Strategic Planning and Corporate Services Group
Strategic Support Division

Your reference
Our reference: ACP/26/186

Department of
Agriculture, Environment and Rural Affairs
An Roinn
Talmhaíochta, Comhshaoil agus Gnóthaí Tuaithe
Depairtment o'
Fairmin, Environment an' Kintra Matthers
www.daera-ni.gov.uk

Dr Janice Thompson
Clerk to the AERA Committee
Northern Ireland Assembly
Room 417
Parliament Buildings
Stormont Estate
BT4 3XX

Minister's Office
1st Floor
Clare House
303 Airport Road West
Sydenham Intake
Belfast BT3 9ED
Telephone: 028 774 45117
Email: paul.mcgranaghan@daera-ni.gov.uk

12 October 2026

Dear Janice,

Clarification on the extent to which the proposals and recommendations highlighted by the Northern Ireland Marine Task Force (NIMTF) and Northern Ireland Fresh Water Task Force (NIFWTF) have been incorporated into the Bill.

Thank you for your email of 22 September, setting out the Committee's request for clarification on the extent to which the proposals and recommendations highlighted by the NIMTF and NIFWTF have been incorporated within the Bill.

Specifically, the Committee has requested details of:

- which recommendations have been reflected in the Bill;
- whether any proposals not included in the Bill are intended to be progressed through guidance, policy measures or subordinate legislation; and
- where recommendations have not been taken forward, the rationale for this approach.

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A number of the issues highlighted in the briefing paper were previously raised by these organisations during the consultation process. The Department carefully considered these matters and addressed them, alongside other consultation responses, in its published Summary of Responses, which is available on the Department's website.

Officials have further considered the issues raised in the briefing paper. The Department's position on each matter is set out in **Annex A**.

I hope this is of assistance but should you require anything further please contact me directly.

Yours sincerely,



Paul McGranaghan
Departmental Assembly Liaison Officer

Enc.

Annex A: Department's Position

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Annex A

Department's Position

Aquaculture	To recognise the importance of nature restoration projects, Section 15(2) of the Bill specifies the meaning of aquaculture farm as "an undertaking for the carrying on of aquaculture, whether or not carried on for profit". This is to ensure that aquaculture operations carried out on a not-for-profit basis to support nature restoration projects are put on an equal footing to commercial aquaculture operations. Whilst it is recognised that these conservation projects can bring about positive environmental impacts, as with all other marine activities, it is important that their impacts can be properly assessed to allow the Department as the responsible authority to decide whether to grant regulatory approval. To support the aquaculture licensing provisions in the Bill, the Department has also begun work on the development of a dedicated aquaculture policy for Northern Ireland, to be informed through a process of co-design with stakeholders. Whilst this work is in the early stages, it will aim; to set out the Department's long-term vision for the NI Aquaculture Industry; support the sustainable development of the local aquaculture industry and; contribute to the fisheries objectives in the Joint Fisheries Statement. As part of the existing determination of Fish Culture Licence applications, case officers consider all relevant material matters including policies and legislation. This includes the draft Marine Plan for Northern Ireland, the draft Climate Action Plan, the Climate Change Adaption Programme, the UK Marine Policy Statement and the UK Joint Fisheries Statement. Not all the original intended aquaculture provisions were included in the Bill. To streamline the licensing process the original policy intent was to remove the requirement for a fish culture licence for inland fish farms. However, throughout the co-design, consultation and targeted industry engagement processes, strong opposition from operators was

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	voiced to this intent, which the Department took on board. This was one contributing factor in the decision not to include this in the Bill which means this step to streamline the process will not be realised. There is work underway in the Department to improve the licensing process in line with other similar licensing regimes. Guidance has been provided to applicants and will be published online and in leaflets distributed to industry in the coming months. The North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999 states that Loughs Agency is to be responsible for the development and licensing of aquaculture in the Foyle and Carlingford Areas. The legislation to enable the transfer of responsibility to the Loughs Agency has not yet commenced due to a jurisdictional dispute between the UK and Irish Governments, which is an excepted matter. DAERA officials will continue to engage with all stakeholders, including the UK Government, to assist in enabling this matter to progress. In relation to abandoned aquaculture gear where a site has ceased operations, DAERA Aquaculture licensing officials work closely, in the first instance, with the Fish Culture Licence holder to resolve the matter then secondly, with the landowner to prevent environmental harm.
Nature Based Solutions	The Bill provides for an ecosystem-based approach, recognising that healthy ecosystems provide nature-based solutions for climate change mitigation and adaptation, and improving water quality. The other points raised in this section are mainly statements as opposed to recommendations. In developing policies relating to fisheries, aquaculture and the water environment, the Department will consider the potential role of nature-based solutions as required by the Climate Change Act (Northern Ireland) 2022.
Fisheries	A fisheries management plan (FMP) for sea fisheries is the statutory requirement (including what must be included) set out in sections 6-11 and Schedule 1 of the Fisheries Act 2020. FMPs are evidence-based action plans to achieve sustainable fisheries and the

