

Fisheries and Water Environment Bill Consultation

Comments by Sustainable NI

September 2025

Sustainable NI (SNI) is a charity dedicated to promoting and supporting sustainable development across Northern Ireland. We work with councils, government, and businesses to influence policy, deliver projects, and inspire change through education, advocacy, and practical solutions.

These comments are made on behalf of Sustainable NI and not our partners / funders. If you would like to discuss these comments further, we would be happy to do so.

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Inland Fisheries and Aquaculture Objectives

4. Do you agree that the objectives proposed for inland fisheries and aquaculture will provide a good basis for managing these activities?

Yes

In general terms, SNI agrees that the proposed objectives could provide a good basis for managing these activities. However, we feel that some amendments are necessary to strengthen and clarify the objectives.

- Under the 'ecosystem objective', point (a), we suggest that the objective should be to **eliminate negative impacts** on ecosystems, rather than to minimise and reverse negative impacts where possible. In other words, the objective should be to have no overall negative impact. This would align more clearly with the 'sustainability objective' (that fish and aquaculture activities are environmentally sustainable in the long term), and provides a clearer standard for stakeholders.
- Under the 'scientific evidence objective', we suggest a further point for inclusion: the **relevant scientific data is publicly available**.
- Under the 'climate change objective', we suggest that point (a) is extended to clarify that this will be **in line with any existing legislative requirements and/or emerging scientific evidence**.

5. Do you agree that it will be beneficial to publish an Inland Fisheries Policy Statement that will provide a framework for future policy development, fisheries management and decision making?

Yes

SNI agrees that publication of an Inland Fisheries Policy Statement will help to ensure transparency and enhance the legitimacy of future policy development, fisheries management and decision-making in this context. However, SNI argues that that the Policy Statement **must** have the following characteristics:

- Assigned responsible governance
- SMART Targets, including short, medium and long-term actions
- Capacity and resources needed to enforce measures.
- Policy framework being iterative and how often it will be updated.
- Feed-in to core overarching policies and legislation - e.g. short, medium and long-term goals.
- Accompanying robust, evidence-based monitoring programmes to assess effectiveness.

6. Do you agree that DAERA should have regulation making powers for the purpose of conserving, improving or restoration of inland fish stocks?

Yes

SNI agrees that DAERA should have regulation-making powers for the purpose of conserving, improving and restoring inland fish stocks. SNI argues that the legislation conferring these powers should require DAERA, in exercising their regulation making powers, to have regard to the fundamental connection between inland fish stocks and the overall health of both the freshwater and marine environments and the existing legislative requirements in this context.

SNI would also suggest that the legislative provisions should require DAERA, in exercising their regulation making powers to conserve, improve or restore inland fish stocks, to prioritise the use of nature based solutions, where this is appropriate. It is well-established that nature based solutions can offer co-benefits across a range of policy areas, and these should be mainstreamed into regulatory frameworks where possible.

7. Do you agree that DAERA should have regulation making powers for the purpose of protecting inland waters from the effects of fishing or aquaculture?

Yes

SNI agrees that DAERA should have regulation-making powers for the purpose of protecting inland waters from the effects of fishing or aquaculture. SNI argues that the legislation conferring these powers should require DAERA, in exercising their powers, to have regard to the fundamental connection between the condition of inland waters and the overall health of the marine environment, and the existing legislative requirements in this context.

SNI would also suggest that the legislative provisions should require DAERA, in exercising their regulation making powers to protect inland waters from the effects of fishing or aquaculture, to prioritise the use of nature based solutions, where this is appropriate. It is well-established that nature based solutions can offer co-benefits across a range of policy areas, and these should be mainstreamed into regulatory frameworks where possible.

8. Do you agree that DAERA should have regulation making powers for the purpose of promoting or developing commercial fish or aquaculture activities in inland waters?

Yes

Inland Fisheries - Management of Recreational Inland Angling

The policy aim is the protection of the natural resource for the benefit of angling.

9. Do you agree DAERA should continue to retain the power to acquire and manage, by agreement, fishing rights in inland waters for the purpose of developing the natural resource for the benefit of angling?

Yes

10. Do you agree that DAERA should retain the regulation making powers that are available for purposes related to angling?

