetime disqualification from keeping farmed animals on a herd keeper near Fivemiletown, County Tyrone. The Court also granted a Deprivation Order following convictions relating to animal welfare and associated offences. Following a period during which the herd keeper was afforded an opportunity to dispose of or sell animals, DAERA undertook an operation on 29-30th June 2026 to carry out the Deprivation Order in respect of animals remaining within the herd.

This means DAERA was under a court order and was required to dispose of the animals (as set out in the Deprivation order and under Section 32(9) of the Welfare of Animals Act (Northern Ireland) 2011, references to disposing of an animal include destroying it).

The operation carried out to humanely cull the animals generated significant public, political and media interest and raised questions regarding the planning, implementation and communication of the operation. The Minister of Agriculture, Environment and Rural Affairs has therefore decided that an independent external review should be carried out to provide assurance regarding the circumstances surrounding the intervention, and to identify any lessons for future operations.

PURPOSE

The purpose of this focused review is to provide an independent and evidence-based assessment of DAERA's planning, decision-making and implementation of the operation undertaken on 29–30th June 2026.

The review will assess whether the operation was conducted in accordance with the relevant legal framework, departmental procedures and accepted standards of public administration, and identify lessons to inform future practice.

This should be undertaken as a targeted and proportionate exercise, focused on the key issues and completed within a compressed timeframe.

OBJECTIVES

The review will:

- Assess the governance, oversight and decision-making arrangements that informed the operation and the appropriateness of these.
- Review the planning, risk assessment and operational delivery of the intervention.
- Assess whether the operation appropriately balanced:
    - legal obligations
    - animal welfare consideration
    - operational practicality
    - staff safety
    - public safety
- Consider the effectiveness of communications and stakeholder engagement.

- Identify lessons learned and recommend improvements for future deprivation order operations.

SCOPE

The review will examine:

- Governance and decision-making arrangements
- Legal and procedural compliance
- Consideration of alternative operational approaches
- Operational planning and risk management
- Operational delivery, including dynamic decision-making during the
- intervention
- Animal welfare considerations
- Staff and public safety arrangements
- Communications and stakeholder engagement
- Management of reputational risks
- Lessons learned and opportunities for improvement.

METHODOLOGY

The reviewer will have full access to all relevant information held by DAERA including:

- relevant legislation, Court Orders, policies and operational guidance
- all records associated with the operation
- all operational plans, risk assessments, briefing material and records

- any evidence presented by elected representatives, individuals and stakeholder organisations
- media coverage of, and public commentary on, the actions taken by the department to take account of wider views

The reviewer will be facilitated to interview all officials they consider it necessary to hear from, in order to understand the actions, they took and the reasons for taking them.

The reviewer will also be able to interview any external party they consider it necessary to hear from, and who is willing to provide information. Members of the public with evidence of what occurred during the operation on 29-30th June will be able to submit this to the reviewer through a dedicated email account which will be communicated separately once set up by the reviewer.

The reviewer will be expected to consider relevant good practice and comparable approaches elsewhere to inform conclusions and recommendations.

DELIVERABLES

The reviewer will provide a report which:

- Summarises the evidence considered
- Sets out findings against each objective
- Identifies examples of good practice
- Identifies areas for improvement

- Offers an independent assessment of the adequacy of governance, decision-making and operational delivery.
- Provides recommendations for future operations

TIMESCALE

The review will be thorough but not prolonged. While precise timescales will need to be agreed and kept under review, it is the Department's expectation that the review should be completed by early Autumn, or more quickly if possible.

PUBLICATION

The report will be submitted to the Department.

Subject to legal, data protection and other relevant considerations, the report and the Department's response will be published in the interests of transparency and public confidence and will also be provided to the Assembly and the Agriculture, Environment and Rural Affairs Committee