



Fisheries and Water Environment Bill: Protection of the Water Environment Policy Consultation

Joint comments by NI Freshwater Taskforce and NI Marine Task Force

November 2025

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 NI'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.

These comments are made on behalf of Members, but some members may be providing independent comments as well. If you would like to discuss these comments further, we would be happy to do so.

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What are your views on extending the 4 pillars which underpin the Lough Neagh Action plan to all waterways and using this approach to develop River Basin Management Plans?

Whilst we recognise the importance of the four pillars being integrated throughout the programme of measures (and wider river basin management planning), it is important to emphasise that these pillars would not, on their own, provide a sufficient basis for developing the RBMP. This needs to be based on the wider, holistic catchment-based approach to water management that is provided for in the The Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017).

Ongoing work in NI by organisations such as The Rivers Trust has highlighted the critical need for – and value of – using integrated catchment planning to tackle the complex issues facing our water environment (eg see The Rivers Trust [The Sustainable Catchment Programme Report](#)). Importantly, ICP is a holistic, systems-based approach that looks at an entire catchment (including land, people, biodiversity, economic activity) to develop appropriate management for the water environment. Although education, incentivisation, regulation and enforcement (the 4 pillars of the Lough Neagh Action Plan) are key considerations in the development of a programme of measures (POM) for each water body, focussing efforts only on these pillars in the broader development of RBMPs would represent a shift towards a narrower and more top-down approach that risks addressing the symptoms, rather than the root causes, of water management issues. Members also feel that the importance of water body specific measures should be emphasised, as each water body may require a different combination of actions under the four pillars (and potentially outside of them).

To appreciate the value of using a catchment-based approach, it is useful to consider that NI has a range of targets and obligations that depend on water quality being improved across Northern Ireland. This can only be done in conjunction with a wider integrated water quality system which addresses both freshwater and marine, or a ‘source to sea’ approach. For example, there are a range of specific obligations set out within the [Environmental Improvement Plan \(EIP\)](#) for Northern Ireland, including targets around restoration and recovery of the marine environment alongside coastal and freshwater counterparts. Some of the specific targets and actions contained in the EIP include:

- By 2031: achieve the sustainable management and efficient use of natural resources including water and soils.
- By 2027: 100% of waterbodies at Good Ecological Status (surface water) and Good Chemical Status (groundwater).
- By 2030: 30% of seas protected, ensuring an ecologically coherent & well managed MPA Network.
- By 2030: Nature-based solutions to coastal erosion, where appropriate, will be implemented in collaboration with the Coastal Forum and new policy development.

If these and other water-related targets are to be achieved, integrated action across catchments will be required.

In addition to these points about the broader legislative and policy context, as well as the ecological realities of the water environment, the current poor state of water quality must be emphasised. For example, the [latest statistics](#) show that no surface water bodies in NI achieved good overall status. The same statistics show that in 2024, fewer rivers achieved good or high ecological status than in 2021: a reduction from 31% in 2021 to 29% in 2024. In 2024, 48% of coastal water bodies failed to meet Good Ecological Status, showing no improvement since 2021. In the marine, at UK level, it is important to understand that we are failing to achieve Good Environmental Status (GES), which is part of the [UK Marine Strategy](#) and is also mentioned in both the [Fisheries Act 2020](#) and to ensure adherence under the [Joint Fisheries Statement](#) (JFS). In 2019, the UK was failing [11 out of 15 indicators](#) to achieve GES; this has worsened to [13 out of 15 indicators](#) in 2025.

We would draw attention to the OEP's 2024 [report](#) on 'Implementation of the Water Framework Directive Regulations and River Basin Management Planning in NI' which highlighted a number of key issues posing a barrier to making progress towards achieving improvements in the water environment. These include: lack of clarity on funding streams (and we say more about funding below); the adequacy of proposed measures to achieve the intended environmental objectives; and a lack of environmental objectives (and associated POMs) at water body level. Any policy proposal that aimed to improve RBMP in the fourth cycle would, in the view of the FWTF and NIMTF, need to clearly address these issues. It is unclear how the proposal to use the 4 pillars of the LNAP to develop RBMPs would achieve this.

