**FISHERIES AND WATER WATER ENVIROMENTAL BILL – CONSULTATION RETURN.**

BACKGROUND TO LATE SUBMISSION:

1. I am the secretary of FASTA (Foyle association of Salmon and Trout anglers). We are a game angling body, which for decades, has acted on behalf of our affiliate members. Our representation has been on matters of mutual and strategic interest that affect game angling in the North West of Northern Ireland, and County Donegal. Our affiliates include, Community based angling clubs and private fisheries on the River and Lough Foyle system. These include **(Community angling clubs)** Omagh Anglers, Sion Mills Anglers, GAFF Anglers, Ardstraw anglers, Finn Anglers, Dennett Anglers, Derg Valley community angling club, River Roe angling Ltd, Strabane and Lifford anglers: **(Private fisheries)**Abercorn estates, Brookborough estates. Glenmore estate, Cloghan fishery, Killygordon anglers, Mulvin fishery, Fedon fisheries, Beattie’s fishery, Carrickmore anglers Limavady, Strabane angling association, Beltrim estates. In terms of individual anglers, this runs into **4000 individual anglers**. Some anglers enjoy multi membership, but each club and fishery having their own rules, constitution etc.
2. FASTA misunderstood the submission date as the 6th November 2025, and were oblivious to the initial submission phase of the 11th of September 2025. We also were unsure if this consultation covered the Foyle basin and we had sought clarification. Representation was formally made the MLA Tom Buchanan, committee member, Agriculture, Environment and Rural Affairs to establish clarity. Following MLA enquiry, FASTA was instructed to submit our areas of consultation input via email to the DAERA Bill team, and copy to Mr Buchanan. We were informed this should by undertaken by Wednesday 8th October 2025.
3. FASTA has kept the scope of our return relevant to the issues that we wish to raise within the consultation. We can no longer type into the portal for submission.
4. Our consultation submission is arrived at through a FASTA working group, elected as representatives, that reflects our community angling and private fishery background.
5. The group comprises of professionals from the following fields of experience: Civil service management grades, Senior Investigation Officers -Serious Crime. Engineering professionals, Legal professionals. Executive management of a multi-national company, and angling professionals. Several of our working group are of an academic qualification & background.
6. As part of our submission we have reviewed and reflected upon the following two submitted Northern Ireland Assembly research Service papers. These papers are accepted and accredited academic papers that underpin all aspects of our consultation submission.
7. January 2016 NIAR 691-15 Ms Suzi Cave and Mr Des McKibbon, RIVER POLLUTION IN N.IRELAND: **An overview of causes and monitoring systems, with examples of preventative measures.**
8. July 2021 NIAR 176-21 Mr Daryl Hughes, Lough Foyle-**Opportunities and challenges for cross border marine management.**
9. We have also reviewed the Joint committee on climate, environment and energy debate 30th September 2025. **Fish kill in the River Blackwater, Co. Cork. House of Oireachtas. Admissions that the public bodies are not fit for purpose in terms of pollution prevention , investigation and criminal justice response.**
10. The River Foyle and its tributaries is an accredited **“Special Area of Conservation” (SAC)** under the UKs network of protected Habitats Regulations. Governance and documentation is by the Joint nature conservation Committee (JNCC). Atlantic salmon within the River Foyle system, as well as otters is one of Northern Ireland largest population. The River Foyle Salmon has been scientifically accredited as a **“genetically distinct salmon population”** and **“multi-type species”**. This is commonly referred to by a **“mixed stock fishery”** in terms of Atlantic salmon. The River Foyle is also home to other fish species including, Sea trout, and Brown trout. Lampreys and eels, both species occupy the River Foyle and have done so for time and memory. In terms of Foyle oysters and mussels, this is an additional sub-topic of vital economic and marine culture importance. I have not referenced it further.
11. FASTA underpin that there exists **“A POSTIVE OBLIGATION UNDER LAW, WITHIN THE JURISDICATION OF THE UK & THE REPUBLIC of IRELAND”** to fulfil, and meet the environmental protection needs of the River Foyle and its tributaries.

