



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, Live Here, Love Here, 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.

Northern Ireland Marine Task Force response to: [Consultation on the Guidance on the use of Fixed Monetary Penalties in Marine Protected Areas](#)

Submitted: 4th August 2026

NIMTF thanks DAERA for the opportunity to respond to the proposed guidance on the use of Fixed Monetary Penalties within MPAs. This is a crucial step in securing meaningful enforcement in the protection and management of existing and future MPAs as part of the statutory network and without effective penalties for infringements on the existing MPA Network, it is expected that there will continue to be undermining of the conservation objectives and as a result undermine the NI MPA Network as a whole. NIMTF understands that there are other methods of funding associated with damage to the MPA Network such as the Marine Recovery Fund for associated compensatory measures for Offshore Wind which is currently being consulted on¹.

1a. Do you agree with the Department's proposal to use fixed monetary penalties for low-level or minor breaches of byelaws made under the Marine Act?

NIMTF are in favour of fixed monetary penalties for low-level or minor breaches of byelaws being made under the Marine Act. It will be important to link this to the updating Fisheries, Aquaculture and Water Environment Bill² that is updating financial penalties for damage to the water environment as a whole. NIMTF is aware that educational information is supplied readily by the Department for infringements on breaches of byelaws, but would like to know how many incidents within MCZs/SPAs/SACs have been repeated offenders and how many of these have resulted in an escalated increase in the standard penalty levels from Level 1 - Level 5, a maximum of £5,000 being issued³. NIMTF appreciates that there is an annual report which is issued by DAERA, highlighting anonymised information in relation to the number of individuals who have received fixed penalties and the penalties which have been discharged, however it should also highlight how effective the educational system has been in terms of raising awareness and as part of the enforcement measures being used in the first instance.

Action: DAERA to publish within their annual reports the number of repeated offenders and their escalation protocol to ensure fixed monetary penalties act as a deterrent.

Whilst NIMTF appreciates that the 8th principle of better regulation relates to “Regards for Economic Concern”, NIMTF understands that our MPA Network permits ‘sustainable use’ for activities, especially those which relates to commercial usage - e.g. fishing, aquaculture, etc. However, it should also in the first instance ensure that those MPAs are not being negatively impacted by the activity - specifically in relation to the condition of those features against the identified pressures as typically done through the Potential Management Options connected to each site. Where this has been identified and associated features are not in favourable condition, fixed monetary penalties should actually be elevated to discourage further degradation of features and support achievement of conservation objectives.

It is important to note that Greenpeace produced a report in 2022⁴ using data from the Global Fishing Watch⁵ found that between January 2020 to January 2025 that supertrawlers were spending nearly 37,000 hours fishing within MPAs, whilst on average there was around 7,380 hours spent within MPAs annually⁶. Meanwhile a Marine Conservation Society report “Marine UnProtected Areas⁷” showed that bottom trawling activity was taking place in 98% of the UK’s offshore MPAs between 2015 and 2018, equating to at least 89,894 hours fishing the seabed within these offshore MPAs.

Action: Fixed Monetary Penalties should be elevated in cases where features are already not in Favourable condition, or the higher tier being used for these circumstances.

1b. Please provide examples of activities for which you consider fixed monetary penalties to be an appropriate management measure in MCZs/SACs/SPAs?

NIMTF would consider activities which are advised against being carried forward, but later become an enforceable byelaw - e.g. the draft No Anchorage Zone in the Outer Belfast Lough MCZ. NIMTF are aware that some of the following activities currently take place within existing MPAs, including those not assessed and outside of the MCZ/SACs/SPAs, such as ASSIs and RAMSAR sites:

- Aquaculture
- Shipping
- Fishing
- Cabling from Offshore Renewable Energy
- Intertidal Hand-Gathering of Shellfish
- Recreational activities - e.g. authorised diving, eco-tourism
- Monitoring

Action: DAERA to ensure fixed monetary penalties are linked to the draft Fisheries, Aquaculture and Water Environment Bill alongside management measures and conservation strategies to manage impacts accordingly.

Action: DAERA to also update other areas of legislation where fixed monetary penalties are used for sites such as ASSIs/RAMSAR to remain in line with these developments.

Given that changes from policy are not always communicated straight away, or take time to reach relevant individuals, NIMTF would expect through poor communication of the change in byelaw, that not all individuals would be aware of the changes and thus inevitable breaches through delay in relayed communication reaching intended recipients. This will therefore be important to establish an effective communications strategy through engagement with different Departments such as Communities and Economy - the latter especially if there is an impact to the local economy/tourism industry.

Action: DAERA to communicate changes in fixed monetary penalties effectively to marine users through diverse channels - e.g. Department for Communities and Department for Economy.

Additionally, NIMTF is aware of the required stages of evidence needed by DAERA to lead to a conviction, or assessing if an infringement has taken place - e.g. wildlife crimes and disturbance. Such steps include:

- Having to evidence that the individual has knowingly stepped past a sign which identifies an activity not to carry out - e.g. disturbance
- Having to evidence that the individual has carried out the activity which has been identified not to be carried out
- Having to evidence that the individual has returned from the activity past the same sign

Not all of the above steps are easy to capture, especially through modern-day GDPR through available images which can be captured of people within the public. This would also apply currently to the draft Intertidal Hand-Gathering of Shellfish Fisheries Management Plan (FMP) which is currently unregulated and would result in a wildlife crime via the removal of prey items for marine species.

