

Your Reference CMS 372

Office for Environmental Protection
County Hall
Spetchley Road
Worcester
WR5 2NP

19th February 2024

Dear [REDACTED],

CASE ID Number 372

Thank you for your letter dated 11th January 2024.

I fully recognise the points raised by the OEP in your investigations and accept that improvements are required in the implementation of the Abstraction and Impoundment Regulations 2006.

It is regrettable that 87 applications remain undetermined for existing activities some 16 years after the legislation came in to force and I agree that planned action is needed to address this in a timely manner.

In response to Schedule 1 to your letter please refer to Annex 1 and 2 attached.

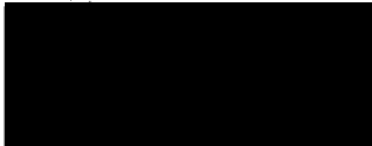
NIEA welcome the guidance and advice offered by OEP on this matter and look forward to engaging with you as we progress through the implementation of the outlined action plan.

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NIEA and DAERA Marine and Fisheries Division are happy to meet to discuss any points of the action plan or issues highlighted as a result of the planned work.

Yours sincerely,



Head of Regulation Unit
Resource Efficiency Division

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**Annex 1
Schedule 1 372/1**

Submit an action plan detailing how you plan to fully determine all the outstanding deemed consents that meets the duties in the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006

With regards to above, as a minimum this plan should include:




- **A proposed program of works or plan on how to determine outstanding “deemed” applications**
- **Improvements planned, including dates for completion**
- **Any interim improvements made or planned to enable compliance with the regulations**

Action Plan

Action	Target Date for Completion	Owner of Action
1. Interrogation of the historical information to secure an accurate list of sites which have received a deemed authorisation.	30 th April 2024	██████████
2. Assessment (Mix of Desktop and Site Inspection) to ensure the activities remain operational and an abstraction is underway.	31 st July 2024	██████████
3. Development of a prioritised risk-based approach to determine the outstanding applications within a timely manner.	31 st August 2024	██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████
4. Submit an updated action plan to OEP to take account of the outworking of actions 1 to 3	30 th September 2024	██████████ ██████████
5. Specific Action in relation to Deemed Authorisations for the Freshwater Aquaculture Industry. - Issue Notices to individual applicants operating Freshwater Aquaculture, seeking additional information to support their Application under the Abstraction and Impoundment Regulations 2006. (See Appendix 1: Draft Notice) Notices will include a minimum 12 month specified time period to enable representative data collection	31 st March 2024	██████████ ██████████

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<ul style="list-style-type: none"> - Continued engagement with the Aquaculture Industry at a 6 monthly meeting, to discuss the progress on application determination and development of Operational Procedures for the determination of Aquaculture Abstraction Licenses. Next Meeting Scheduled 5th March 2024. 	<p>Ongoing 6 Monthly</p>	
<ul style="list-style-type: none"> - Finalise and seek approval of the Operational Procedures for Licensing Abstractions from the Freshwater Aquaculture Industry. 	<p>31st August 2024</p>	 

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Appendix 1: Draft Notice Specific to Aquaculture Industry



WATER ABSTRACTION AND IMPOUNDMENT (LICENSING) REGULATIONS (NORTHERN IRELAND) 2006

NOTICE OF REQUIREMENT TO PROVIDE FURTHER INFORMATION

Issued to: Name
Address 1
Address 2
Address 3
Address 4
Post Code

Abstraction Licence Reference Number: AIL/XXXX/XXXX

Under Regulation 18 of the *Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006*, the Department of Agriculture, Environment and Rural Affairs (the Department) may serve a notice on the applicant for a licence when additional information is required by the Department for the consideration and determination of the application.

In accordance with Regulation 18(1), the Department hereby requires the applicant for Licence Reference Number AIL/XXXX/XXXX to provide the following information:

- 1) A location map for the site.
- 2) A detailed schematic of the site showing all abstractions, discharges, spillways, sluices, control mechanisms, and hydropower intakes. Include any smolt passes, fish passes and the positions and sizes of any screens. The height of the weir must also be included.
- 3) The volume of water you abstract, per day, from the River XXXX for any use on your fish farm. (A day = 24 consecutive hours, midnight to midnight). A full calendar year (365 consecutive days) of data must be supplied along with the methodology by which it was obtained.
- 4) The volume of water you abstract, per day, from any other source (such as a borehole) for any use on your fish farm. (A day = 24 consecutive hours, midnight to midnight). A full calendar year (365 consecutive days) of data must be supplied along with the methodology by which it was obtained.
- 5) The daily volume of abstracted water passing through the fish production tanks on the site.

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- 6) The daily volume of abstracted water used to run any machinery on site i.e any hydropower plant.
- 7) Within 3 months of the date of the issue of this Notice, the applicant must supply the Department with a Monitoring Plan detailing how abstraction volumes will be monitored and recorded if a licence is issued.
- 8) With the exception of Point 7, all the information must be supplied to the Department by XX/XX/XXXX

Under the terms of Regulation 18(3) of the *Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006*, where an applicant fails to provide the Department with any information requested under Regulation 18(1) the Department may refuse to proceed with the application to which it relates or refuse to proceed with it until the information is provided.

If insufficient information is made available to determine an application the Department may refuse to grant a licence in accordance with Regulation 10(3).

Name of Issuing Officer:

Signature of Issuing Officer:

Date of Issue

OEP Schedule 1 : 372/1 Action Plan END

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Annex 2:

OEP Schedule 1 372/2:

Provide details of the current approach to monitoring compliance with fish culture licenses. Provide details of any regulatory inspection regime currently used to ensure full compliance with the provisions of the Fisheries Act (Northern Ireland) 1966 relating to fish culture licenses. Provide details of annual targets for monitoring compliance and undertaking enforcement action, including the number of instances of non-compliance identified, and the enforcement action taken over the past 5 years.

Response

DAERA is responsible for licensing all fish farms including marine fish and shellfish farms and land based fish farms using either an enclosed water re-circulation system, a pump ashore system, abstracting water from a bore hole or from inland waters.

DAERA is also responsible for the enforcement of the aquatic animal health regime in Northern Ireland. This includes registration and approval of aquaculture establishments; statutory inspection, sampling and testing programmes of fish, shellfish, and crustacean farms; investigation of disease outbreaks in wild and traded fish, shellfish, and crustacean stocks; enforcement of statutory disease controls; and implementation of controls on the import and export of live fish, shellfish, and crustaceans.

In carrying out these responsibilities, DAERA Aquaculture and Fish Health Inspectorate (AFHI) undertake routine inspections and sampling programmes of active aquaculture establishments. During these inspections enforceable conditions of the Fish Culture Licence are checked for compliance.

Aquaculture Establishments are currently ranked in relation to risk to aquatic animal health. This ranking determines the frequency of inspections. Glen Oak Fisheries qualifies as medium risk and consequently is subject to a biennial inspection regime. There have been no instances of non-compliance identified over the past 5 years and no enforcement action taken.

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