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| <b>Title:</b><br><b>The Fisheries and Water Environment Bill</b>   | <b>Regulatory Impact Assessment (RIA)</b>  |
|  | <b>Date:</b> 04 September 2025   |
|  | <b>Type of measure:</b> Primary Legislation  |
| <b>Lead department or agency:</b><br><b>Department of Agriculture, Environment and Rural Affairs (DAERA)</b> | <b>Stage:</b> Initial  |
|  | <b>Source of intervention:</b> Domestic NI   |
| <b>Other departments or agencies:</b><br><b>N/A</b>  | <b>Contact details: Alison McCaw</b><br><b>MarineandFisheriesBillTeam@daera-ni.gov.uk</b>  |
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## Summary Intervention and Options

### What is the problem under consideration? Why is government intervention necessary? (7 lines maximum)

The Department currently relies heavily on the Fisheries Act (Northern Ireland) 1966 as a key piece of legislation which guides its work in relation to fishing and fisheries. The existing legislation, particularly in relation to inland fisheries and aquaculture, is hindering the development of a modern fisheries management system.

A new Fisheries and Water Environment Bill is needed to modernise and give effect to Northern Ireland's fisheries policies so that they are consistent with the post-EU exit fisheries management framework provided by the UK Fisheries Act 2020 and high-level, strategic policies in the UK Joint Fisheries Statement (JFS).

The Fisheries and Water Environment Bill will include policies designed to support fishing, aquaculture and the water environment. By increasing regulatory powers it will promote better control, help act as a deterrent to non-compliance and improve our enforcement capability.

### What are the policy objectives and the intended effects? (7 lines maximum)

Development of a new Bill will ensure that aquaculture and inland fisheries are better managed; and that common enforcement powers available to the UK's other sea fisheries authorities are available to the Department in the same way. It will also allow fisheries management and regulation to keep pace with changes in other parts of the UK by animating fisheries policies aligned to the fisheries management framework in legislative provision which will include both marine and aquatic environments allowing for the development of policies which can focus on improving water quality and ecosystem health, promote sustainable fish stocks and ensure appropriate enforcement deterrents for breaches of legislation.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) (10 lines maximum)**

**Option 1:** Do nothing / business as usual. Continue using The Fisheries Act (Northern Ireland) 1966. This would not allow the Department to meet the 8 objectives set out in the UK Fisheries Act 2020 or the high-level strategic policies set out in the UK Joint Fisheries Statement which the Department are required to pursue.

**Option 2:** Introduce a new Fisheries and Water Environment Bill in this mandate. This would provide the Department with the powers to ensure that fishing, fisheries and aquaculture are developed to align with the eight objectives set out in the UK Fisheries Act 2020, ensuring that fish stocks can be fished, commercially and recreationally, both now and in the future. The Bill will introduce regulatory powers which will promote better control, help act as a deterrent to non-compliance and improve enforcement capability, all of which support the protection of fisheries, the aquatic environment and public health.

**Option 3:** Introduce a new Fisheries and Water Environment Bill in the following mandate. This would mean that the Department would not be able to deliver on the legislative programme. In addition, there is a risk that a Fisheries and Water Environment Bill may not be a priority in the next mandate.

**Option 4:** Do the minimum, bring the Fisheries Act (Northern Ireland) 1966 up to date by amending and revoking sections of the Act but do not extend the work to introducing the objectives of the UK Fisheries Act 2020 to inland waters. By choosing this option, only some of the required legislative changes will be enacted and the Department will not have all the necessary legislative tools required to deliver an ecosystem-based approach aligned with the objectives set out in UK Fisheries Act 2020 and risks losing the ability to keep pace with the rest of the UK's fisheries management authorities. This option would not provide the Department with the power to increase current fines and penalties for water pollution offences and therefore would be able to offer a consistent enforcement regime.

**Will the policy be reviewed?** Yes

**If applicable, set review date:** TBC at policy level

| Total outlay cost for business<br>£m | Total net cost to business per<br>year £m | Annual cost for implementation<br>by Regulator £m |
|--------------------------------------|---|---|
| TBC                                  | TBC                                       | TBC   |

|   |  |   |
|---|--|---|
| Does Implementation go beyond minimum EU requirements?    | YES <input checked="" type="checkbox"/>  | NO <input type="checkbox"/>   |
| Is this measure likely to impact on trade and investment? | YES <input type="checkbox"/>   | NO <input checked="" type="checkbox"/>  |
| Are any of these organisations<br>in scope?               | <b>Micro</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  | <b>Small</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
|   | <b>Medium</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | <b>Large</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

**The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.**

Approved by: Alison McCaw Date: 08 September 2025

**ECONOMIC ASSESSMENT (Option 1)**

| Costs (£m)    | Total Transitional (Policy)<br>(constant price) | Years | Average Annual (recurring)<br>(excl. transitional) (constant price) | Total Cost<br>(Present Value) |
|---------------|---|-------|---|-------------------------------|
| Low           | TBC   |       | TBC   | TBC                           |
| High          | TBC   |       | TBC   | TBC                           |
| Best Estimate | Nil   |       | Nil   | Nil                           |

**Description and scale of key monetised costs by 'main affected groups'** Maximum 5 lines

No direct monetised costs associated under 'business as usual'.

