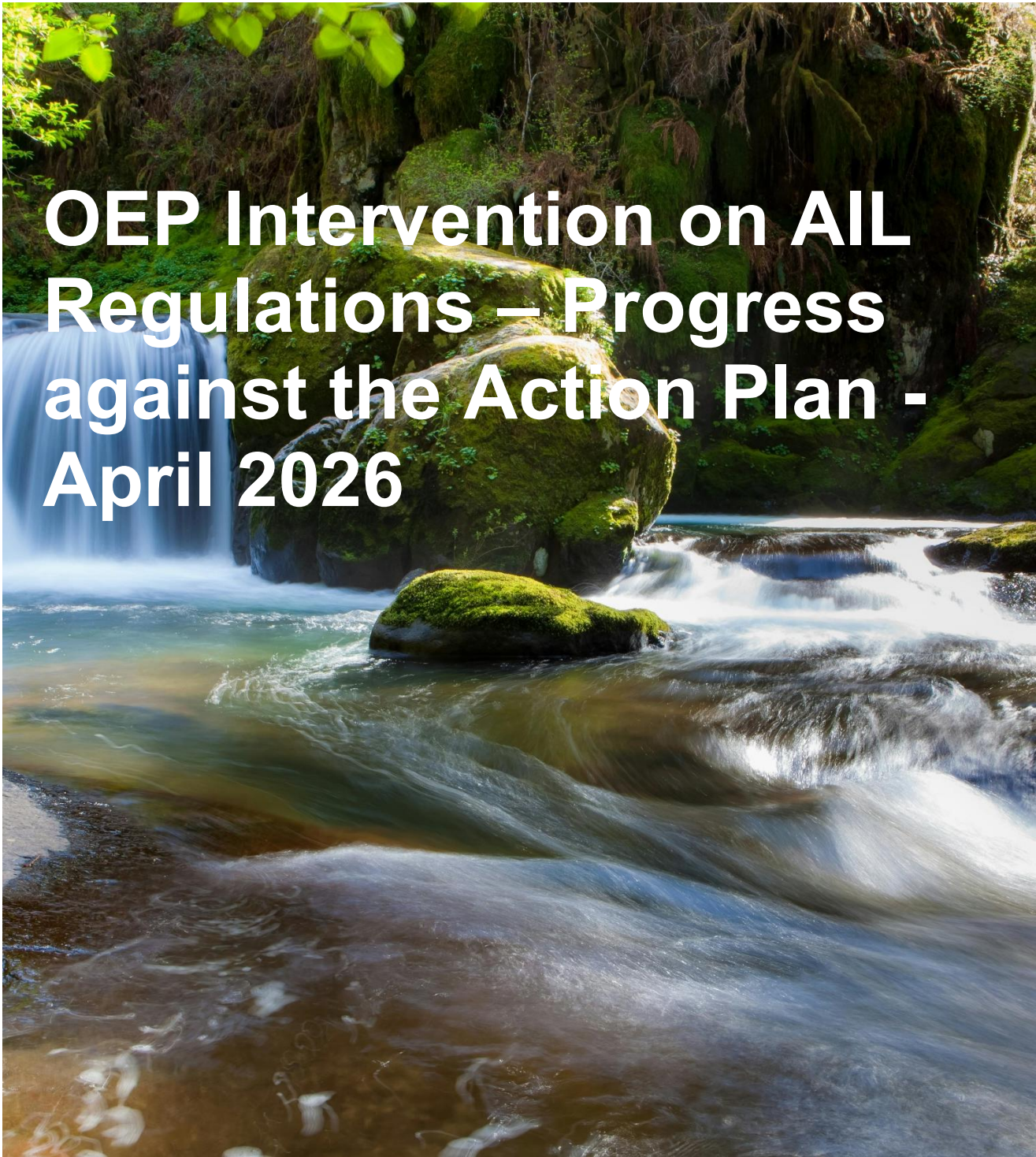




OEP Intervention on AIL Regulations – Progress against the Action Plan - April 2026

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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 third 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 30th September 2026

Twenty-five of the original “simple” AIL applications (out of a total of 49) no longer need to be licenced. The sectors involved are Quarrying, Recreation, Food Production, Agriculture and Industry.

