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**AN OVERVIEW OF THE COMPLEXITY OF INLAND FISHERIES  
MANAGEMENT IN NORTHERN IRELAND**

The management of inland fisheries in Northern Ireland involves much more than simply the management of fish stocks. It also involves how the environment is managed as a whole. The number of departments that have some degree of responsibility for policies or operations that impact on rivers and loughs complicates this. Additionally, the division of responsibility between DCAL and the Loughs Agency for fisheries management also contributes to the complex situation. This paper aims to give an overview of the complexity of inland fisheries management in relation to these issues.

Library Research Papers are compiled for the benefit of Members of The Assembly and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public.

## **SUMMARY OF KEY POINTS**

Fisheries management in Northern Ireland is complicated by the fact that many of the issues that impact on management are not fisheries issues *per se*. Because a number of government departments have responsibility for different water-related issues they indirectly are making decisions that can impact on fisheries management. Policies that have encouraged intensive agricultural practices, failing sewerage infrastructure and complicated licensing and permit arrangements have all contributed to a perception of an overly bureaucratic and cumbersome approach to management of the fisheries resource. The importance to inland fisheries of the appropriate management of the environment as a whole cannot therefore be over-emphasised.

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## **1. INTRODUCTION**

There have been two inquiries within the last 20 years that have investigated and made recommendations on the issues surrounding the management of inland fisheries in Northern Ireland. These reports are:

- Report of the Committee of Inquiry into Angling in Northern Ireland, 1981 ('the Black report').
- Inquiry into Inland Fisheries in Northern Ireland, 2001 (Committee for Culture Arts and Leisure).

Additionally there has been a review of the Fisheries Conservancy Board for Northern Ireland (FCBNI) and there will be another review of the FCBNI by consultants in early 2002<sup>1</sup>.

Fisheries management is complicated by the fact that many of the issues that impact on management are not fisheries issues per se. Rather they relate, for example, to wider policy issues across a range of departments such as Environment, Agriculture and Rural Development and Regional Development. This is supported by the statistic in the Committee's recent report<sup>2</sup> that of the 67 recommendations made only 14 (21%) were within a clearly defined theme of inland fisheries which, as the report goes on to say, *'illustrates the reliance of the successful future development of Northern Ireland's inland fisheries on the appropriate management of the natural environment as a whole'*.

This paper aims to give an *overview* of the complexity of inland fisheries management. It does this by:

1. Outlining the responsibilities of several government departments in relation to inland fisheries though not necessarily management responsibilities.
2. Drawing on the issues and recommendations made in the above reports.

## **2. DEPARTMENTAL INVOLVEMENT**

To some degree the complex nature of inland fisheries management can be explained by the number of departments that have varying degrees of responsibility in relation to inland fisheries and surface water management. These are:

### **2.1. DEPARTMENT OF CULTURE ARTS AND LEISURE<sup>3</sup>:**

The Department of Culture, Arts and Leisure (DCAL) takes the lead in *direct* management of inland fisheries. It is responsible for the conservation, protection and development of Northern Ireland's Inland Wild Fish stocks. The functions of conservation and protection for NI waters have been devolved to the Fisheries Conservancy Board of Northern Ireland (FCBNI); a non-departmental public body sponsored by DCAL, but exclude those waters administered by the Foyle Carlingford and Irish Lights Commission. The Department is also responsible for developing aquaculture and angling operations in inland waterways in NI excluding the area under the jurisdiction of the Foyle Carlingford and Irish Lights Commission. This also includes the development of sea angling. DCAL is also responsible for management

of the Public Angling Estate which consists of 62 waters, as well as the salmon hatchery at Bushmills and the trout hatchery at Movinagher. It is also responsible for salmon netting in coastal waters (again except the Foyle Carlingford and Irish Lights Commission area).

The Department also recently announced that funding is to be made available from a Water Based Tourism Measure in the EU Programme for Peace and Reconciliation<sup>4</sup>. Approximately £5m from the Measure is to be split between an Angling Development Programme and a Water Recreation Development Programme in Northern Ireland. The Inland Fisheries Branch of the Department of Culture, Arts and Leisure will administer the Angling Development Programme.