**Other key non-monetised costs by 'main affected groups'** Maximum 5 lines

No direct non-monetised costs associated under 'business as usual'.

| Benefits (£m) | Total Transitional (Policy)<br>(constant price) | Years | Average Annual (recurring)<br>(excl. transitional) (constant price) | Total Benefit<br>(Present Value) |
|---------------|---|-------|---|----------------------------------|
| Low           | N/A   |       | N/A   | N/A                              |
| High          | N/A   |       | N/A   | N/A                              |
| Best Estimate | N/A   |       | N/A   | N/A                              |

**Description and scale of key monetised benefits by 'main affected groups'** Maximum 5 lines

None.

**Other key non-monetised benefits by 'main affected groups'** Maximum 5 lines

There will be no non-monetised benefits. By continuing to use the 1966 Fisheries Act, Northern Ireland will be unable to keep pace with fisheries management and regulation changes in the other parts of the UK. Being unable to update relevant legislation, such as the Water (Northern Ireland) Order 1999 and the Waste and Contaminated Land (Northern Ireland) Order 1997 would mean that the Department could not introduce monetary penalties for minor and moderate breaches of the legislation and would have to pursue lengthy and costly court proceedings for all offences.

**Key Assumptions, Sensitivities, Risks** Maximum 5 lines

Risks that proceeding with this option will reduce the likelihood of Northern Ireland meeting their statutory requirements set out in the UK Fisheries Act 2020. In addition, by continuing with the current legislation, Sea Fisheries Enforcement Officers will be unable to exercise the full range of powers their counterparts in other UK jurisdictions hold. There will not be consistency of penalties for water pollution offences.

**BUSINESS ASSESSMENT (Option 1)**

| Direct Impact on business (Equivalent Annual) £m |               |          |  |  |
|--|---------------|----------|--|--|
| Costs: N/A                                       | Benefits: N/A | Net: N/A |  |  |

**Cross Border Issues (Option 1)**

**How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland)** Maximum 3 lines

By choosing this option DAERA will be unable to meet the requirements of the Fisheries Management Framework provided by the UK Fisheries Act 2020 and high-level, strategic policies in the UK Joint Fisheries Statement. The Department will also not be able to introduce enforcement measures designed to act deal with minor and moderate breaches swiftly and act as a deterrent to polluters and non-compliant operators.

## Summary: Analysis and Evidence

## Policy Option 2

Description: **Introduce a new Fisheries and Water Environment Bill**

### ECONOMIC ASSESSMENT (Option 2)

| Costs (£m)    | Total Transitional (Policy)<br>(constant price) | Years | Average Annual (recurring)<br>(excl. transitional) (constant price) | Total Cost<br>(Present Value) |
|---------------|---|-------|---|-------------------------------|
| Low           | N/A   |       | N/A   | N/A                           |
| High          | N/A   |       | N/A   | N/A                           |
| Best Estimate | TBC   |       | N/A   | TBC                           |

#### Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines

The licensed sea fishing sector within Northern Ireland is primarily concentrated at the three east coast fishing ports of Ardglass, Kilkeel and Portavogie, where it supports significant levels of employment in both catching and processing industries and in ancillary industries in these towns and the surrounding areas, it is anticipated that there would be minimal or no monetised cost to these affected groups.

No changes to anticipated business for commercial or recreational fishers. No direct costs associated with the enforcement element of the proposal under this Bill. There may be additional costs to aquaculture establishments to ensure they do not breach abstraction legislation (monitor flow, etc) however the proposals under this Bill merely introduce a penalty – they do not set new parameters (Abstraction guidance will be issued by NIEA).

It is important to note that the new Fisheries and Water Environment Bill is the only option which brings the Department into compliance with the Fisheries Management Framework and the policy direction set by the Joint Fisheries Statement and ensures consistency between current legislation

#### Other key non-monetised costs by 'main affected groups' Maximum 5 lines

No direct non-monetised costs associated with the introduction of a new Fisheries and Water Environment Bill.

| Benefits (£m) | Total Transitional (Policy)<br>(constant price) | Years | Average Annual (recurring)<br>(excl. transitional) (constant price) | Total Benefit<br>(Present Value) |
|---------------|---|-------|---|----------------------------------|
| Low           | Optional  |       | Optional  | Optional                         |
| High          | Optional  |       | Optional  | Optional                         |
| Best Estimate | TBC   |       | TBC   | TBC                              |

#### Description and scale of key monetised benefits by 'main affected groups' Maximum 5 lines

No direct monetised benefits, however, by introducing monetary penalties for mild and moderate breaches, this will minimise legal expenses by eliminating the need for court proceedings.