**THE BASIS FOR THE FASTA CONSULTATION RESPONSE INCLUDING POINTS 1-11 ABOVE:**

***“Governments within both jurisdictions on the River Foyle have serious challenges to protect the River Foyle from the increasing threats posed by man-made pollution. There are layers of multi-faceted governmental bodies, agencies, departments, that could adequately protect the River Foyle and its tributaries from Pollution. This includes Lough Neagh, Lough Erne upper and lower, and the extensive river ways within N. Ireland. But there are many concerns that weaknesses have evolved over years. With the upgraded demands of intensive and industrial level of farming, the Green energy drive to meet net zero climate targets, the pressures on the model to cope are apparent to all. Consecutive Government policy North and South, for wind farm construction, the emergence of industrial disposal of toxic waste back into the environment and Eco system, raises more questions. Can the current model effectively and efficiently regulate and manage the threats from pollution? There has been a strategic failure within this model to develop or implement change. Can the government(s) through their current structures professionally regulate, undertake control oversight, or adequately prevent and investigate wrong doing effectively? Currently, the criminal justice outcomes are unjust and have a negative impact on public confidence. There has been a disproportionate and inevitable pressure placed on our environment because of Government priorities and schemes. They have all been agreed and authorised by government, the implementation plan has been facilitated, and rolled out at an alarming pace. Have these schemes got ahead of the governmental control and risk management structures? Has there been any truthful reflection on the pressures this has placed on the model? The proportionality arguments seem to fall on deaf ears, and the risk controls and management plans appear unbalanced. But it is the opinion of the on looking community that the competing pressures on the model, has lost the public confidence in its ability to take the strain. The pollution management plan for N. Ireland, is a corporate level failure for Government. Testament to this opinion, is that lough Neagh and the River Bann are running green. Separately and simultaneously, our Rivers and waterways are being constantly polluted and fish kills are common news. The criminal justice outcomes act to serve as the conclusive piece of evidence in terms of government neglect and failure. Penalties are the subject of severe criticism from all sections of our community. That includes Judiciary criticism within Northern Ireland. Lastly, Feedback between the Anglers and the practitioners on the ground, within each of their own working silos reflect exacerbation. There is a loss in trust and confidence. They feel disarmed as a productive and effective team member”***

**Statement 1.6 DAERA Enforcement Policy - Presumption to take enforcement action appropriate to the level of harm or risk.**

* The business case application, (EG Anaerobic Digester) (Fish farm licence) (NI water Pollution request) Authorisation process. The body receiving the application Lack a dynamic stress testing of the risk management based on the application details. During the license granting, what consideration is given to risk being passed to inadequate resources that undertake the next layer of duties. It appears that those challenged with enforcement, monitoring and investigation are the most under resourced of the bodies and agencies. DAERA are responsible directly for this disconnect and is clear evidence of planning to fail in terms of pollution prevention.
* What financial obligations are placed upon the applicant to put in place adequate risk control measures? This practice must become a standard operating procedure within a risk management and control presentation for licence approval. Such as, on-sight digital date and time recoding cameras that must upload to the cloud. Also, any and other means of electronic measures and equipment deemed necessary for the licensee to self-regulate. These measures also act as an investigative/evidential tool, within identified areas of heightened risk. This is straight forward in terms of implementation, and if resilient measures to protect the environment and eco system cannot be provided, surely the application does not meet minimum standards. Therefore, unsuitable for approval.
* As part of the license approval, there needs to be a legal obligation placed upon the business, to self-regulate and report wrong doing. This is an urgent and necessary culture change.
* Compliance failures must draws down automatic penalties, if self-regulation standards are to be achieved and retained by the license holder. Perhaps fixed penalty scheme.
* Repeat offenders, should be subject of robust licence review and fixed penalty scheme.
* The Water management unit (WMU) process requires a robust review on their effectiveness.
* The (WMU) must follow robust inspection practices. The Private health RQIA standards are a good example.
* The (WMU) onsite inspection **MUST BE WITHOUT ANY NOTIFICATION**, to be effective and without exception.
* Are there immediate raised standards and benefits through multi-agency Pollution investigations? Memorandums of understandings (MOUs) should become an accepted policy and standard operating procedure within the myriad of agencies and bodies.
* Benefits of appointment of an experienced Senior Investigating Officer of high risk pollution incidents. Disagreement on or of such an appointment requires escalation to the appropriate senior management or ministerial level. Accountability vision is therefore raised, ambiguity diminished, and ownership in place
* There needs to be a new practice of case review, particularly serious incidents, or cases that may adversely affect community confidence of investigation/body/agency. **Lessons must be learned from the River Blackwater pollution incident, and the subsequent enquiry and failings.**
* When confidential information of a deliberate or reckless breach of pollution regulations is confirmed, a pro-active response must form part of any proportionate investigate response. Legislative regulations for government bodies in N. Ireland are already in place for this type of enquiry.
* Community consultation regarding the impacts of a serious pollution incident should form part of the criminal justice response. There is no community feedback following a serious pollution incident. (Victim impact in pollution is not considered and it should be part of daily practice). Impact statements can assist the assessment of an appropriate Penalty within the Criminal Justice system.
* There is currently discussion for the establishment of an independent environmental body. To be clear, FASTA welcomes this proposal from Minister Muir. However, it is felt this ambitious statement by Minister Muir is well meaning. However, it appears more aspirational as opposed to achievable. It is a FASTA concern that such a proposal will become another ball kicked down the street, and another excuse for delay and reform. If there is to be positive outcomes to Pollution control, there actually has to be realism of what actually can be achieved through change or upgrade, and at what cost to the public priorities?
* FASTA suggests that the skills and resources are already are available with the bodies. It is how the resource are currently placed may be the overall effectiveness issue. The lack of true and honest executive management reflection, a silo mentality within the different bodies, Cross- agency de-confliction. These are always the challenges to progressive change and unlocking the solutions to an identified problem.
* An alternative to a new independent body, could the solution be a time framed review of structures and operational resources. Such a review could justify and support a restructuring of resource to risk.
* Is there a role for an **OVERSIGHT COMMISIONER?** Would this be a viable and realistic option, in the face of lack of public funding reality?
* There needs to be change if we are to find a solution to deal with the pollution crisis. DAERA, Loughs Agency, NIEA, Planning applications, public health agency, NI water and other bodies or agency must be subject to real and meaningful change if we are serious about dealing with pollution threats.
* How is it ethical to prosecute anyone for causing pollution in N. Ireland when our own Northern Ireland water service, is authorised, to legally pollute Lough Neagh with two hundred thousand tonnes of raw sewage annually (200,000). This practice must cease.
* Investigation powers require review to ensure that they fully support an immediate need to investigate. These should include powers to enter premises to search for evidence, take samples and seize any item believed to be connected to the matter under investigation.
* The Foyle fisheries act 1952, the legal instrument for Loughs Agency to prosecute for pollution incidents (73 years old). The most serious of fish mortality incidents have a maximum fine of £5000.00. This is painfully inadequate; it provides no outcome that realistically deals with a serious incident or acts meaningfully as a deterrent. FASTA recommend up to £250,000 fine and or imprisonment. **WE NEED TO GET SERIOUS ABOUT POLLUTION TIME HAS RUN OUT.**