The management of our wider water system has seen chronic underfunding over a number of decades compounded by the lack of deterrent posed by insufficient and inconsistent penalties. NI Water have highlighted the impact of the severe lack of investment, with the example of the Living With Water Project in Belfast Lough. NIMTF's response to a Department for Infrastructure (DfI) consultation on the proposed "[Living With Water Project in Derry / Londonderry](#)", highlighted our concern that the same underinvestment challenges that impacted Belfast Lough will potentially lead to the same outcome for Lough Foyle if they remain unacknowledged and unaddressed. FWTF and NIMTF would advocate that DAERA, Department for Finance (DoF) and DfI meet with both FWTF and NIMTF to discuss the investment required to support implementation of critical, long-term solutions to the water quality crisis. Both FWTF and NIMTF believe that urgently addressing the issue of underinvestment should be prioritised in the development of the fourth RBMP, and that this is likely to have a greater impact than adopting the '4 pillars approach'.

Effective river basin management planning (and compliance with the WFD) could also be achieved through additional changes to the 1966 Fisheries Act. For example, members have highlighted that some provisions of the 1966 Fisheries Act (eg those relating to Weirs, Gratings, removal of material from Lakes – clauses 11-13) and indeed the Abstraction and Impoundment regulations should be updated to meet current legislative requirements, suggesting that changes in these areas that were proposed in the 2016 Fisheries Bill should be incorporated into the new bill. This would ensure compliance with the requirements of the WFD and allow the achievement of some of the key target measures set out in the POM (eg ‘Protection of fisheries and allow fish migration’ and ‘Improving longitudinal continuity eg establishing fish passes, removing old dams’). Members would also note that effective co-design processes may have broadened the scope of the questions posed in the consultation documents (both parts 1 and 2), and that this may have allowed further discussion of these issues by a broad range of stakeholders.

Do you agree that the Department should increase maximum penalties on summary conviction for causing pollution of a waterway or groundwater up to £50,000?

Yes, both the FWTF and NIMTF agree that increasing maximum penalties would help in improving the water environment by reducing pollution incidents. It is clearly established that one of the conditions for effective deterrence is that the possible penalties for regulatory breaches are sufficiently severe. More specifically, the regulated community must perceive the possible penalty as outweighing the ‘benefit’ (in this context, the costs associated with avoiding water pollution incidents) of non-compliance. We would draw attention to Recommendation 23 of the Final Report of the Review of Environmental Governance (REG), ‘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.’

However, it is critical to emphasise that any increase in maximum penalties must be accompanied by changes in implementation – eg how often these penalties are imposed. A second condition for effective deterrence is that the penalties are sufficiently certain. In other words, the regulated community must feel certain that there will be enforcement action if a regulatory breach occurs. For this reason, it is essential that an effective enforcement policy accompanies any changes made to the level of potential fines. In this context, we would draw attention to Recommendation 22 of the REG - ‘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.’

We also feel it is important to highlight the complexity generated when both cross-compliance breaches and penalties due to legislative breaches are engaged in parallel. This can lead to the

misplaced perception that farmers are receiving a ‘double penalty,’ when, in reality, this is not the case. We underline the importance of a clear and transparent system that rewards and supports farmers to look after our waterways, but also provides a reasonable penalty where a legal duty has been breached. This system must incorporate knowledge and data sharing between farmers, DAERA/NIEA, the courts, and any new environmental regulator that may be established in the future. For example, in cases that come before a court, judicial decision-making could be informed by information from DAERA/NIEA about any previous breaches (either legislative or cross-compliance) by the party in question. To maximise transparency, members also highlight that information relating to cross-compliance breaches and deductions from farm payments should be publicly accessible.

Would you agree with the potential for unlimited fines for those pollution offences that are heard at Crown Court?

FWTF and NIMTF understands that this current consultation is a review of the existing Fisheries Bill 1966, but would highlight the following examples also highlighted within [NIMTF’s response](#) to the Review of Environmental Governance for Northern Ireland, showcasing a series of smaller, financial penalties across fish mortalities in freshwater environments (Glengornan River, [Glenavy River](#), [Crumlin River](#), [Lagan River](#), [Ballymoney River](#) and excessive levels of pollution in marine environments (Belfast Lough)) where the penalties have not been sufficient enough to deter further infringements on protections. Belfast Lough has multiple marine conservation designations, including a [Special Protection Area \(SPA\)](#), [Ramsar site](#) and a [Marine Conservation Zone \(MCZ\)](#), which are important for species such as Common redshank, Arctic tern, Great Crested Grebe and the Ocean Quahog. Belfast Lough was designated as a Shellfish Water Protected Area in 2009, under the Water Framework Directive. Part of the requirements for management is that the classification should be maintained at [Class B](#); however the latest results from the Food Standards Agency show that this is currently [Class B/C](#) - leading to extended processing times for shellfish [collected from this location](#). In addition, there have also been multiple bathing water quality failures, leading to an increase of 48 hour distancing for sea swimmers [within this area](#).