#### Other key non-monetised benefits by 'main affected groups' Maximum 5 lines

Option 2 will ensure fisheries policies are aligned to the Fisheries Management Framework and are animated in legislative provision and include both marine and aquatic environment within scope, allowing for the development of policies which will:

- Improve water quality and ecosystem health;
- Promote sustainable fish stocks; and
- Provide deterrents against breaches of legislation.

The Fisheries and Water Environment Bill will apply to water environments, both freshwater and marine. Rural communities based on coastlines will benefit in the future from more sustainable fishing. Water quality improvements will benefit the whole of society in general.

**Key Assumptions, Sensitivities, Risks** Maximum 5 lines

There is a risk that proceeding with this approach will introduce more stringent regulations which could create issues for businesses, fishermen and anglers. To counteract this, officials worked with stakeholders to develop high-level policy themes which will be incorporated within the Fisheries and Water Environment Bill. Discussions centred on the areas which stakeholders felt required change, and by involving them in this co-design process, it helped to establish an inclusive environment which is responsive to changes within the sector, whilst prioritising the health of ecosystems in our marine and aquatic environments.

However, any perception of the reduction of angling access could lead to low participation in angling and certain restrictions may disproportionately affect urban communities with limited green spaces and this could affect mental health. Without adequate stocking and habitat management fish populations may decline and reduce angling quality.

**BUSINESS ASSESSMENT (Option 2)**

| Direct Impact on business (Equivalent Annual) £m |               |          |  |  |
|--|---------------|----------|--|--|
| Costs: N/A                                       | Benefits: N/A | Net: N/A |  |  |

**Cross Border Issues (Option 2)**

**How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland)** Maximum 3 lines

By choosing this option DAERA will be able to meet the requirements of the Fisheries Management Framework provided by the UK Fisheries Act 2020 and high-level, strategic policies in the UK Joint Fisheries Statement and will enable Northern Ireland's fisheries policies to be consistent with the post-EU exit environment. It will establish a consistent enforcement regime with appropriate powers to ensure that ecosystem health is prioritised and supported.

A new Fisheries and Water Environment Bill would have transboundary implications and would be of interest to the Lough's Agency. Policy proposals could therefore be developed in parallel, so that at the next legislative opportunity, provisions could be replicated.

**Summary: Analysis and Evidence****Policy Option 3**

Description: **Introduce a new Fisheries and Water Environment Bill in the following mandate.**

**ECONOMIC ASSESSMENT (Option 3)**

| Costs (£m)    | Total Transitional (Policy)<br>(constant price) | Years | Average Annual (recurring)<br>(excl. transitional) (constant price) | Total Cost<br>(Present Value) |
|---------------|---|-------|---|-------------------------------|
| Low           | N/A   |       | N/A   | N/A                           |
| High          | N/A   |       | N/A   | N/A                           |
| Best Estimate | N/A   |       | N/A   | N/A                           |

**Description and scale of key monetised costs by 'main affected groups'** Maximum 5 lines

The licensed sea fishing sector in Northern Ireland is primarily concentrated at the three east coast fishing ports of Ardglass, Kilkeel and Portavogie, where it supports significant levels of employment in both the catching and processing industries and in ancillary industries in these towns and the surrounding areas. It is anticipated that there would be minimal or no monetised cost to these affected groups.

It is important to note that a new Bill is the only option which brings the Department into compliance with the Fisheries Management Framework. Delaying the development of the Bill would mean that fisheries and aquaculture establishments are further disadvantaged by out-of-date legislation which does not support the sustainable development of the sector.

Increasing maximum penalties and introducing monetary penalties will have no monetised costs for the main affected group.

|   |   |  |  |   |
|---|---|--|--|---|
| <b>Other key non-monetised costs by ‘main affected groups’</b> Maximum 5 lines<br><br>No direct non-monetised costs associated with the delayed introduction of a new Fisheries and Water Environment Bill.   |   |  |  |   |
| <b>Benefits (£m)</b>  | <b>Total Transitional (Policy)</b><br>(constant price)      Years |  | <b>Average Annual (recurring)</b><br>(excl. transitional) (constant price) | <b>Total Benefit</b><br>(Present Value) |
| <b>Low</b>  | Optional  |  | Optional   | Optional                                |
| <b>High</b>   | Optional  |  | Optional   | Optional                                |
| <b>Best Estimate</b>  | TBC   |  | TBC  | TBC                                     |
| <b>Description and scale of key monetised benefits by ‘main affected groups’</b> Maximum 5 lines<br><br>No direct monetised benefits.   |   |  |  |   |
| <b>Other key non-monetised benefits by ‘main affected groups’</b> Maximum 5 lines<br><br>Option 3 will delay our alignment with the eight objectives set out in the UK Fisheries Act 2020 and the policy direction set by the JFS, which would jeopardise the implementation of measures to ensure that fish stocks can be fished sustainably, commercially and recreationally and will postpone the development of policy, which may ultimately affect water quality and ecosystem health; sustainable fish stocks; and continued breaches of legislation without the introduction of new enforcement approaches.<br><br>Delay of this Bill would mean that the Department cannot introduce the monetary penalties considered as part of the Lough Neagh Action Plan and will not support the Environmental Improvement Plan or the Programme for Government |   |  |  |   |
| <b>Key Assumptions, Sensitivities, Risks</b> Maximum 5 lines<br><br>There is a risk that proceeding with this approach will delay the introduction of a range of modernised fishing policies for the sea-fishing sector and prevent us from keeping pace with changes happening in other parts of the UK in relation to fisheries management and regulations.<br>There is also a risk that no amended fines or penalties can be introduced which would be designed to deter polluters and act as a measure to address mild to moderate breaches of legislation. This would create a wider gap and disconnect between the declining health of the environment and the measures being introduced to address the issue.  |   |  |  |   |

