



Northern Ireland Environment Agency
Gníomhaireacht Comhshaoil Thuaisceart Éireann
Norlin Airlan Environment Agency

OEP Intervention on AIL Regulations - Action Plan Progress Report No. 1

April 2025



An Agency within the Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk

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

An Agency wi'in the Depairtment o
**Fairmin, Environment
an' Kintra Matthers**

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 ...”.

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

The NIEA Action Plan can be viewed at: <https://www.theoep.org.uk/investigation/nieas-duties-under-water-abstraction-and-impoundment-licensing-regulations-ni-2006>

Update on NIEA Action Plan

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

ACTION STATUS - Complete

All operators with sites identified in the September 2024 Action Plan, as holding a “deemed” authorisation and still in operation have received correspondence from NIEA detailing the outcome of the OEP intervention and impacts for their operations.

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

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

NIEA site visits to date have identified thirteen of the original AIL applications being no longer needed and consequently no licence needs to issue. Changes to practices at quarries, in particular, as part of the “Wise use of water” scheme <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/water-guidance-wise-use-water-dec-2015.pdf> means that these particular licence applications no longer need to be determined for these sites and the applications can be withdrawn. It is now considered best practice that quarry operators capture and utilise rainwater for production and / or dust suppression purposes, rather than abstracting groundwater or pumping / diverting river water onto their site. The majority of quarry sites have adopted this principle and where this is not the case, and abstraction is taking place, a licence will be determined.

Once this first phase of site visits is complete, these 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 STATUS – Ongoing – New target date 30th September 2025

A meeting was held with the Aquaculture Representatives Group (ARG) on the 28th January 2025 to discuss the final draft operational procedure for determining licences for the aquaculture sector. ARG have raised a number of issues that need to be considered further by NIEA. NIEA is seeking to agree the next meeting with ARG in July / August.

NIEA is seeking a meeting with the British Hydropower Association (BHA, the representative group for hydropower operators) to discuss licencing of the outstanding “deemed” hydropower sites.

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

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

Progress as reported under Action 3.

Action 5: Complete site inspection for all active applications.

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

Of the 76 original applications identified that need to be determined, NIEA has completed 34 site visits by 30th April 2025. It is expected that all the sites identified as “simple applications” will have been inspected by the end of May 2025. Site inspections for the complex applications will commence in the next reporting period.

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 – Complete

This report is the first 6-monthly progress report on the implementation of the agreed 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

To date, site visits have focused on the Quarry Sites. Visits so far have shown that updated, improved water usage practices on these sites due to the widespread implementation of the “wise use of water” guidance means that, where abstraction is still taking place, the original applications no longer accurately reflect the abstraction activities at these sites. The operators have been advised that new applications will need to be made. To date, therefore, there has been no need to issue any Regulation 18 notices

Processing of the new applications will be prioritised in line with the risk-based methodology outlined in the September 2024 Action Plan.

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

ACTION STATUS – Ongoing – Original target dates still applicable

Although there has been some interruption to visiting all the sites due to staffing constraints and delay in commencing the programme of work, the fact that a proportion of the deemed authorised quarry sites no longer need a licence determination, will save some time and therefore, the overall target dates, for both Action Points 8 and 9 are still expected to be achieved.

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

ACTION STATUS – Ongoing – Original target dates still applicable

Progress as reported under Action 8.

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 will be provided to The OEP by the 1st October 2025.

Priorities for the next reporting period (April to September 2025)

In the next 6 months, priority will be given to delivering actions 2 to 5 and 7 to 10.

Therefore, NIEA's site inspection programme will continue and new applications from quarry operators will be processed and determined as they arrive.

A further meeting with the ARG will be scheduled to provide feedback on the issues raised in the January 2025 meeting.

A meeting with the BHA will be scheduled. Guidance to this sector on how licences will be determined is already available. <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/NIEA%20Interim%20Operational%20Policy%20Run%20of%20River%20Guidance%20-%20April%202018.pdf>

The next update to OEP will be provided by 1st October 2025

NIEA Action Plan (September 2024) - 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	30 th September 2025
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	1 st meeting held on 28 th January 2025	30 th September 2025
4.	Agree the Operational Procedures for Licensing Abstractions from the Freshwater Aquaculture Industry	31 March 2025	Ongoing	30 th September 2025
5.	Complete site inspection for all active applications.	1 st March 2025	Ongoing	30 th September 2025
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	In progress	May 2025
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	30 th September 2025
8.	Target date to licence all “simple” applications.	31 st December 2025	Ongoing	31 st December 2025
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	30 th September 2025



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For further information:

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