	policies and actions in the published FMPs may be given effect through subordinate legislation and guidance. The Bill allows for the modernisation of fisheries management for inland fisheries supporting broader ecological improvement objectives and provides for a framework that will enable fisheries management to be more closely aligned with river basin management planning and wider environmental objectives.
Recreational Angling	The Departments power to promote angling remains under Section 1A of the 1966 Act (see below). **Promotion of angling.** The Department may promote angling and for that purpose may— (a) exercise any of the functions conferred on it by sections 2 to 7; (b) encourage and advise bodies interested in angling; and (c) take such other steps as appear to it appropriate to secure the furtherance and development of angling. For recreational sea angling, the policy is set out in section 4.2.16 of the Joint Fisheries Statement. This to ensure recreational sea fishing is environmentally, socially and economically sustainable and is taken account in wider fisheries management.
Penalties and Enforcement	The Bill includes a provision for the introduction of administrative penalties at a later stage, in the form of Fixed Penalty Notices (FPN), which may be utilised to address minor and moderate offences. This offers an alternative to court proceedings. Enabling powers to regulate for FPNs for offences relating to inland and sea fisheries have been included in the Bill. The detail of any arrangements for fixed penalty notices will be provided for in developing subordinate legislation, which will be subject to consultation with stakeholders. Bill includes updated enforcement penalties for Inland Fisheries and provides an ecosystem-based approach, recognising that healthy fish populations depend on

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	clean, functioning habitats throughout their entire life cycle from inland waterways to coastal waters. In cases where an offence is assessed as being of a more serious nature, enforcement action will be pursued through the courts. This provides for the application of more substantial penalties, including custodial sentences where appropriate and unlimited fines for convictions on indictment. Unlike England and Wales, the underpinning courts legislation in NI does not allow for unlimited fines to be imposed in NI Magistrates Courts (a summary conviction), that is, a maximum fine amount must be specified in legislation.
Conservation and Restoration	The Bill includes powers concerning abstraction and impoundment, which support fish passage and broader ecological improvement objectives. It also provides a framework that will enable fisheries management to be more closely aligned with River Basin Management Planning and wider environmental objectives, recognising the importance of catchment-scale management and protection of migratory fish species. The Bill also allows for an ecosystem-based approach to inland fisheries, recognising that healthy fish populations depend on clean, functioning habitats throughout their entire life cycle from inland waterways to coastal waters.
Four Pillars Approach	Recommendations relating to River Basin Management Plan (RBMP) delivery, catchment planning, funding, stakeholder engagement and detailed licensing controls are more appropriately being progressed through RBMPs, associated policy frameworks and subordinate legislation. Recommendations relating to inland fisheries are implementation matters that would be more appropriately progressed through RBMPs, fisheries policy, operational guidance and, where necessary, subordinate legislation. This includes the development of inland fisheries policy related to catchment-based approaches, waterbody-specific measures, fish passage schemes, stakeholder engagement arrangements, and the detailed measures