| BUSINESS ASSESSMENT (Option 3)                   |               |          |  |
|--|---------------|----------|--|
| Direct Impact on business (Equivalent Annual) £m |               |          |  |
| Costs: TBC                                       | Benefits: TBC | Net: TBC |  |

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| <b>Cross Border Issues (Option 3)</b><br><b>How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland)</b> Maximum 3 lines<br><br>By choosing this option DAERA will be delaying their aspiration to meet the requirements of the Fisheries Management Framework provided by the UK Fisheries Act 2020 and high-level, strategic policies in the UK Joint Fisheries Statement.<br><br>A new Fisheries and Water Environment Bill would have cross border implications and would be of interest to the Lough’s Agency. If the Fisheries and Water Environment Bill was introduced in the following mandate, it would afford time for the area of Foyle and Carlingford to be considered and for the introduction of a North-South agreement, allowing policies to be developed in parallel between the North and South.<br><br>Other regions are introducing financial penalties as an additional enforcement tool and postponing this would result in NI lagging behind this development. |
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## Summary: Analysis and Evidence

## Policy Option 4

Description: **Do the minimum, update the Fisheries Act (Northern Ireland) 1966**

### ECONOMIC ASSESSMENT (Option 4)

| Costs (£m)    | Total Transitional (Policy)<br>(constant price) | Years | Average Annual (recurring)<br>(excl. transitional) (constant price) | Total Cost<br>(Present Value) |
|---------------|---|-------|---|-------------------------------|
| Low           | N/A   |       | N/A   | N/A                           |
| High          | N/A   |       | N/A   | N/A                           |
| Best Estimate | N/A   |       | N/A   | N/A                           |

#### Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines

The licensed sea fishing sector in Northern Ireland is primarily concentrated at the three east coast fishing ports of Ardglass, Kilkeel and Portavogie, where it supports significant levels of employment in both the catching and processing industries and in ancillary industries in these towns and the surrounding areas. It is anticipated that there would be minimal or no monetised cost to these affected groups.

Amending the 1966 Act will provide some of the legislative changes required to modernise and give effect to Northern Ireland's fisheries policies, however, it will not provide the Department with the primary powers required to amend other existing legislation which is necessary to align all fisheries policies with the Fisheries Management Framework provided by the UK Fisheries Act 2020.

This option would not support revised fines and penalties for environmental crime and nor would it offer legislative provision for the water environment (pollution) meaning that the environmental elements would not be realised.

#### Other key non-monetised costs by 'main affected groups' Maximum 5 lines

No direct non-monetised costs associated with the delayed introduction of a new Fisheries and Water Environment Bill.

| Benefits (£m) | Total Transitional (Policy)<br>(constant price) | Years | Average Annual (recurring)<br>(excl. transitional) (constant price) | Total Benefit<br>(Present Value) |
|---------------|---|-------|---|----------------------------------|
| Low           | Optional  |       | Optional  | Optional                         |
| High          | Optional  |       | Optional  | Optional                         |
| Best Estimate | TBC   |       | TBC   | TBC                              |

#### Description and scale of key monetised benefits by 'main affected groups' Maximum 5 lines

No direct monetised benefits.

#### Other key non-monetised benefits by 'main affected groups' Maximum 5 lines

Option 4 would introduce some of the legislative changes required to bring the Department's Fisheries Management in line with other parts of the UK, but it may not allow the implementation of measures to ensure that fish stocks can be fished sustainably, commercially and recreationally, or allow for the development of policy and this may ultimately affect water quality and ecosystem health; sustainable fish stocks; and not allow for the introduction of new enforcement approaches which will result in continued breaches of legislation.

#### Key Assumptions, Sensitivities, Risks Maximum 5 lines

There is a risk that proceeding with this approach will not allow the Department to fully implement the policies required to modernise fishing policies for the sea-fishing sector and prevent them from keeping pace with changes happening in other parts of the UK in relation to fisheries management and regulations.

Inland fisheries would not be afforded the same powers as sea fisheries. Enforcement action would not be strengthened by the introduction of new fines and penalties, nor common enforcement powers, affecting not only fisheries but the wider water environment.

