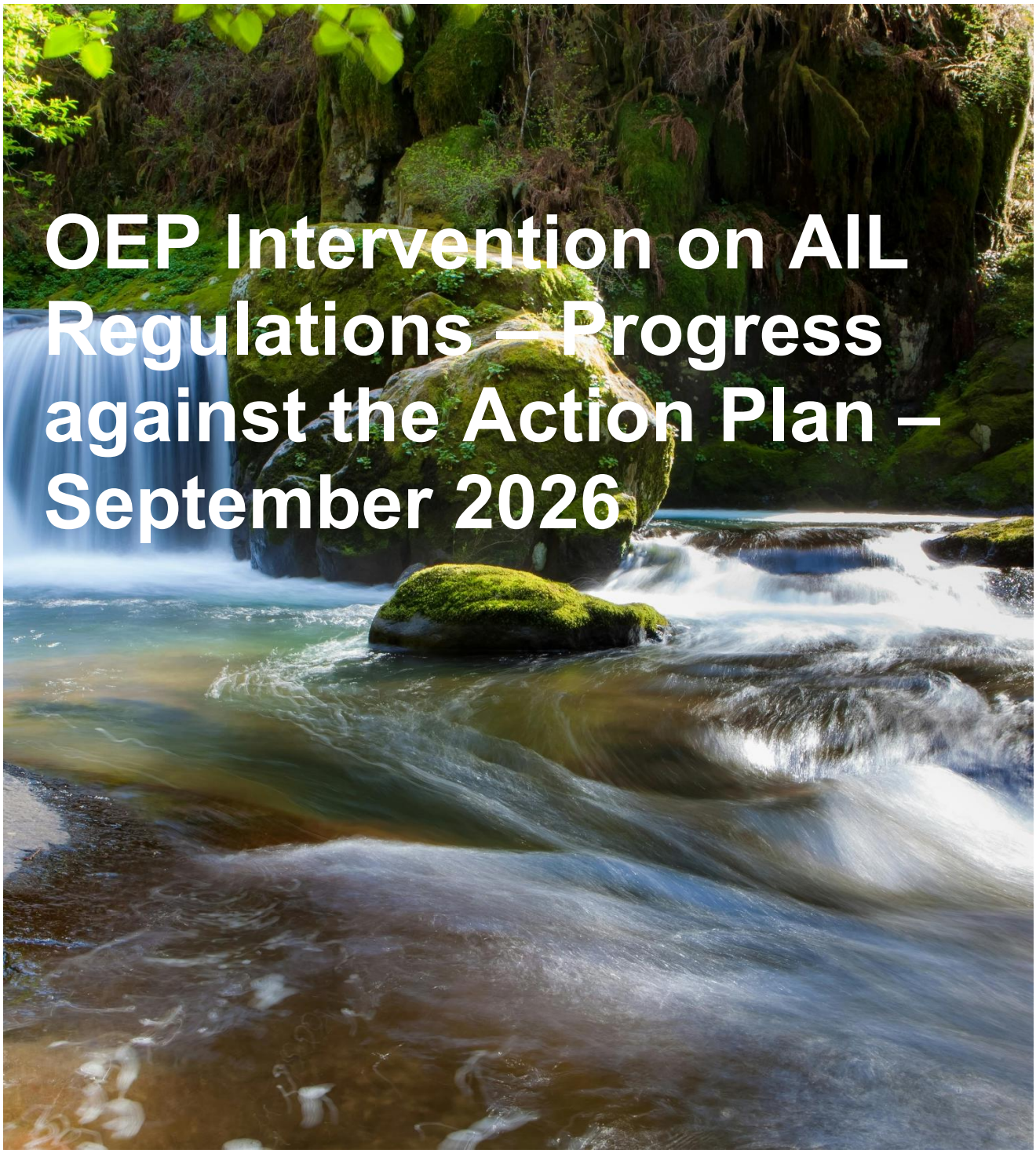
Northern Ireland Environment Agency
Gníomhaireacht Comhshaoil Thuaisceart Éireann
Norlin Airlan Environment Agency
www.daera-ni.gov.uk



OEP Intervention on AIL Regulations – Progress against the Action Plan – September 2026

Our Vision: *Towards 2050: Delivering a net zero, nature-positive future, supporting sustainable agriculture and thriving rural communities.*

An Agency within the Department of Agriculture, Environment and Rural Affairs
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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 …. ".