	required to improve ecological status and deliver Water Framework Directive objectives. These matters require flexibility to respond to local environmental conditions and emerging scientific evidence and are therefore not specified in primary legislation.
River Basin Management Plan	Recommendations relating to RBMP delivery, catchment planning, funding, stakeholder engagement and detailed licensing controls are more appropriately being progressed through RBMPs, associated policy frameworks and subordinate legislation.
Resourcing and Investment	The matters raised are not for primary legislation and will be considered through associated policy frameworks.
Regulation and Enforcement	Recommendation 23 of the Independent Review of Environmental Governance remains ongoing with the Department working up a timeline as a means towards progressing and taking forward the recommendation within the separate and related NIAO report. Recommendation 26 relates to greater use of civil sanctions. The 2nd part of the recommendation was that DAERA should adopt civil sanctions and/or civil undertakings to broaden the toolkit available to the regulator. Officials have previously informed the Committee that sanctions for water pollution incidents were being taken forward under the Fisheries, Aquaculture and Water Environment Bill. The water policy development for the Bill referred to fixed and variable monetary penalties and there was support for this in the public consultation. The intention was to use such penalties as alternatives to prosecution for low severity incidents and fixed penalty notices are considered the most appropriate type of penalty for such offences. The use of fixed penalty notices was specifically referred to in the Lough Neagh Action Plan and the introduction of any

	other type of measure in the Bill, such as civil sanctions, will require further policy development. Higher severity incidents are to be brought to the courts and the policy is to increase the fines available to the courts for such incidents. The use of variable penalties, which can be set up to the level of the statutory maximum, would require significant policy development and would not be feasible at this stage. The Department will need to set out how it would use variable monetary penalties and what offences they could be used for. There would be significant human rights issues that need to be considered. The establishment of an Independent Environmental Protection Agency, which was itself a standalone recommendation in the Review of Environmental Governance. The establishment of an Independent Environmental Protection Agency is a matter which must be considered and agreed by the Executive. In the absence of agreement in principle, no legal or policy steps to establish an Independent Environmental Protection Agency can be taken forward, and any preparatory work in that regard could prove nugatory. A number of recommendations have not been included in the Bill because they relate to wider regulatory, governance or funding issues rather than inland fisheries legislation. This includes proposals relating to independent environmental regulation, cross-compliance publication requirements, funding arrangements, environmental enforcement strategies, SORPI arrangements and broader environmental sanctions. However, regarding SORPI, the Minister continues to seek Executive colleagues support for withdrawal from SORPI. These issues extend beyond the scope of the Bill and would require separate policy, governance or legislative consideration. In addition, some recommendations seek to prescribe specific operational or management actions that are more appropriately considered through future RBMPs, policy development and implementation programmes rather than primary legislation.

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Fisheries, Aquaculture & Water Environment Bill

Evidence Session - Tuesday 22nd September 2026 - AERA Committee

Prepared by:

Robert Walsh - Northern Ireland Marine Task Force Officer, NIMTF
Christopher McAteer - Environmental Strategy & Advocacy Manager, NIEL (on behalf of Northern Ireland Freshwater Taskforce)

The NI Freshwater Task Force (FWTF) is a representative body of eNGOs working together under the Northern Ireland Environment Link (NIEL) umbrella. Current members of the FWTF include: Ulster Wildlife; RSPB; The Rivers Trust; Ulster Anglers Federation; National Trust; Woodland Trust; Wildfowl and Wetlands Trust; Friends of the Earth; Surfers Against Sewage; NI Marine Taskforce and Sustainable Water Action Network. The FWTF aims to protect and improve Northern Ireland's freshwater ecosystems through collaborative action, research, and advocacy.

The Northern Ireland Marine Taskforce (NIMTF) is a coalition of non-government environmental organisations – it includes RSPB, Ulster Wildlife, Wildfowl and Wetlands Trust, National Trust, Friends of the Earth, Marine Conservation Society, Keep Northern Ireland Beautiful, Irish Whale and Dolphin Group, Surfers Against Sewage, Shark Trust, Causeway Coast & Glens Heritage Trust and Northern Ireland Environment Link. The NIMTF has the support of approximately 100,000 local people. We are working towards healthy, productive and resilient seas for Northern Ireland.

Executive Summary

The Fisheries, Aquaculture and Water Environment Bill represents an important opportunity to modernise Northern Ireland's approach to marine and freshwater management. Evidence presented by the Northern Ireland Marine Task Force (NIMTF) and Freshwater Taskforce (FWTF) highlights significant environmental challenges, including the failure to achieve Good Environmental Status for 13 of 15 UK Marine Strategy indicators and the fact that no waterbody in Northern Ireland currently achieves overall Good Ecological Status.