## BUSINESS ASSESSMENT (Option 4)

| Direct Impact on business (Equivalent Annual) £m |               |          |  |  |
|--|---------------|----------|--|--|
| Costs: TBC                                       | Benefits: TBC | Net: TBC |  |  |

## Cross Border Issues (Option 4)

**How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland)** Maximum 3 lines

Amending the current Fisheries Act (Northern Ireland) 1966 would have minimal cross border implications but may be of interest to the Lough's Agency and may require a North-South agreement.

By choosing this option DAERA would not meet the requirements of the Fisheries Management Framework provided by the UK Fisheries Act 2020 and high-level, strategic policies in the UK Joint Fisheries Statement, and Northern Ireland's fisheries policies would not be consistent with the post-EU exit environment.

Northern Ireland would continue to not avail of common enforcement powers which would leave the area open to potential negative connotations.

## Evidence Base

There is discretion for departments and organisations as to how to set out the evidence base. It is however desirable that the following points are covered:

- Problem under consideration;
- Rationale for intervention;
- Policy objective;
- Description of options considered (including do nothing), with reference to the evidence base to support the option selection;
- Monetised and non-monetised costs and benefits of each option (including administrative burden);
- Rationale and evidence that justify the level of analysis used in the RIA (proportionality approach);
- Risks and assumptions;
- Direct costs and benefits to business;
- Wider impacts (in the context of other Impact Assessments in Policy Toolkit Workbook 4, economic assessment and NIGEAE)

## Problem under consideration

The Department relies heavily on the Fisheries Act (Northern Ireland) 1966 as a key piece of primary legislation which guides the work in relation to fishing and fisheries. A new Fisheries and Water Environment Bill is needed to modernise and give effect to Northern Ireland's fisheries policies so that these are consistent with the post-EU exit fisheries management framework provided by the UK Fisheries Act 2020 and high-level, strategic policies in the UK Joint Fisheries Statement. Our existing legislation will not allow DAERA to meet the requirements of the new framework.

The statistics show an overall picture of stagnation in the status of our water bodies.

It is highly unlikely Northern Ireland will achieve its objective of achieving good ecological status for surface water bodies by 2027 as required in the Water Framework Regulations without urgent, substantial and holistic measures across all society.

Through implementation of the UK Marine Strategy, collaborative efforts have sought to achieve Good Environmental Status (GES) in our seas. Despite these efforts there remains a mixed picture for the condition of our marine environment, attributed largely to anthropogenic pressures such as pollution, habitat loss, commercial and recreational fishing.



## **Rationale for intervention**

The UK Fisheries Act 2020 provides for eight fisheries objectives; and the Joint Fisheries Statement sets the high-level, strategic policies which DAERA is required to pursue, so as to achieve or contribute to the achievement of, those fisheries objectives. The ambition articulated in the JFS and with which this Bill will align, is to deliver world class, sustainable management of our fisheries and aquaculture and to support a vibrant, profitable, and sustainable fishing and aquaculture sector supported by a healthy marine environment that is resilient to climate change.

Northern Ireland's sea fisheries are an essential natural asset, underpinning the livelihoods of coastal communities, contributing to food security, and supporting marine biodiversity. Recent scientific assessments suggest that while some fish stocks in the Irish Sea remain in good condition. Others are experiencing pressure from a combination of environmental change, fishing activity, and habitat disturbance. Inshore marine ecosystems, including important spawning and nursery areas, are also increasingly vulnerable to pollution, seabed impacts, and the effects of climate change.

Good water quality and habitat are essential for fish stocks. Salmon and trout are particularly sensitive to water quality and the first to be killed during a pollution event. An improvement in water quality will have a positive effect on these species in their freshwater environment. Salmon and eel stocks are significantly reduced across their natural range. Eel are listed as critically endangered and currently the spawning stock is less than 10% of their historical level. Salmon stocks in many rivers are struggling to meet Conservation Targets set for them.

Standardising the maximum fine on summary conviction for water pollution offences would ensure a consistent enforcement regime. An increased maximum penalty would act as a stronger deterrent to behaviours leading to existing offences and would underline the severity of the offence to the water environment. Introducing monetary penalties as a court alternative for minor and moderate breaches would provide an efficient mechanism for addressing such offences.

## **Policy Objectives**

### **Inland Fisheries**

The Department wants to modernise the approach to managing inland fisheries, adopting an eco-system-based approach that is consistent with the policy and legislative framework that the UK Fisheries Act 2020 provides for marine stocks. These objectives will frame policies for the protection, conservation and improvement of fisheries, fish stocks and aquatic animals. This will support and enable sustainable and productive fisheries.

- **Management of Recreational Inland Angling** – to provide quality opportunities for angling, at sustainable levels, which deliver wider benefits, including for well-being and tourism in our natural environment.
- **Management of Inland Commercial Fishing** – to ensure that commercial fishing operations in the inland waters of Northern Ireland are undertaken to ensure current and future generations fish at sustainable levels, providing high quality food and socio-economic benefits for rural communities.