Yes

Inland Fisheries - Management of Inland Commercial Fishing

The policy aim is to manage commercial fishing operations to ensure sustainable operations which continue to provide a high-quality food product and socio-economic benefits for rural and fishing communities.

11. Do you agree that Fishery Management Plans are beneficial for setting out policies relating to commercial fisheries in specified areas?

Yes

SNI agrees that Fishery Management Plans (FMPs) are beneficial for setting out policies relating to commercial fisheries in specified areas. However, for these policies to be effective, FMPs need to set clear, measurable objectives and indicators, and contain robust monitoring plans. FMPs should also provide a clear account of the funding streams that will allow delivery of the actions they contain.

SNI underlines the importance of ensuring alignment between FMPs and other legislative requirements such as the Water Framework Directive Regulations and the Habitats Regulations. In this context, it is critical that FMPs and their potential impacts are viewed within the wider catchment, reflecting the ecosystem approach. Relatedly, FMPs are a recognised delivery mechanism for achieving Good Environmental Status under the UK Marine Strategy. It is therefore critical that account is taken of how FMP objectives and indicators relate to eg sensitive species and maintenance of prey availability for seabirds (as well as other indicators under the UK Marine Strategy).

12. Do you agree that technical conservation measures should be detailed in secondary legislation to allow for amendments as evidence becomes available?

Yes

SNI agrees that detailing technical conservation measures in secondary legislation is an appropriate approach, but would add a number of qualifications. First, it is critical that a feedback mechanism is built into FMPs to ensure that the best available methods are being used and that there is a suite of potential measures that can be utilised if any are found to be ineffective through a robust monitoring programme. Secondly, technical conservation measures should be co-designed with both fishing and scientific stakeholders to ensure the best available knowledge and evidence is being used.

Aquaculture

The aim of the policy is to update and streamline the aquaculture licensing process to ensure it is fit for purpose and capable of supporting current and future aquaculture operations.

13. Do you agree with the proposals for the licensing of inland aquaculture operations?

Yes

14. Do you agree with the proposals for licensing of marine-based aquaculture operations?

Yes

Enforcement - Inland and Sea Fisheries

DAERA wishes to ensure that there is a consistent enforcement regime with appropriate powers to ensure that aquatic and ecosystem health is prioritised and supported.

15. Do you agree that DAERA should standardise enforcement powers for fisheries officers in NI and bring these into line with the rest of GB and RoI?

Yes

SNI agrees that standardising enforcement powers for fisheries officers to align with neighbouring jurisdictions would create a more consistent and equitable system. However, we feel that the process of making this shift should involve a comprehensive analysis of the effectiveness of the systems in other jurisdictions, highlighting any specific challenges that have been encountered. This will allow the NI system to be designed to avoid the same challenges.

We also acknowledge that there are core issues in available funding and resources for fisheries officers. Long-term, multi-year funding for the delivery of enforcement powers within the department would be beneficial to ensure that the Department is able to carry out their role effectively.

16. Do you agree that DAERA should have a more flexible enforcement system including administrative penalties?

Yes

SNI agrees with the introduction of a more flexible enforcement system to reflect the diversity of the regulated community and the broad range of types of offence that could fall within the scope of the legislation (in terms of context, scale and seriousness). It is critical that the introduction of a more flexible enforcement system is accompanied by clear guidance on how the range of penalties will be deployed, as well as mechanisms to effectively deter repeat offenders who may receive consistent relatively less serious

penalties (ie mechanisms are needed to monitor incidences of repeat offending and penalties should be adjusted accordingly).

The effectiveness of this more flexible enforcement regime will also require comprehensive training for the judiciary in terms of the impacts of various types of offence that fall within the scope of the legislation (eg from an ecological or economic perspective).

17. Do you agree with the proposal to allow the most serious offences to be indictable (i.e. to be considered by a higher court, with a corresponding higher penalty for those found guilty)?

Yes

18. Do you agree that the Department should increase maximum penalties for offences in relation to certain sea fisheries activities in the Fisheries Act 1966 and the Sea Fish Conservation Act 1967 to £50,000?

Yes

19. If you do not agree with the proposed maximum penalties, do you have a view as to what level maximum penalties might otherwise be set at?

SNI has no specific comments to make.