We support the Bill's progression but recommend stronger provisions on enforcement, transparency and environmental restoration. Key priorities include improved aquaculture licensing, ensuring abandoned equipment can be removed; fisheries management plans

based on robust scientific evidence; permit systems that prioritise low-impact fishing and transparent reporting; and greater protection for non-target species.

A holistic "source-to-sea" approach should underpin implementation, linking freshwater and marine management through River Basin Management Plans. We also support stronger penalties for pollution, removal of obsolete river barriers, enhanced regulatory independence, transboundary cooperation, and long-term funding to deliver environmental recovery and compliance with statutory obligations by 2027-2031.

Our positions are noted in more detail throughout the remainder of this document.

(Continues)

1. Marine Environment (NIMTF Evidence)

- Deteriorating Marine Health: Northern Ireland is failing to achieve Good Environmental Status (GES) for 13 out of 15 indicators under the UK Marine Strategy (an increase from 11 failing indicators in 2019), with marine litter and contaminants continuing to fail targets.
- Aquaculture Licensing Reforms: Existing conditions leave abandoned gear in marine environments due to bankrupt or non-operational owners lacking removal funds. Recommendations call for simplifying licensing processes to distinguish between commercial and conservation activities, integrating Nature-Based Solutions (NbS) into climate action planning, and securing transboundary legislation for shared water bodies like Lough Foyle and Carlingford Lough.
- Fisheries Management & Permits: Fisheries Management Plans (FMPs) require clear, prescriptive language, robust stock assessments, and alignment with River Basin Management Plans (RBMPs) to reduce non-target species mortality (e.g., seabirds, seals, lamprey, salmonids). Technical Conservation Measures (TCMs) should be co-designed with fishers, scientists, and eNGOs. Permits should serve as a central management tool prioritizing low-impact, small-scale fishers, with mandatory annual publication of compliance, allocations, and quotas.
- Recreational Angling & Tourism: Permits for angling must be aligned with Seabird and Elasmobranch Conservation Strategies to mandate proper species handling, while partnering with tourism bodies to leverage economic benefits in Areas of Outstanding Natural Beauty (AONB).
- Enforcement & Penalties: Existing Fixed Monetary Penalties (FMPs) must be evaluated, elevated for repeat offenders, and enforced across all marine zones, including Non-Extractive Zones and Scallop Enhancement Sites.

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2. Freshwater Environment (FWTF Evidence)

- Severe Water Quality Deficits: Currently, 0% of water bodies in Northern Ireland meet overall Good Ecological Status due to the presence of persistent "forever chemicals". River and lake ecological health has declined from 31% achieving Good or High status in 2021 to 29% in 2024, while coastal water bodies remain stagnant at 48%. Statutory compliance under the Water Framework Directive (WFD) and Environmental Improvement Plan must be achieved between 2027 and 2031.
- Catchment-Based Management & Connectivity: Policy must shift beyond static pillars to a holistic catchment approach delivered via RBMPs.
- Crucial interventions include removing obsolete river barriers and dams under Clause 12 / Article 50, improving fish migration, and updating abstraction and impoundment regulations (Clauses 11–13).

- Inadequate Sanctions for Pollution: Current fines do not deter bad actors—only 63 fines were issued for water pollution over four years (ranging from £200 to £10,000, with only six exceeding £5,000), despite 542 medium-severity and 96 high-severity pollution incidents.
- Governance & Regulatory Overhaul: Key recommendations from the Review of Environmental Governance (REG) and Office for Environmental Protection (OEP) include:
    1. Introducing unlimited fines and updated sentencing guidelines.
    2. Establishing an independent regulatory strategy separate from DAERA.
    3. Ending the SORPI arrangement with NI Water.
    4. Expanding the regulatory toolkit to include civil sanctions and third-party undertakings.
    5. Making farm payment cross-compliance breaches publicly accessible while rewarding sustainable farming practices.

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3. Integrated "Source-to-Sea" & Transboundary Priorities

- Upstream Pressures on Downstream Protected Areas: Downstream Marine Protected Areas (MPAs) face a "double-whammy" impact from local marine pressures and upstream freshwater pollution. A holistic "source-to-sea" framework and joined-up Nature Recovery Networks are essential to connect freshwater and marine ecosystems.
- Cross-Border Alignment: Legislation must ensure regulatory alignment with the EU Nature Restoration Law (Article 50) to restore river connectivity and address shared transboundary river catchments seamlessly.
- Co-Design & Sustainable Funding: Both marine and freshwater regulation suffer from chronic resourcing deficits. Successful implementation relies on securing dedicated funding streams in the 4th Cycle RBMP and delivering transparent, stakeholder-led co-design processes.