### **Aquaculture**

The Department wants to support the sustainable development of all aquaculture sub-sectors in Northern Ireland by streamlining the current aquaculture licensing process to ensure it is fit for purpose and capable of supporting current and future aquaculture operations. The Department wants to explore better alignment of marine based aquaculture licensing to Marine Licensing, allowing aquaculture to be licensed in line with the marine licensing process laid out in the Marine and Coastal Access Act 2009. The intention is to retain the ability currently held by the Department to grant the licence holder exclusive rights to cultivate and take that species from a specified marine area.

For land-based operations, the Department wants to explore a system similar to that employed elsewhere in the UK, where there is no independent FCL, but all elements of regulation are covered by existing consents (e.g. abstraction licensing, discharge consent, aquatic health approval, etc). Any proposal would need to get planning permission from the planning authority and the Department would act as a statutory consultee and advisor in this process.

This aligns with the Department's strategic objectives relating to enhancement of NI's fishery sectors using sustainable models which support economic growth, whilst protecting our natural environment. The policy is required to support the development of future aquaculture and aquatic animal health policies, including a review of licences, whilst also aligning with implementation of Regulation (EU) 2016/429 (the Animal Health Law), as required under the Windsor Framework.

## **Enforcement**

The Department wants to ensure a consistent enforcement regime across marine and fisheries with appropriate powers to ensure that ecosystem health is prioritised and supported, and to ensure fish stocks are maintained or restored to sustainable levels. Sea fisheries enforcement officers would be provided with the Common Enforcement Powers which are available to other jurisdictions through the Marine and Coastal Access Act 2009. Fines and penalties for fisheries offences and damage to fisheries will be increased to align with other jurisdictions.

- Common Enforcement Powers – Sea Fisheries – to ensure DAERA staff are able to enforce a consistent enforcement regime to support ecosystem health and sustainable fish stocks within the Northern Ireland jurisdiction. It will enable fisheries officers to have access to all enforcement powers currently set out in legislation under one framework.
- Introduction of Fixed Penalty Notices and Fixed and Variable Monetary Penalties – to align penalties with those in GB, and already available to Marine Licensing in Northern Ireland, as introduced by the Marine and Coastal Access Act 2009. It will introduce a more flexible system including civil sanctions like fixed and variable monetary fines, in addition to criminal sanctions.
- Increased Maximum Penalties – to align penalties with those in Great Britain, and already available to Marine Licensing in Northern Ireland, as introduced by the Marine and Coastal Access Act 2009. It will deviate from the standard scale, raising the maximum fine to £50,000 for a range of offences under various fisheries legislation. Greater penalties enforceable through the courts would be introduced for ecosystem degradation offences. Introducing this policy would enable officers to deliver their statutory obligations effectively. Increased penalties are proposed for inland fisheries, assault and obstruction offences and sea fisheries.

## **Permitting of Fishing Activities in Northern Ireland Zone**

DAERA's desire for permitting is to have enabling powers to make regulations which will specifically allow for permit schemes and therefore provide for improved management and regulation of in-shore fisheries.

The policy intention is to provide for the option to introduce "permit scheme" in the NI zone or in-shore waters or in specific areas or for a specific species only. For example, permits might apply to fishing for certain shellfish anywhere or all species in a given sea-lough, or for the hand gathering of shellfish.

It is proposed that permit arrangements should apply to vessels, for both commercial and recreational fishing activities, and also to individuals. The permit arrangements could also apply to the regulation of sea-angling in terms of licensing, permitting and evidence gathering.

In addition, the Fisheries and Water Environment Bill would allow for permits to contain detailed conditions, and for DAERA to limit the number of permits issued, if necessary, to revoke permits where there has been breaches of the permit conditions and to allow for the introduction of charging for issuing such permits.

## **Protection of the water environment**

DAERA's aim is to ensure their regulatory and policy frameworks protect water quality, ecosystems and the wider environment. Improving water quality in Northern Ireland requires action, resources and everyone working together. It requires everyone taking responsibility for their actions that cause water pollution. Whilst DAERA will not hesitate to take action against those who pollute our waterways, the focus should be to stop pollution and damage happening in the first place.

- Consistency of approach - The policy proposal seeks to standardise the maximum fine on summary conviction for water pollution offences under the Water (Northern Ireland) Order 1999 and for all waste offences leading to pollution of the water environment in the Waste and Contaminated Land (Northern Ireland) Order 1997 to £50,000 in the interests of ensuring a consistent enforcement regime for water related offences, whether inland or in marine water bodies.
- Provide additional enforcement tools - It is proposed to provide a power in primary legislation to make regulations at a later stage to introduce Fixed Penalty Notices and Fixed and Variable Monetary Fines as additional enforcement mechanisms in:
  - 1) The Water (Northern Ireland) Order 1999 for pollution offences, discharge consent breaches and abstraction and impoundment offences; and
  - 2) The Waste and Contaminated Land (Northern Ireland) Order 1997 (for any waste substance which pollutes the environment).