20. Do you believe that there are any other activities which require regulation or new offences created in the Fisheries and Water Environment Bill?

SNI has no specific comments to make.

Permitting of Sea Fishing Activities in the Northern Ireland Zone

The aim of the policy is to provide for the option to introduce permitting arrangements for sea fishing in the NI zone, for example in specific areas or for a specific species only.

21. Do you agree with the proposal to introduce permitting provisions for sea fishing in the Northern Ireland zone?

Yes

SNI agrees with the proposal to introduce permitting provisions for sea fishing in the Northern Ireland zone, with a number of important qualifications. First, it is essential that the permitting regime is explicitly linked to the overarching objectives outlined in the consultation document, as well as aligning with other environmental objectives and legislative requirements. In addition, the regime should confer the power on DAERA to set conditions for permits, and revoke permits where these have not been met. The conditions should link to the environmental objectives and legislative requirements mentioned above. The burden of demonstrating compliance with these conditions should rest with the permit holder, and appropriate systems should be established to facilitate monitoring and rapid response to non-compliance.

Regulatory Impact – Draft Regulatory Impact Assessment

A draft regulatory impact assessment (RIA) has been drawn up and considers the potential economic impact of the policy proposals for a new Fisheries Bill. The proposals were evaluated in the light of the available evidence to ensure that the most effective options could be identified. This evaluation is set out in the draft Regulatory Impact Assessment that accompanies this consultation document.

Future monitoring and evaluation will rely on evidence gathered during the implementation period. Once the policies and resulting legislation has cleared all processes to pass into Law, then the final draft RIA can be deemed FINAL and will be published as such and attached to the Explanatory Memorandum for the legislation.

22. Do you agree that the analysis of the evidence given in the accompanying draft Regulatory Impact Assessment accurately describes the potential impacts of the proposals?

Yes

23. Are there other potential impacts we may not have anticipated in the accompanying draft Regulatory Impact Assessment?

SNI has no specific comments to make.

Equality and Human Rights Impacts

Section 75 of the Northern Ireland Act 1998 requires Departments to have due regard to the promotion of equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependents and persons without.

The Human Rights Act 1998 implements the European Convention on Human Rights. The 1998 Act makes it unlawful for any public authority to act in a way that is incompatible with these rights. Since the implementation of the Human Rights Act 1998, all legislation must be checked to ensure compliance with the European Convention Rights.

A screening exercise has been undertaken and there is no evidence that the proposed measures will have any impact on equality issues. The Department also considers that the proposals are compatible with the Human Rights Act 1998. Therefore, a full Equality Impact Assessment is not considered to be necessary. The screening assessment is set out in the EQIA screening document that accompanies this consultation document.

24. Do you agree with the conclusion that the policy proposals do not have a differential impact on any of the Section 75 groups or on human rights?

SNI has no specific comments to make.

25. Are there any potential impacts of the proposals on specific groups which we may not have anticipated?

SNI has no specific comments to make.

Rural Needs Impact Assessment

The Rural Needs Act (Northern Ireland) 2016 ('the Act') introduced a new duty on public authorities in Northern Ireland to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services. It also requires public authorities to compile information on the exercise of due regard duty and for this information to be published. A screening exercise is set out in the Rural Needs Screening document that accompanies this consultation document.

26. Do you agree the Department has fully considered the impact on rural communities in the development of the proposals?

SNI has no specific comments to make.

27. Are there any potential impacts of the proposals on rural communities which we may not have anticipated?

SNI has no specific comments to make.

Environmental Impacts

In accordance with regulation 9 of the Environmental Assessment of Plans and Programmes Regulations (NI) 2004, a screening process to determine whether there is a need for Strategic Environmental Assessment (SEA) for the draft proposals has been completed. Our initial conclusion is that some of the policies to be developed to deliver on proposals may give rise to environmental effects. The screening assessment has concluded that the draft NI Fisheries Bill requires an SEA. This is set out in the Strategic Environmental Report that accompanies this consultation document.

28. Do you agree the analysis of the evidence given in the accompanying Strategic Environmental Assessment accurately describes the potential environmental impacts of the proposals?

Yes

29. Are there other potential impacts we may not have anticipated in the accompanying Strategic Environmental Assessment?

SNI has no specific comments to make.