NIMTF - Main Points

Aquaculture

1. Current aquaculture conditions of licence dictate that the owner of the installation is responsible for the removal of abandoned gear, even in the event that the company is no longer running. This leads to gear remaining abandoned because the owner does have the money or feasibility to remove their previously owned gear; this is part of the “Sustainability Objective”.

2. Simplify the current process for aquaculture licence, making a distinction between commercial and conservation-focused methodology.
3. Current and developing regulations should be contributing to improving the indicators within the UK Marine Strategy; establishing a feedback mechanism within secondary legislation if one does not currently exist.
4. Aquaculture has been identified as a Nature-based Solution within the Climate Action Plans and NI Climate Change Adaptation Plan (NICCAP3) and should contribute to the "Climate Change Objective" as long as NbS is included within planning and consents.
5. Inclusion of transboundary areas such as Lough Foyle and Carlingford Lough through separate pieces of legislation (to follow this Bill) to support "Ecosystem Objective", "Sustainability Objective", "Climate Change Objective" and "Scientific Evidence Objective". Important that this work is not delayed after the Bill receives Royal Assent.

Nature-Based Solutions

6. There are links to Department for Infrastructure regarding wastewater and the inclusion of "Nature-Based Solutions" as part of the "Climate Change Objective" and access to shared resource opportunities and funding.
7. NbS section should be in place to support buffers to climate change and the synergy between marine habitats in particular.
8. The effectiveness of blue carbon habitats and their ecosystem functionality relies on our ability through the implementation of management plans to reduce pressures so they can support society through effective ecosystem functions and benefits.
9. This can be done via a holistic "source-to-sea" approach being taken forward.

Fisheries

10. Fisheries Management Plans (FMPs) require more prescriptive language (as noted by the OEP) and must use relevant indicators for effectiveness (JFS 2022, Fisheries Act 2020).
11. Harvest control rules, recovery targets are informed by stock assessments and habitat quality metrics.
12. Enforcement of licence permits must be through adequate resourcing streams.
13. FMPs must be aligned to relevant conservation strategies, River Basin Management Plans (RBMPs) to reduce impacts of bycatch and effects of water pollution and vice versa.
14. FMPs must address challenges of non-target species death, juvenile salmonids, lamprey, eels, seabirds, elasmobranchs and marine mammal interactions.
15. Publicly available and transparent data for stock assessments and bycatch records.
16. Technical Conservation Measures (TCMs) must be developed through the same process as marine/sea fisheries; a co-design process with fishing and scientific sectors alongside eNGOs and must be detailed within secondary legislation with an

agreed mechanism to assess effective available methods.

Recreational Angling

17. There are links to the Department for Communities for promoting recreational angling as a sport in NI, alongside the Department for Economy due to tourism and would provide access to shared resource opportunities and funding.
18. Potential boosts in the frequency of recreational anglers which would result in a boost to tourism, especially if this takes place within Areas of Outstanding Natural Beauty (AONB).
19. Recreational angling has links to Seabird Conservation Strategy and Action Plan 2026 - 2035 and the draft Elasmobranch Conservation Strategy through the use of permits which brings anglers in greater probability and proximity to species. Will require access to proper handling of species if they fall under a permit.

Penalties and Enforcement

20. Issues are known with current levels of funding - will need to be adequately resourced to act as an effective management tool.
21. Urgent need to assess how many individuals have received Fixed Monetary Penalties, including those who were repeat offenders.
22. The initial penalty should be elevated, with a further increase in each subsequent infraction resulting in a court proceeding to act as a deterrent for repeat offenders.
23. Penalties should apply regardless of whether within a designated area or not - e.g. Scallop Enhancement Sites and Non-Extractive Zones.
24. Standardised approach to enforcement powers within NI, with an established feedback mechanism - lessons can be learned from other devolved nations and RoI.
25. Improvements to assessments for wildlife crime in establishing a simplified, standardised approach through a flexible system.