The main functions of the FCBNI are<sup>5</sup>:

- Conservation and protection of inland wild fish stocks including salmon in NI waters (other than the Foyle and Carlingford areas)
- Agency work for the D.O.E. and a bailiffing service for the Department of Culture, Arts and Leisure.
- Acts as a water bailiff on the behalf DCAL, and river monitoring and pollution investigation agent on behalf of Department of Environment.

The FCBNI, as noted above, is to undergo a quinquennial review with a report expected in April 2002 but a number of issues are already evident from the recent Inland Fisheries Inquiry.

Other issues with direct relevance to the management of inland fisheries are outlined below:

## **2.1 (A). DIVISION OF MANAGEMENT AREAS**

The division of Northern Ireland into two distinct administration areas for fisheries (Foyle/Carlingford and the rest of NI) makes management much more complex<sup>6</sup> particularly in relation to licensing but also to bailiffing.

## **2.1 (B). LICENCES AND PERMITS**

There is a requirement for two separate licences, one for the Foyle/Carlingford areas and another for the rest of NI, which cause confusion among both native and visiting anglers. Alternatively a Foyle endorsement of the FCBNI license can be purchased. There are also 9 different types of licences that can be purchased depending on whether a game or coarse licence is required and the duration of the fishing period e.g. for an entire season or one day. To further complicate matters, permits are also required to fish since holding a fishing *licence* only allows the ownership of a rod. There are also 7 different permit prices for the DCAL-operated Public Angling Estate again depending on duration of fishing period and fish type (game or coarse). Permits are also required if fishing on private waters or those managed by angling clubs.

## **2.1 (C). FUNDING**

The FCBNI is self-financing, generating income from collection of license fees, bailiffing duties and pollution monitoring on behalf of the Environment and Heritage Service. The FCBNI in its submission to the recent CAL committee Inquiry stated that *'it is essential that it receives core funding to support its operations, management and administration'*<sup>7</sup>. The Committee also commented that the Board's current funding situation was *'far from satisfactory'*<sup>8</sup>.

## **2.1 (D). BAILIFFING**

Because of the need to generate income from agency work on behalf of the EHS the FCBNI has had to divert manpower away from fulfilling its statutory obligations and development responsibilities<sup>9</sup>. Although not in its jurisdiction bailiffs of the FCBNI have provided a bailiffing service for the Loughs Agency in the Newry area although this will end as the Loughs Agency assumes more responsibility for this area.

## **2.1 (E). CONSERVATION**

The Salmonid Enhancement Programme (SEP), set up in 1995 and funded under the EU Special Support Programme for Peace and Reconciliation Water – Based Tourism Measure, recently completed after 3 tranches<sup>10</sup>. This was administered by DARD pre- and post devolution and after the transfer of functions to the new department (DCAL) although the inspectorate functions were in the new department.

The FCBNI continues to administer the Salmon Management Plan (SMP) – a biologically based fisheries management tool to provide fisheries data for the management of salmon stocks locally.

## **2.2. DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT**

The actions of DARD through the Rivers Agency and through agriculture policies that encourage intensive farming practices have potentially important environmental impacts on inland fisheries management. Agriculture is a major source of pollution to waterways. For example, of the 256 water pollution incidents in FCBNI waters that were substantiated in 1999 227 were agriculture related<sup>11</sup>. Of the 1500 substantiated incidents across Northern Ireland, as investigated by the Environment and Heritage Service (EHS), agriculture was responsible for just over 29%<sup>14</sup>. However agriculture is also the cause of eutrophication<sup>a</sup> of surface waters which presents a longer-term problem. In addition, the Rivers Agency carries out work in rivers to alleviate the potential for flooding. Although this work is supervised by conservation officers from the agency in order to minimise environmental impact there is potential for destruction of habitat where heavy machinery is used, for example, to straighten or widen rivers. Therefore agricultural issues that are not directly related to fisheries management can have an important impact on fisheries.