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 fourth 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 31 January 2027

30 out of 76 applications identified as no longer needing licenced and applicants will be notified that their applications have been withdrawn. In addition to the sectors identified within the previous update, some aquaculture sites and a hydropower site have been confirmed as inactive.

Action 3: Continued engagement with the Aquaculture Industry regarding 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 – Complete – to be continued as normal operational procedure.

Engagement during site visits with aquaculture site owners. Links with Aquaculture NI will be maintained and incorporated into normal operational procedures.

Action 4: Agree the Operational Procedure for Licensing Abstractions by the Freshwater Aquaculture Industry

ACTION STATUS – Ongoing – New target date 31 January 2027

Operational Procedure document in draft, awaiting sign-off before aquaculture engagement.

Action 5: Complete site inspection for all active applications.

ACTION STATUS – Substantially Complete

The majority of deemed authorisation sites have been visited or have provided sufficient information to enable progression of the determination process. Eight sites remain to be inspected, and these visits are expected to be completed within the coming weeks.

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 / Ongoing until completion of Intervention Action Plan

This report is the fourth 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 31 January 2027

Determination of applications has commenced and Regulation 18 notices will be issued as required.

Action 8: Target date to licence all "simple" applications.

Action 9: Target date to licence all "complex" applications.

ACTION STATUS – Ongoing – New Target Date 31 March 2027

30 application sites no longer require a licence determination.

Processing of applications has commenced.

Staff resource has reduced since previous update but is set to be boosted by confirmed recruitment within the AIL team. Staffing pressures in teams advising on Habitats Regulations Assessments (HRAs), Hydrology & Hydrogeology also impacts on the processing of applications, and it is expected this pressure will continue in the next reporting period.

Transboundary consultation processes have been developed, and their effectiveness are being explored.

It is now anticipated that all applications will be significantly progressed by 31 March 2027. Given the constraints identified above, this timeline for fully determining complex applications is still at risk.

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 submitted to the OEP by the 31 March 2027.

Next Steps

In the next 6 months, the delivery of actions 2, 4, 7, 8, 9 will continue.

New applications will be processed as they arrive.

Recruitment of additional staff resource.

The next update to OEP will be provided by 31 March 2027.

September 2024 Action Plan- progress from March 2026 to September 2026

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.	17th October 2024	**Completed**	N/A
2.	Issue communication to all non-active applicants formally refusing application.	17th October 2024	Ongoing	31 January 2027
3.	Continued engagement with the Aquaculture Industry regrading progress on application determination and development of Operational Procedures for the determination of Aquaculture Abstraction Licenses. Arrange meetings (6 monthly) with Aquaculture representatives	15th November 2024	**Completed**	N/A
4.	Agree the Operational Procedure for Licensing Abstractions by the Freshwater Aquaculture Industry	31 March 2025	Ongoing	31 January 2027
5.	Complete site inspection for all active applications.	1st March 2025	**Substantially Complete**	31 October 2027
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 / Ongoing**	31 March 2027
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	1st April 2025	Ongoing	31 January 2027
8.	Target date to licence all “simple” applications.	31st December 2025	Ongoing	31 March 2027
9.	Target date to licence all “complex” applications.	31st December 2026	Ongoing – at risk	31 March 2027
10.	Submit 6-month progress reports with an updated action plan to OEP to take account of the outworking of actions within period	30th September 2026	**Completed**	Next Update: 31 March 2027

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For further information:

Abstraction and Impoundment Licencing
NIEA Lisburn
17 Antrim Road
Tonagh
Lisburn
BT28 3AL

Email: AIL@daera-ni.gov.uk
www.daera-ni.gov.uk

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