Conservation and Restoration

26. UK Marine Strategy shows we are failing to meet GES for 13 out of 15 indicators (2025), which is a decrease from previous assessment where we were failing 11 out of 15 indicators (2019).
27. Marine litter and Contaminants are the water-quality related pressures which are still failing to meet GES.
28. Many Marine Protected Areas (MPAs) are downstream from freshwater environments, bringing about a double-whammy of impact from poor water pollution directly and from further upstream.
29. MPAs and terrestrial, designated protected areas all require management and the Nature Recovery Networks exist to bridge the gap between them.

30. Must link back to the updated Bathing Water Policy and feedback loops to RBMPs and NAP.
31. Transboundary approach is absolutely necessary, considering the links here to the Nature Restoration Law (2024) in the EU, specifically Article 50 (“Member states must engage in a programme of river barrier removal to restore the natural connectivity of rivers with a focus on removing obsolete barriers.
32. Additionally, Clause 12 (“seeks to create a power for the Department to mandate barrier removal in certain circumstances).
33. Permits should be framed as a central management tool in achieving GES (UK Marine Strategy), JFS, Fisheries Act 2020 and should be done through conditions of the licence.
34. Permits must ensure alignment to relevant conservation and management strategies such as Seabird Conservation Strategy and Action Plan 2026 - 2035; Marine Protected Area Strategy for Northern Ireland’s Inshore Region 2025 - 2030; Blue Carbon Action Plan 2025 - 2030; River Basin Management Plans, Nutrient Action Plan 2027 - 2030, etc.
35. Conditions should support and contribute to maintaining sustainable fish stocks, protect seabird, elasmobranch and marine mammal prey availability and support wider ecosystem health.
36. Permits and associated quotas should all be reported to address gaps within scientific advice.
37. All permit conditions, allocations and compliance outcomes should be published annually.
38. Permits should be distributed fairly, prioritising low-impact, small-scale fishers who contribute positively to coastal communities and climate-smart fisheries

FWTF - Main Points

4 Pillars Approach

1. The 4 pillars alone will not be effective; rather a wider, holistic catchment-based approach to water management will be needed. It is expected that this will be delivered through RBMPs.
2. An example case study would be the Sustainable Catchment Programme and associated Report to demonstrate what can be achieved through this catchment-based approach.
3. A water-body specific approach with specific measures is still required within RBMPs to ensure a combination of actions can be achieved and delivered.
4. New Environmental Principles Policy Statement highlights greater significance and accountability for environmental harm. The updated Fisheries Bill would strongly support this, but needs to be effective in the powers it delivers.

River Basin Management Plans (RBMPs)

5. There are existing statutory obligations for NI under Water Framework Directive, UK Marine Strategy and the Environmental Improvement Plan and current Programme for Government. These obligations need to be met by 2031 at the latest, and 2027 at the earliest regarding water quality.
6. Office for Environmental Protection (OEP) have highlighted multiple barriers to achieving effective RBMPs: (i) lack of clarity around funding; (ii) adequacy of proposed actionable measures to achieve intended environmental objectives and (iii) lack of environmental objectives at waterbody level.
7. OEP highlighted within their report “Implementation of the Water Framework Directive Regulations and River Basin Management Planning in NI” that (i) the lack in adequacy of proposed measures to achieve intended environmental objectives and (ii) a lack of environmental objectives (and associated POMs) at water body level are current barriers to achieving effective regulation.
8. Currently no waterbody in NI is achieving Good Ecological Status due to the presence of forever chemicals within our waters halting improvements to “Chemical Status”.
9. 2021 showed 31% achieving Good or High “Ecological Status”, which decreased to 29% in 2024, whilst coastal waterbodies was 48% with no positive improvement.
10. RBMPs and the update to the Fisheries Act must ensure achievement of several key target measures within the POM:
    a. Gratings, removal of material from Lakes - Clauses 11 - 13
    b. Abstraction and Impoundment regulations updated to meet current legislative requirements
    c. Protection of fisheries and allow fish migration
    d. Improving longitudinal continuity - e.g. establishing fish passes, removing old dams

Resourcing and Investment

11. OEP highlighted within their report “Implementation of the Water Framework Directive Regulations and River Basin Management Planning in NI” that (i) lack of funding streams is a current barrier to achieving effective regulation.
12. A wider water system requires significant investment to meet statutory obligations - 4th Cycle RBMP should address the issue of funding.
13. Delivery of an effective co-design process for RBMPs where all stakeholders can share their knowledge, expertise and develop enhanced opportunities.
14. The new system imposed should encourage knowledge and data sharing to enrich others.
15. Cross compliance should ensure that any breaches and deductions from farm payments should be publicly accessible.