## **Description of options**

### **Option 1 – Do Nothing**

Government intervention is normally only justified where there are strong public interest reasons to do so on behalf of society and where the market cannot on its own deliver policy objectives. In order to protect fish stocks and marine environments there is already a wide range of powers to regulate fisheries, emanating both from the UK and from local legislature. Continuing to work under those will allow government to continue to manage fisheries to some degree, and therefore the first option is not to introduce a Fisheries and Water Environment Bill. Under this option fisheries enforcement would continue to rely on existing powers to manage fish stocks and the impact of fishing on the environment.

However, our existing legislation will not allow DAERA to deliver on the 8 objectives set out in the UK Fisheries Act 2020 or the high-level strategic policies set out in the UK Joint Fisheries Statement which the Department is required to pursue. This means Northern Ireland's fisheries policies will therefore not be consistent with the post-EU exit fisheries management framework set out in the Sea Fisheries Act 2020. In addition, Sea Fisheries Enforcement Officers would not be afforded the same powers as their counterparts in other UK jurisdictions meaning there would be lack of consistency between ourselves and Great Britain.

By doing nothing it would not allow the Department to increase their regulatory powers to establish a more flexible enforcement framework and provide consistency of approach to water pollution offences.

### **Option 2 – Introduce a new Fisheries and Water Environment Bill**

Development of a new Fisheries and Water Environment Bill will ensure, as a minimum, that aquaculture and inland fisheries are better managed; and that the common enforcement powers available to the UK's other sea fisheries authorities are available to the Department in the same way. A Fisheries and Water Environment Bill would also ensure that fisheries management and regulation can keep pace with changes in the other parts of the UK, given that fisheries is largely a devolved matter.

It would ensure fisheries policies aligned to the fisheries management framework are animated in legislative provisions and include both marine and aquatic environments, allowing for the development of policies which:

- Focus on improving water quality;
- Promote sustainable fish stocks; and
- Ensure appropriate enforcement deterrents for breaches of legislation.

Increasing our regulatory powers will promote better control and act as a deterrent to non-compliant and improve our enforcement capability. This will help to support the delivery of the Lough Neagh Action Plan, Environmental Improvement Plan and Programme for Government.

### **Option 3 – Introduce a Fisheries and Water Environment Bill in the following mandate**

Delaying the introduction of the Fisheries and Water Environment Bill, while in the longer term will achieve the same goal, it will cause the Department significant delay introducing their range of policies aligned to the fisheries management framework which will prevent them from keeping pace with changes happening in other parts of the UK in relation to fisheries management and regulations.

If the introduction of the Fisheries and Water Environment Bill is postponed until the next mandate, there is significant risk the Minister's priorities will change, and focus could be diverted to other pieces of legislation associated with the Windsor Framework or emerging issues.

### **Option 4 – Do the minimum, amend existing Fisheries Act (Northern Ireland) 1966**

This option would provide the Department with some of the legislative changes required to introduce some of the necessary fishery's policies aligned to the fisheries management framework but not all. It would not provide the primary powers required to amend other existing legislation focused on sustainably commercially and recreationally fishing and not allow for the development of inland fisheries policies, which may ultimately affect water quality and ecosystem health; sustainable fish stocks; and continued breaches of legislation.

The Department would not have the primary power to amend existing legislation to ensure there is consistency in relation to pollution offences or to introduce monetary penalties which would assist with the creation of a more flexible enforcement regime.

### **Monetised and non-monetised costs and benefits**

**Option 1** – There are no direct monetised or non-monetised costs and benefits for this option.

**Option 2** – There are no direct non-monetised cost or monetised benefits for this option. There are, however, non-monetised benefits which include giving effect to Northern Ireland's fisheries policies so that these are consistent with the post-EU exit Fisheries Management Framework provided by the UK Fisheries Act 2020 and high-level, strategic policies in the UK Joint Fisheries Statement and ensuring that all aspects of fisheries management and regulation in Northern Ireland can keep pace with changes in other parts of the UK.

A new Fisheries and Water Environment Bill will provide Sea Fisheries Officers the same common enforcement powers as held by their counterparts in other UK jurisdictions which will generate a consistent enforcement regime to ensure ecosystem health is prioritised and support and ensure fish stocks are maintained and restored to sustainable levels.