Site inspections on Hydropower Installations (11 sites) and Fish Farms (16 sites) have still to commence. These sites require low water levels for inspections to take place. Heavy rain since October 2025 has meant that inspections have not been able to be conducted; however, applicants in these sectors have been informed that the inspections will commence once water levels drop.

Once all site visits are complete, any applicants no longer requiring to be licenced, will be formally advised that their applications have been withdrawn.

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

ACTION STATUS – Ongoing – New target date 30th September 2026

NIEA met with a representative of the Aquaculture Representatives Group (ARG) (now renamed Aquaculture NI) in December 2025 to clarify issues raised by the Group. Aquaculture NI has recently submitted another series of queries seeking clarifications from NIEA in relation to the assessment process within the Operational Procedure.

NIEA wrote to all “deemed” authorisation holders in this category in February 2026 to notify them that site inspections would commence once water levels allowed.

NIEA met with the British Hydropower Association (BHA, the representative group for hydropower operators) in January 2026 to discuss licencing of outstanding “deemed” hydropower sites. NIEA indicated at the meeting that licencing of these sites would follow the procedures set out in the Department’s 2018 guidance on licencing Run of River Hydropower Schemes.

<https://www.daera-ni.gov.uk/sites/default/files/publications/daera/NIEA%20Interim%20Operational%20Policy%20Run%20of%20River%20Guidance%20-%20April%202018.pdf>

These sites also require low water levels for proper inspection; therefore, these site inspections have also been delayed over the winter months, and they will commence with the inspection of fish farms.

Action 5: Complete site inspection for all active applications.

ACTION STATUS – Ongoing – New target date 30th September 2026

All the “simple” application sites have now been inspected.

Inspections of the “complex” applications, fish farms and hydropower sites, have been delayed due to high water levels and will commence once water levels suitably reduce.

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 third 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 2026

Processing of new “simple” applications has commenced.

Regulation 18 Notices will be issued to operators of the “complex” sites once site inspections are 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. 13 applications are currently being processed out of 24 identified that need to be determined.

Staff resource issues continue to cause delays in the program. Additional resource has been approved and recruitment is in progress; however, the timeline for staff to be in post has still to be confirmed.

Twenty-five “simple” application sites no longer require a licence determination which will reduce the expected workload. Discussions with some site operators is ongoing which may increase this number. It is expected that, on inspection, some of the “complex” sites will no longer need to be licenced.

Issues around transboundary consultation still need to be clarified. This impacts on the issuing of all consents, licences etc. and is not peculiar to abstraction licencing.

Staffing pressures in teams advising on Habitats Regulations Assessments (HRAs) is also impact on the processing of applications and it is expected this pressure will continue in the next reporting period. Again, this impacts on the issuing of all consents, licences etc. and is not peculiar to abstraction licencing

It is now anticipated that the “simple” applications will be completed by 30th September 2026. The target date for the “complex” applications remains as 31st December 2026; however, given the constraints identified above, this timeline is 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 30th September 2026.

Next Steps

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

The inspection programme will continue and will be completed by 30th September 2026.

New applications will be processed as they arrive.

Implementation of new guidance on transboundary consultation and HRA procedures.

Recruitment of additional staff resource.

The next update to OEP will be provided by 30th September 2026.

September 2024 Action Plan- progress from October 2025 to March 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.	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 2026
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	15 th November 2024	Ongoing	30 th September 2026
4.	Agree the Operational Procedure for Licensing Abstractions by the Freshwater Aquaculture Industry	31 March 2025	Ongoing	30 th September 2026
5.	Complete site inspection for all active applications.	1 st March 2025	Ongoing	30 th September 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	Completed	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	30 th September 2026
8.	Target date to licence all “simple” applications.	31 st December 2025	Ongoing	30 th September 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 2026	Ongoing	30 th September 2026



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