Whilst attending workshops associated with this consultation, both FWTF and NIMTF queried the breakdown associated with the application of penalties:

- How many of the penalties issued were repeat offenders?
- How many of those repeat offenders were provided with the same low level of financial penalty?
- Were there any repeat offenders in receipt of the higher financial penalty?

According to figures obtained by the BBC News NI, there were only [63 fines handed down between 2020 and 2024](#) associated with water pollution impacts. These fines ranged from

£200 to £10,000, whilst only 6 of these were more than £5000. Between 2020 and 2024, incidents that were reported were classified as follows: 96 of the incidents were deemed to be high severity, whilst 542 were classed as medium severity and the remaining incidents classed as low.

All of this evidence points to the need for greater clarity and more certainty in the enforcement strategy that underpins the implementation of the penalty regime (as described in response to Q2). Therefore, although the possibility of unlimited fines for offences heard at the Crown Court could help in providing an effective deterrent, this will be ineffective unless it is viewed as part of a wider review of regulation and enforcement. Ultimately, any changes made to possible penalties must also be supplemented with robust sentencing guidelines, and a process for signalling to the PPS the severity of water pollution incidents.

Relatedly, we would underline our support for several more of the recommendations contained in the REG, which would also bolster the approach proposed here:

- **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.
- **Recommendation 25** - DAERA should exit current SORPI arrangement with NI Water.

Members have also raised questions about how the Rehabilitation of Offenders Act would operate in the revised system – specifically in relation to provisions around rehabilitation periods. Where a fine is considered ‘spent’ after 1 year, this could impact on whether or not a previous conviction can be taken into account in sentencing. This would have an impact on transparency and on community trust/ perceptions of accountability. Decisions as to when the regulator can access spent convictions would have to be made carefully, to ensure that the deterrent effect of convictions is maximised.

Do you agree that DAERA should have a more flexible enforcement system with increased powers to introduce fixed and variable penalties to act as an immediate deterrent for minor to moderate breaches of legislation?

Yes, we strongly support the implementation of a more diverse ‘toolkit’ of options to reflect the diversity of the regulated community in this context. This aligns with a further recommendation made in the REG:

- **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). Furthermore, DAERA should adopt civil sanctions and/or third-party undertakings for other environmental areas to broaden the toolkit available to the regulator.

However, members feel that it is important to highlight that the introduction of a more diverse toolkit cannot dilute the need for strong enforcement that provides an effective deterrent to regulatory breaches. In addition, robust processes must be in place to ensure that FPNs are deployed appropriately, ensuring scrutiny and oversight.

REGULATORY IMPACT ASSESSMENT – DRAFT REGULATORY IMPACT ASSESSMENT

1. Do you agree that the analysis of the evidence given in the accompanying draft Regulatory Impact Assessment accurately describes the potential impacts of the proposals?

Yes, subject to the points made below.

2. Are there other potential impacts we may not have anticipated in the accompanying draft Regulatory Impact Assessment?

NIMTF and the FWTF would stress the potential cross border impact of the development of the bill and policy proposals. Although the RIA acknowledges the possibility of transboundary implications, and the importance of future engagement with the Loughs Agency (as well as the possibility of future legislative action in this area), we strongly suggest that the possibility for divergence should also be noted here. For example, in order to fulfil obligations under the [EU Nature Restoration Law](#) (which came into force in 2024), Ireland (like all 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 (Article 50). This is a notable gap in existing NI water-related legislation. We note that a previously proposed Fisheries Bill (which fell in 2016) did seek to create a power for the Department to mandate barrier removal in certain circumstances (Clause 12), and argue that inclusion of this (or a similar) clause would equip the Department with the power to ensure regulatory alignment North and South of the border (for further information see Environmental Justice Network Ireland’s scoping [report](#) on Post-Brexit Environmental Divergence). Indeed, as mentioned above, the requirement for powers to remove barriers is needed more broadly across NI to ensure compliance with the WFD.