Action: DAERA to assess required steps to ensure robust enforcement of fixed monetary penalties to lead to effective management.

1

<https://www.daera-ni.gov.uk/consultations/consultation-environmental-compensatory-measures-offshore-wind-northern-ireland>

2

<https://www.niassembly.gov.uk/assembly-business/committees/2022-2027/agriculture-environment-and-rural-affairs/legislation/bills-primary-legislation/fisheries-aquaculture--water-environment-bill/>

3 <https://www.legislation.gov.uk/nisi/1994/2795/article/3?view=plain>

4

<https://www.greenpeace.org.uk/news/more-than-1-3-million-tonnes-of-fish-taken-from-uks-marine-protected-areas-since-2020-new-analysis-reveals/>

5 <https://globalfishingwatch.org/>

6 <https://oceanographicmagazine.com/news/supertrawlers-fish-for-7380-hours-annually-in-uk-mpas/>

7 <https://www.mcsuk.org/what-we-do/marine-management/marine-protected-areas-mpas/marine-unprotected-areas/>

8

<https://www.nisra.gov.uk/statistics/deprivation-and-poverty/northern-ireland-multiple-deprivation-measure-2017-nimdm2017>

If fixed monetary penalties are to be an accepted management measure option, this should be applied to all sites within the NI MPA Network, not just for those which are subject to the Marine Act (Northern Ireland) 2013; there is a consultation currently to those which are enforceable under the Marine and Coastal Access Act 2009. Enforcement is a key and expected management measure which should always be applied to ensure that any management measure which is proposed is an effective measure through enforcement when an infringement takes place. DAERA has highlighted challenges in the past around enforcement and has also highlighted that there are new enforcement officers in post. NIMTF would like to know what will change as a result of the additional members of enforcement staff being implemented.

2. Is there anything in this guidance document that you wish the Department to clarify?

NIMTF notes that for low-level, fixed monetary penalties apply to all of the requirements in the consultation document on page 8, but when it comes to the more serious offence, or higher environmental risk, it does not indicate if all of those 3 bulletpointed conditions are required, or only one (page 9). Equally, this is based on the proposed level of risk to damage being delivered to protected features, whilst significant risk relating to prosecution does not relate to significant risk, it relates to identified, evidenced damage to protected features. This difference should be noted within the financial penalties and the prosecution level should be laid out too.

Action: DAERA to clearly outline the different tiers of severity alongside associated actions and requirements to meet that criteria for stakeholders and users that are likely to be affected.

Payment of Penalties

NIMTF notes that any money which the Department receives is intended for the Northern Ireland Consolidated Fund, which is not available for use via the Department. NIMTF would like to see that this fund is actually redirected to support marine conservation and restoration efforts given that the entire purpose of the NI MPA Network is to achieve 'Favourable' condition. Infringements directly to the purposes of this should go towards efforts to continue, maintain or restore to 'Favourable' condition, especially in the instances where infringements elevate significant risk to these objectives - creating a restoration fund which is specifically for this purpose.

Action: DAERA to request with the Department for Finance and NI Executive that any receiving fixed monetary penalties go to a Marine Restoration Fund rather than to the NI Consolidated Fund for furthering the purpose of the MPA Network.

In Annex 4: Application of Civil Sanctions to Young People, NIMTF commends the Department for the use of alternatives to issuing fixed monetary penalties and would encourage the use of the educational system through the following routes which have been highlighted:

- Engagement through schools
- Engagement with parents or guardians

- Referrals to youth schemes; or
- Awareness programmes highlighting the environmental impact of the activity

NIMTF would like to see greater links here to EcoSchools and the use of citizen science as a way of improving the understanding of young people. This will help to not only encourage them through the Department's identified educational measures to return to compliance, but also help to support existing workstreams which can provide valuable knowledge and further support marine ecosystems.

Additionally, NIMTF would like to better understand what levels of fixed monetary penalties would be applied through the Youth Justice Agency in relation to infringements upon MPAs.

Action: DAERA to include the use of citizen science as part of the awareness programmes to ensure compliance through education for young people.

Action: DAERA to highlight within the new fixed monetary penalties being applied how these would relate to Young People through the Youth Justice Agency.

3. Do you feel that your rural needs are impacted by the Department's intention to use fixed monetary penalties?

NIMTF would highlight that this has the potential to affect communities which are on the lower end of the NI Multiple Deprivation Measure 2017⁸.

4. Do you consider that the Department's intention to use fixed monetary penalties has an impact on you from an equality point of view?

NIMTF would highlight that this has the potential to affect communities which are on the lower end of the NI Multiple Deprivation Measure 2017⁸.

NIMTF thanks DAERA for the opportunity to respond to this consultation on fixed monetary penalties for the NI MPA Network. These updated penalties alongside greater engagement with different departments to communicate them effectively, will guarantee that no recurring damage against MPAs will continue. There are many activities which have the potential to cause further damage to our NI MPA Network and if the penalties do not act as an effective deterrent, then this network will continue to be undermined and objectives not achieved.

For further information, please contact the NIMTF Officer, Robert Walsh at robert.walsh@nimtf.org.