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<sup>a</sup> Defined as the over-enrichment of lakes and rivers with nutrients, usually phosphorus, leading to excessive growth of algae and other aquatic plants. It is considered by EHS to pose the most widespread single threat to good water quality in Northern Ireland.

2.2 (a). The Rivers Agency is an Executive Agency within DARD. It aims to improve social conditions and to support economic development in Northern Ireland through:

- *'Reducing risks to life and damage to property from flooding from rivers and the sea'; and*
- *'Preserving the productive potential of agricultural land'<sup>12</sup>.*

2.2 (b). The Science Service of DARD also has a research programme into Fisheries and their Environment<sup>13</sup>.

2.2 (c). The Fisheries Division of DARD sponsors the Foyle, Carlingford and Irish Lights Commission whose functions are led out in the North/South Co-operation (Implementation Bodies Order 1999 and the British-Irish Agreement Act, 1999) and include:

- *'The former functions of the Foyle Fisheries Commission;*
- *The promotion and development of Lough Foyle and Carlingford Lough for commercial and recreational purposes;*
- *The conservation, protection, management and development of inland fisheries in the Foyle and Carlingford areas; and*
- *Following the enactment of the relevant Northern Ireland and Irish legislation, the development and licensing of aquaculture in the Foyle and Carlingford area.'*

### **2.3. DEPARTMENT OF ENVIRONMENT<sup>14</sup>**

Outline of responsibilities:

- *'Water Quality is regulated and monitored by the Environment and Heritage Service's, Water Management Unit<sup>b</sup>.*
- *The primary function of the Water Management Unit (WMU) is to enforce the Water (Northern Ireland) Order 1999.*
- *In addition, the WMU determines licence applications under Part II of the Food and Environment Protection Act (1985) for deposits in the sea.*
- *Also implements EC Directives and a number of international conventions designed to protect the aquatic environment. ([legislation](#) enforced by WMU).'*

As noted above the Water Management Unit monitors and regulates water quality. The three aspects of its work are<sup>15</sup>:

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<sup>b</sup> For representation on the Water Quality Management Committee see Appendix 1

### **2.3. (A). MONITORING WATER QUALITY AND CATCHMENT MANAGEMENT**

#### Monitoring Water Quality

- Performance against water quality targets;
- Quality classification under national programmes;
- Compliance with environmental quality standards under EC Directives and international agreements;
- Identification of areas requiring improvement;
- Assessment of nutrient status.

#### Catchment Management

- Facilitates action plans to address situations where water quality is under threat or where it does not come up to expectation.

### **2.3 (B). POLLUTION PREVENTION AND CONTROL**

#### Controlling Effluent discharges

- Discharge of trade or sewage effluent to a waterway is regulated by two sections within the Water Management Unit: the **Industrial Consents and Groundwater Authorisations Section** and the **Water Service Regulation Section**

Discharge consents are issued allowing discharges to waterways to take place. In the case of Water Service Discharges registered standards are established. Once a discharge consent or registered standard is issued, the discharge is monitored for compliance. This will normally include the routine collection of samples and/or visual inspections. In the case of discharge consents WMU staff will carry out this work whereas Water Service staff take samples in the case of WWTW. Any discharges that fail to comply with their standards are reported to Water Service and explanations and/or improvements sought. However because of Crown Immunity the Water Service cannot be prosecuted in the event of failing standards.

### **2.3 (C). SUPPORTING ENVIRONMENTAL RESEARCH AND DEVELOPMENT**

- **SNIFFER** – (Scotland And Northern Ireland Forum for Environmental Research)
- **QUESTOR** – Queen's University of Belfast Environmental Science and Technology Research Centre

### **2.3 (D). PLANNING**

The DoE has the responsibility for planning in NI. As evidenced during the recent Inland Fishery Inquiry the impact of development on land close to rivers has become an important issue to the angling community. This relates to the DoE being



perceived through its planning policies as adversely impacting on the freshwaters that the Environment and Heritage Service, which is part of the DoE, is charged with protecting. Development plans which consist of area plans, local plans and subject plans and which apply the regional policies of the department at the appropriate level guide most day-to-day planning decisions. They provide the framework for resolving any conflict between development and protection of the built and natural heritage<sup>16</sup>.