16. Barrier removal falls under the WFD and an improvement to water quality has the potential to benefit wider societal benefits.

Regulation and Enforcement

17. Financial penalties for fish kills are not severe enough as they keep happening. Only 63 fines were handed down over 4 years associated with water pollution impacts for NI, ranging from £200 - £10,000, with only 6 being more than £5,000; with 542 “Medium” severity; 96 “High” Severity but no information on how many were attributed to repeat offenders.
18. Unlimited fines would be beneficial, but this needs to be part of a review on wider regulation and enforcement.
19. There must be an update to robust sentencing guidelines and a process for signalling PPS to the severity of water pollution incidents.
20. Final Report of the Review of Environmental Governance (REG) highlights Recommendation 24: “DAERA should ensure commencement of currently unenacted clauses in the Better Regulation Act 2016, to increase the range of tools available to the regulator.”
21. Final Report of the Review of Environmental Governance (REG) highlights Recommendation 25: “DAERA should exit current SORPI arrangement with NI Water”.
22. Assurances that lessons have been learned and applied from the Living With Water Project in Belfast before continuing elsewhere - e.g. Living With Water Project proposed for Derry/Londonderry.
23. RBMP should be compliant with both the WFD and UKMS to achieving both Good Ecological Status and Good Environmental Status through the updated Fisheries Bill - but specific provisions must be in place by updating to ensure compliance as highlighted within a previous response to the Bill in 2016.
24. Final Report of the Review of Environmental Governance (REG) highlights Recommendation 23: “Fines available to Loughs Agency and the environmental regulator for Northern Ireland for water pollution incidents should be homogenised and increased where possible as part of a wider review of the level of environmental fines in Northern Ireland.”
25. Penalties for breaches must be significantly severe to act as a deterrent.
26. Review the frequency of imposed penalties to act as an effective deterrent.
27. Final Report of the Review of Environmental Governance (REG) highlights Recommendation 22: “The environmental regulator for Northern Ireland should develop its own regulatory and enforcement strategy, independent from DAERA’s. This should be open for consultation. Once in place, the regulator should report annually on delivery of the strategy and use of its functions.”
28. Requires the implementation of an effective enforcement and regulatory strategy which utilises adaptive management and monitoring to ramp up penalties for repeat offenders.

29. Requires a clear, transparent system that rewards farmers for being stewards of waterways through sustainable practices; but provides adequate and severe enough penalties to deter bad actors from sectors.
30. This new system must link to the Rehabilitation of Offenders Act and update to current rehabilitation periods; e.g. establish when is a fine spent and how is this interpreted by society?
31. The development of a diverse, regulation toolkit is needed - which goes further than just an educational route, but this can only continue to work if it has been proven to be effective.
32. There is a continued need for strong enforcement alongside the development of a new system and diverse toolkits.
33. Final Report of the Review of Environmental Governance (REG) highlights Recommendation 26: “The environmental regulator for Northern Ireland should make greater use of civil sanctions in areas where legislation already exists (e.g. UK Environment Act 2021 for hazardous waste).
34. DAERA should adopt civil sanctions and/or third-party undertakings for other environmental areas to broaden the toolkit available to the regulator.
35. EJNI Report on environmental divergence considered that the inclusion of Article 50 and Clause 12 would ensure regulatory alignment cross-border.

Summary Conclusion

Implementation and continuation of the Fisheries, Aquaculture and Water Environment Bill is a strong start and if the above recommendations are included, this will be a very fitting and modernised update to the 1966 act which would bring follow-on legislative actions and powers to ensure management and enforcement are appropriate for the current challenges that we face; whilst bringing alignment with by developing strategies and action plans at the national level.

For further information, please contact Christopher McAteer (NIEL, on behalf of FWTF) at christopher@nienvironmentlink.org and Robert Walsh (NIMTF) at robert.walsh@nimtf.org.