

OEP Intervention on AIL Regulations – Progress against the Action Plan - October 2025

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Gníomhaireacht de chuid na Roinne
**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

An Agency wí'n the Depairtment o
**Fairmin, Environment
an' Kintra Matthers**

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Background

The Office for Environmental Protection (OEP) investigated a complaint against the Northern Ireland Environment Agency (NIEA) in 2023 about an abstraction from the Crumlin River for a fish farm.

The abstraction was operating under a “deemed” authorisation issued in line with the transitional arrangements of the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 (Regulation 30 and Schedule 4). The OEP expanded this initial investigation to include all “deemed” authorisations and found that “there is an indication that the NIEA may have failed to comply with environmental law”.

An Action Plan to fully licence all the “deemed” authorisations was requested and was agreed with the OEP in October 2024 which included a commitment to provide six-month progress reports. This is the second of NIEA’s progress reports.

<https://www.theoep.org.uk/investigation/nieas-duties-under-water-abstraction-and-impoundment-licensing-regulations-ni-2006>

Update on Action Plan

Action 1: Issue communication to all active applicants outlining implications of OEP intervention and initiating determination process.

ACTION STATUS - Complete

Action 2: Issue communication to all non-active applicants formally refusing application.

ACTION STATUS – Ongoing – New target date 1st April 2026

Continuing site visits have now identified that twenty-five of the original AIL applications no longer need to be licenced. These sites are almost entirely carrying out quarrying related

activities. Site inspections on Hydropower Installations and Fish Farms have still to commence.

Once all site visits are complete, all applicants will be formally advised that their applications have been withdrawn.

Action 3: Continued engagement with the Aquaculture Industry re: progress on application determination and development of Operational Procedures for the determination of Aquaculture Abstraction Licenses. Arrange meetings (6 monthly) with Aquaculture representatives

Action 4: Agree the Operational Procedures for Licensing Abstractions from the Freshwater Aquaculture Industry

ACTION STATUS – Ongoing – New target date 1st January 2026

NIEA met with the Aquaculture Representatives Group (ARG) members in January 2025 with the intention of further communications and 6 monthly meetings thereafter to inform NIEA's draft Operational Procedures for the determination of Aquaculture Abstraction Licenses. Regrettably, progress has been slower than anticipated due to workload pressures within available staff resources and a further meeting has still to be arranged.

ARG raised several queries at the January meeting and have indicated that they wish to consider NIEA's response to these before another meeting is held.

Some of the queries concerned issues related to the, then outstanding, 3rd cycle River Basin Management Plan (RBMP) and the upcoming 4th cycle plan. Because of the issues raised, an ARG representative has now been included to the RBMP, Programme of Measures Working Group.

The response to ARG's queries has been issued and the next meeting is expected to be arranged before the end of December.

NIEA has requested a meeting with the British Hydropower Association (BHA, the representative group for hydropower operators) to discuss licencing of the outstanding "deemed" hydropower sites.

The BHA has also raised a number of issues that have been forwarded to the Departmental Solicitors Office for consideration.

Action 5: Complete site inspection for all active applications.

ACTION STATUS – Ongoing – New target date 1st January 2026

All the “simple” application sites have now been inspected. These are the sites related to Quarrying/Mineral Washing activities, Industrial activities, Agricultural use, Food and Drink and for Amenity and Leisure use.

Inspections of the “complex” applications, fish farms and hydropower sites, will commence upon completion of the consultations with the representatives’ groups.

Action 6: Submit 6-month progress report with an updated action plan to OEP that takes account of the outworking of actions 1 to 4

ACTION STATUS – Ongoing

This report is the second of the 6-monthly update reports on the implementation of the Action Plan.

Action 7: Issue Regulation 18 Notices to all active applicants outlining the information they will need to supply and the time frame in which it must be submitted.

ACTION STATUS – Ongoing – New target date 30th September 2025

The operators of the “simple” abstraction sites have now been advised that new applications will need to be made, to represent their current activities; therefore, there has been no need to issue any Regulation 18 notices for these sites.

Processing of the new applications has begun and will be prioritised in line with the risk-based methodology outlined in the original plan.

Regulation 18 Notices will be issued to operators of the “complex” sites once inspections have been completed.

Action 8: Target date to licence all “simple” applications.

Action 9: Target date to licence all “complex” applications.

ACTION STATUS – Ongoing

Processing of the “simple” applications has commenced. Determination of “complex” applications has still to begin.

Staff resource issues have continued to cause delays in the program. The current staff complement consists of one full time and two part time staff. The additional workload is proving difficult to sustain. This has been relayed to management and additional resource has been approved.

Twenty-five “simple” sites no longer require a licence determination which will reduce the expected workload. It is also expected that some of the “complex” sites will also no longer need to be licenced.

Arising out of the Dalradian Gold Public Enquiry, issues with licence determination processes have been identified, particularly around transboundary consultation. This impacts on the issuing of all consents, licences etc. and is not peculiar to abstraction licencing. Department Counsel is considering the problem and guidance will be issued. However, this has and will further delay the processing of licences where this is a factor.

An internal review has also been carried out on Habitats Regulations Assessment (HRA) procedures with new processes being put in place. Capacity in NIEA teams internally consulted on HRAs has also been limited, which has caused delays in processing applications.

It is now anticipated that the “simple” applications will be completed by 1st Aril 2026. The target date for the “complex” applications remains at 31st December 2026.

Action 10: Submit 6-month progress reports with an updated action plan to OEP to take account of the outworking of actions within period

The next update is due to be provided to The OEP by the 1st of April 2026.

Next Steps

In the next 6 months, the delivery of actions 2 to 5 and 7 to 10 will be continued.

The inspection programme will continue, and new applications will be processed as they arrive.

Implementation of new guidance on transboundary consultation and HRA procedures.

Recruitment of additional staff resource.

Meetings with the ARG and the BHA to be scheduled.

The next update to OEP will be provided by 1st April 2026.

September 2024 Action Plan- progress from October 2024 to March 2025

No.	Action	Target Date for Completion	Current Position	New Target Date
1.	Issue communication to all active applicants outlining implications of OEP intervention and initiating determination process.	17 th October 2024	Completed	N/A
2.	Issue communication to all non-active applicants formally refusing application.	17 th October 2024	Ongoing	1 st April 2026
3.	Continued engagement with the Aquaculture Industry re progress on application determination and development of Operational Procedures for the determination of Aquaculture Abstraction Licenses. Arrange meetings (6 monthly) with Aquaculture representatives	15 th November 2024	Ongoing	19 December 2025
4.	Agree the Operational Procedures for Licensing Abstractions from the Freshwater Aquaculture Industry	31 March 2025	Ongoing	30 th December 2025
5.	Complete site inspection for all active applications.	1 st March 2025	Ongoing	1 st April 2026
6.	Submit 6-month progress report with an updated action plan to OEP that takes account of the outworking of actions 1 to 4	31 March 2025	Complete	N/A
7.	Issue Regulation 18 Notices to all active applicants outlining the information they will need to supply and the time frame in which it must be submitted	1 st April 2025	Ongoing	1 st April 2026
8.	Target date to licence all “simple” applications.	31 st December 2025	Ongoing	1 st April 2026
9.	Target date to licence all “complex” applications.	31 st December 2026	Ongoing	31 st December 2026
10.	Submit 6-month progress reports with an updated action plan to OEP to take account of the outworking of actions within period	30 th September 2025	Ongoing	1 st April 2026



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Northern Ireland Environment Agency
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