## **2.4. DEPARTMENT OF REGIONAL DEVELOPMENT**

The Department of Regional Development is responsible for the maintenance and quality of the piped water supply in NI. It also is responsible for the maintenance and efficient functioning of WasteWater Treatment Works (WWTW). However because of under-funding of the sewerage infrastructure WWTWS have been a source of organic pollution to waterways. To set this in context, there were over 1500 water pollution incidents in Northern Ireland in 1999 of which the sewage and water industry accounted for 23%<sup>17</sup>.

## **2.5. ENTERPRISE TRADE AND INVESTMENT**

- Staff at IRTU carry out the monitoring and reporting on the quality of surface waters on behalf of the Environment and heritage Service.

In addition:

- The Northern Ireland Tourist Board as a non-departmental public body (NDPB) has a role to play in promoting NI as an angling destination.
- Angling clubs play a role in managing rivers and issuing permits.

## **3. SUGGESTIONS FOR A SIMPLIFIED MODEL**

The 'Review of the Fisheries Conservancy Board for Northern Ireland' by PriceWaterhouse concluded that *'there is a need for greater co-ordination and integration of services to the Inland Fisheries sector'*. This is evident, even given the short review above of the fisheries/water-related responsibilities of government departments. The need for better co-ordination, broadly speaking, is required at two levels:

1. Between organisations that have *direct management responsibility* for fisheries management e.g. FCBNI and Loughs Agency; and
2. Between government departments that have overlapping and potentially conflicting responsibilities and whose policies and actions are impacting on the environment.

(A). The first point has been acknowledged in three reports:

- The Parr<sup>18</sup> report of 1963 recommended: *‘that the three existing Boards of Conservators should be abolished and be replaced by a Central Fishery Authority’*.
- The ‘Black’ report, 1981, recommended that: *‘An Inland Fisheries Board for Northern Ireland excluding the Londonderry Area should be established’*.
- CAL Committee recommended<sup>19</sup> that: *‘A sub-committee comprising membership of the Fisheries Conservancy Board and the Loughs Agency should be established to review the harmonisation of responsibilities between the Board and the Agency’*

The potential for one organisation to deal with issues of *direct* fisheries management in NI in a more efficient and comprehensive manner is perhaps self-evident. The harmonisation of licensing fees, for example, would be easier to deal with if one organisation was responsible for the whole of the territory. Similarly the Public Fishing Estate might be better managed and developed, as might the entire angling potential, if brought under the control of one organisation. Additionally it has been recognised that any new body *‘should have a membership that adequately reflects the fisheries interest’*<sup>20</sup>. This is important given the evident lack of trust between some anglers<sup>21</sup> and government agencies including the FCBNI.

- (B). The necessity for better co-ordination between departments on issues that may have potential impact on fisheries can be highlighted by a few examples.
- (i). The Department of Regional Development is in fact one of the biggest polluters of NI waterways, based on the number of pollution incidents recorded in 1999, and yet EHS cannot prosecute due to Crown Immunity.
  - (ii). DARD oversees an industry whose impact is perceived by EHS as being the single biggest threat to water quality in NI, yet relatively little is being done to address the impact of agriculture policy save for some limited departmental-funded environmental schemes and the production of educational information.

Again the obvious approach is, as suggested in previous reports, to establish one central fisheries organisation. In this respect it could act as a co-ordinating and consultative authority between departments. Part of its role could be, for example, to receive any policy documentation from departments that could have an impact on fisheries and to give an informed and broad based response in order to reduce potential environmental impact on fisheries.

Alternatively each department, for whom there is obvious potential for impact of fisheries might assess its own policy for its potential impact on fisheries and take appropriate action in order to militate against potential adverse effects. Any potential impact on fisheries could be referred to the new body which could act in an advisory capacity. This has precedent, albeit on a larger scale, with DARD’s proposed ‘rural proofing’ i.e. each department assesses policy for its impact on rural society.