In Section 2D, FWTF and NIMTF recommend Inclusion of “Health or Social Care Services in Rural Areas” due to potential improvements to water quality, including those associated with Lough Neagh, which provides drinking water to 40% of households across Northern Ireland.

EQUALITY AND HUMAN RIGHTS IMPACT ASSESSMENT

1. Do you agree with the conclusion that the policy proposals do not have a differential impact on any of the Section 75 groups or on human rights?

NIMTF and FWTF have no particular comments to make.

2. Are there any potential impacts of the proposals on specific groups which we may not have anticipated?

NIMTF and FWTF have no particular comments to make.

RURAL NEEDS IMPACT ASSESSMENT

1. Do you agree the Department has fully considered the impact on rural communities in the development of the proposals?

NIMTF and FWTF have no particular comments to make.

2. Are there any potential impacts of the proposals on rural communities which we may not have anticipated?

NIMTF and FWTF have no particular comments to make.

ENVIRONMENTAL IMPACTS

1. Do you agree the analysis of the evidence given in the accompanying Strategic Environmental Assessment accurately describes the potential environmental impacts of the proposals?

Members have identified a number of points:

The SEA mentions that NI has “already exceeded its overarching conservation to designate 30% of it’s marine area for protection by 2030, fulfilling a commitment made under the Kunming-Montreal Global Biodiversity Framework.” NIMTF would disagree given that the delivery of MPA Management Plans by 2028 is also a core component within the [NI Environmental Improvement Plan \(2024\)](#), which has not yet been delivered, given that around 2.7% of the total sea has MPA Management Plans (DAERA, *pers. corres.*) Further work is needed to ensure that the NI MPA Network achieves it’s overall goal of connectivity and cohesion to meet the recommendations of the [2018 JNCC Analysis](#).

Additionally, there is an updated version of the UK Marine Strategy Part One which has highlighted a change from [11 out of the 15 components not achieving GES \(2019\)](#) to [13 out of the 15 components not achieving GES \(2025\)](#). This information came out prior to the release of the consultation and should therefore be reflected.

Page 40 it does not mention that marine environment solutions in the form of nature-based solutions are unable to deliver their ecosystem benefits and functionality due to “impacted significantly by rising temperatures and atmospheric carbon which are known to bring about oxygen depletion and lower pH levels.” This does not take into account wider, cumulative

pressures which the UK CCC highlighted in a 2024 meeting with NIEL as a reason why marine-based blue carbon habitats are unable to make a significant contribution to the [UK Greenhouse Gas Inventory \(GHG\)](#) (UK CCC, *pers. corres.*).

Page 54 – highlights that Landscape and Seascape have been scoped out of the SEA due to “Though there may be indirect impacts on the landscape and seascape it is not considered that these would be significant or measurable.” NIMTF would dispute this given that having a healthy marine environment has a knock-on effect to coastal communities who frequently interact with it. This is reinforced within the Regulatory Impact Assessment which focuses on the benefits to coastal communities from rural areas. Given that the consultation itself is focused on the improvements being made with regards to financial penalties associated with water pollution, this will have benefits and improvements both visually to communities in terms of a pristine, or improved landscape and seascape as a result of the proposed policies, meeting the SEA objective of “Conserves and enhances the visual integrity of aquatic landscapes?”

Page 65 – The inclusion of this benefitting the Landscape under the previously identified “Ensure safer working conditions in aquatic environment.” Could be adapted to say “Ensure safer working and visible conditions in aquatic environments”; “Measures to protect water quality in aquatic environments”; “Protection of resources which support material assets.” This is continued onto Page 67 where it should also be accounted for “Improved water quality, protecting health of water users, and safeguarding high-quality food resources.” And “Preventing degradation of water quality from source to sea.” NIMTF would propose that this changes to a “ + “ to account for the benefits associated as outlined.

Page 90 – Regarding transboundary areas, it should be noted here that whilst “The Northern Ireland Marine Area abuts the marine areas of Scotland, Wales, the Isle of Man, and the Republic of Ireland” that marine areas of Carlingford Lough and Lough Foyle will need to be considered when it comes to separate legislation being developed or amended to account (DAERA, *pers. corres.*).

2. Are there other potential impacts we may not have anticipated in the accompanying Strategic Environmental Assessment?

As above.