* The NIEA water order also requires a robust review; the fine of £20,000 is also inadequate. The penalties must have serious financial penalties if they are to effectively provide a deterrent. FASTA recommend up to £250,000 fine and or imprisonment. **WE NEED TO GET SERIOUS ABOUT POLLUTION TIME HAS RUN OUT.**
* A review of NIEA policing of farmers on behalf of DAERA needs to take place. The penalty of the threat of removing the single farm payment is rarely ever followed through. FASTA encourage those undertaking this consultation to look at the statistics following our comment. **WE NEED TO GET SERIOUS ABOUT POLLUTION TIME HAS RUN OUT.**
* There needs to be a review on the telephone pollution reporting line. There are currently too many.
* There needs to be a review of emergency call out procedures. Pollution is a 24 hours daily threat; it does not recognise weekends or public holidays or weather conditions. The N. Ireland Government bodies need restructuring to meet this emergency response capability. Current calls out procedures are flimsy and not capable of providing an effective and appropriate investigation for high risk incidents. **Lessons to be learned from the River Blackwater pollution incident.**
* **WE NEED TO GET SERIOUS ABOUT POLLUTION TIME HAS RUN OUT.**

**Statement 1.7 Effective Enforcement via fixed penalty system.**

* Regarding minor breaches of regulations. FASTA respectfully recommend that this enforcement Fixed penalty ticket policy (FPT) could fit into our suggestions for regulation compliance, as reported at **Statement 1,6 above**.
* No FPT should be issued where environmental harm has occurred above the identified parameters of low risk.
* Clear and unambiguous parameters **must be established** on what and when a FPT **CANNOT** be issued**.**
* I fixed penalty ticket must have a financial penalty that acts a future incentive to comply. FASTA recommend £500.00 for a business offence and £250.00 for a member of the public.
* Fixed penalty tickets cannot be used as a statistical mechanism to mislead the community. Particularly, the effectiveness of pollution control at medium to high level risk. **There is a real risk that there will be a loss in public confidence of the effectiveness of the policy if this process is indentation. Organisation cannot help themselves to justify their own cost and value.**
* Issuing of FPT can have an adverse impact on community confidence. If no environmental harm has taken place, officer discretion of advice and warning should not be replaced by a fine by way of FPT. Such a development may be counterproductive. **We need the community eyes and ears to report suspected pollution incidents via the telephone reporting system. The public is our greatest asset when it comes to pollution community surveillance.**
* **A FPT should never be issued by one government body investigation another government body regarding pollution. This must apply in all circumstances without exception.**
* **It is not ethical to prosecute any business or person when Northern Ireland government is a serial polluter. Licensed or not, this practice MUST CEASE.**

**Summary**

Please accept our apologies for late submission at stage one. This overarching submission represents the views of 4000 game anglers on the Foyle system is genuine and intended to assist the consultation. It is important these views form part of this important consultation process.

We would welcome a future face to face meeting as part of the on-going consultation. The meeting will be with our project team to answer all questions and expand the rationale in our process of thoughts. We will facilitate this meeting in order to be included, and as part of the consultation journey.

We have shared our document with MLA Mr Tom Buchanan, committee member for Agriculture, Environment, and Rural Affairs. (As requested)

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