It could be argued that the existence of the Water Quality Management Committee (WQMC) established in 1997 and which brought together all of the relevant statutory Government agencies and non-Departmental bodies with a management responsibility for water quality (Appendix 1) already fulfils this role. The aim of this Committee is to *‘co-ordinate the management activities of these groups thus*

*ensuring an exchange of information and the most efficient use of resources*<sup>22</sup>. However, as Mr. Finn of the FCBNI stated when giving evidence to the Committee 'that although a group of people on a committee can develop a water-quality management plan, the only change in water quality will come through direct action to reduce the source of this pollution'<sup>23</sup>. He also suggested that the WQMC had 'now been reborn' after a previous committee established to fulfil essentially the same role 'gradually fell away'. It is necessary therefore that any new body is not merely a 'talking shop' but actually has real influence on decision-making across a range of departmental policies.

#### **4. REFERENCES / APPENDIX 1**

##### **Representation on the Water Quality Management Committee is drawn from:**

EHS, (Water Management Unit), DoE (Chair)

EHS, (Natural Heritage), DoE

Water Service, Department of Regional Development

Countryside Management Division, DARD

Inland Fisheries, DCAL

Fisheries Division, DARD

Rivers Agency, DARD

Industrial Research and Technology Unit, DETI

Fisheries Conservancy Board for Northern Ireland

Foyle, Carlingford and Irish Lights Commission

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#### **REFERENCES**

<sup>1</sup> Linda Gregg: personal communication, (CAL Committee)

<sup>2</sup> Inquiry into Inland Fisheries in Northern Ireland; p.3, paragraph 5

<sup>3</sup> <http://www.dcalni.gov.uk/implementation.htm>

<sup>4</sup> DECAL Press Release. *Michael McGimpsey announces £5m boost for Water Based Leisure Projects*, 17/12/01

<sup>5</sup> <http://www.fcbni.com/home.htm>

<sup>6</sup> Inquiry into Inland Fisheries in Northern Ireland; paragraph 10.2

<sup>7</sup> [www.niassembly.gov.uk/culture/report2-00r3.htm](http://www.niassembly.gov.uk/culture/report2-00r3.htm)

<sup>8</sup> Inquiry into Inland Fisheries in Northern Ireland; paragraph 10.2

<sup>9</sup> [www.niassembly.gov.uk/culture/report2-00r3.htm](http://www.niassembly.gov.uk/culture/report2-00r3.htm); paragraph 2351

<sup>10</sup> Communication with DARD, 29<sup>TH</sup> January 2002

<sup>11</sup> 1999 Annual Report of the Fisheries Conservancy Board for Northern Ireland

<sup>12</sup> <http://www.dardni.gov.uk/core/dard0352.htm>

<sup>13</sup> <http://www.dardni.gov.uk/frames/sci01.htm>

<sup>14</sup> <http://www.ehsni.gov.uk/EnvironProtect/>

<sup>15</sup> [http://www.ehsni.gov.uk/EnvironProtect/StaticContent/WaterQuality/water\\_quality\\_monitoring.asp](http://www.ehsni.gov.uk/EnvironProtect/StaticContent/WaterQuality/water_quality_monitoring.asp)

<sup>16</sup> Planning Strategy for Rural Northern Ireland: PPS II Planning and Nature Conservation

<sup>17</sup> Water Pollution Incident and Prosecution Statistics 1999. Environment and Heritage Service.

<sup>18</sup> Fisheries Advisory Committee for Inland Fisheries

<sup>19</sup> Inquiry into Inland Fisheries in Northern Ireland; recommendation 11.61

<sup>20</sup> Inquiry into Inland Fisheries in Northern Ireland; recommendation 11.63

<sup>21</sup> See written and oral submissions

<sup>22</sup> Policy for setting and delivering water quality targets. Environment and Heritage Service.

<sup>23</sup> [www.niassembly.gov.uk/culture/report2-00r3.htm](http://www.niassembly.gov.uk/culture/report2-00r3.htm); paragraph 2371