| <b>Proposal</b>  | <b>Benefit</b>  | <b>Cost</b>  |
|--|---|--|
| Inland Fisheries policy framework.   | Modernise the approach to managing inland fisheries, adopting an eco-system-based approach that is consistent with the policy and legislative framework that the UK Fisheries Act 2020 provides for marine stocks.  | No anticipated additional costs.   |
| Modernisation of fisheries enforcement powers.   | Sea Fisheries Officers would have the same powers as other enforcement agencies within the UK.<br><br>New legislation would ensure appropriate tools are available to authorised officers which would assist with improving enforcement.  | Some small cost in training officers, and in issuing guidance.                     |
| Introduce Fixed Penalty Notices, Fixed and Variable Monetary Penalties and increase maximum fines for certain sea-fisheries and inland offences. | This will increase deterrent from offending meaning a reduction in offences and better conservation of fish species.<br><br>It will offer Fisheries alternative measures that will act as a swifter deterrent for offenders.  | There will be no additional costs for legal fishing.                               |
| Single aquaculture licence.  | This offers a reduced regulatory burden for the sector, with clarity around the role of DAERA in the consenting process for other approvals that currently are in place.  | There would be no costs directly associated with the primary legislative proposal. |
| Standardise the maximum fine on summary conviction for water pollution offences.   | This would ensure that all offences resulting in pollution of the water environment would carry the same maximum penalty. An increased maximum penalty would act as a stronger deterrent to behaviours leading to existing offences and would underline the severity of the offence to the water environment. | There would be no costs directly associated with the primary legislative proposal. |
| Introduce Fixed Penalty Notices and Fixed and Variable Monetary Fines as additional enforcement mechanisms in relation to pollution offences.    | Provide immediate deterrence for non-compliance for minor and moderate breaches of legislation.   | There would be no costs directly associated with the primary legislative proposal. |

**Option 3** - There are no direct monetised or non-monetised costs and benefits for this option.

**Option 4** - There are no direct monetised or non-monetised costs and benefits for this option.

## **Rationale and evidence**

Informal discussions took place with representatives involved in sea-fishing, aquaculture and water quality, as part of the co-design process and the final proposals seek to take on board some of the issues raised in these meetings.

Proposals to strengthen marine fisheries and environmental management arrangements will mean more effective action can be taken to conserve fish and shellfish stocks. Safeguarding these stocks will bring benefits to the enterprises that rely upon them such as the fishing industry, ancillary businesses and those working in the recreational sea angling sector. Increasing our regulatory powers will promote better control, help act as a deterrent to non-compliance and improve our enforcement capability. This will help to support delivery of the Lough Neagh Action Plan, Environmental Improvement Plan and programme for Government.

## **Risks and assumptions**

### **Option 1**

By doing nothing Northern Ireland will be unable to keep pace with fisheries management and regulation in other parts of the UK which could place us at a disadvantage in the UK and European economies.

### **Option 2**

The risk associated with option 2 is the new Fisheries and Water Environment Bill will introduce different regulations which will affect the main stakeholder groups. To minimise this risk, officials worked with stakeholders in a collaborative partnership to assist with the development of high-level policy themes which for incorporation within the Fisheries and Water Environment Bill. Involving stakeholders on a co-design basis established an inclusive environment, responsive to changes within the sector, whilst prioritising the health of ecosystems in our marine and aquatic environments and minimising the risk of adverse effects on those in the 'main affected group' of the Bill.

Reducing angling access could lead to low participation in angling and certain restrictions may disproportionately affect urban communities with limited green spaces and this could affect mental health. Without adequate stocking and habitat management fish populations may decline and reduce angling quality.

### **Option 3**

The risk associated with option 3 is proceeding with this approach will delay the introduction of a range of modernised fishing policies for the sea-fishing sector and prevent us from keeping pace with changes happening in other parts of the UK in relation to fisheries management and regulations.

In addition, if the introduction of the Fisheries and Water Environment Bill is postponed until the next mandate there is significant risk either a different Minister would be in Government or the Minister's priorities will change and focus could be diverted to other pieces of legislation associated with the Windsor Framework or emerging issues.

### **Option 4**

The risk associated with option 4 is by only amending the existing Fisheries Act (Northern Ireland) 1966 the Department will be unable to fully implement all the relevant policies required to align with the fisheries management framework set out in the UK Fisheries Act 2020 which will prevent

them from keeping pace with changes happening in other parts of the UK in relation to fisheries management, regulation and enforcement.

There would be no consistency of approach regarding penalties for pollution offences.

### **Direct costs and benefits to business**

A wide variety of commercially important fish species are exploited in local waters. The licensed sea fishing sector is primarily concentrated at the three east coast fishing ports of Ardglass, Kilkeel and Portavogie, where it supports significant levels of employment in both the catching and processing industries, and also in ancillary industries in these towns and the surrounding areas, although none of these would be specifically impacted by the implementation of a new Fisheries and Water Environment Bill.

Many of the proposed new powers allow the Department to strengthen existing arrangements and introduce a range of enforcement measures. Some powers, such as the revised penalties will strengthen the current enforcement powers of the Department and there may be some small, short-term costs to the Department for training officers. Some businesses may have increased costs to ensure compliance in order to avoid financial penalty for breach of legislation, however these costs are not attributable to the introduction of revised enforcement measures – no new offences are being created.

### **Wider impacts**

Marine fisheries proposals may have some impact on small firms due to restrictions on fishing activity that may be introduced as a result with the aim of improving the conservation of fish and shellfish stocks. Over the longer term, however, these losses could be offset through more abundant stocks as a result of strengthened management measures.

It is expected that there may also be costs to fishing businesses if proposals for charging for permits or aquaculture licences are brought into force. However, this would be subject to further impact assessment and there are no costs directly associated with the primary legislative proposals. Before introducing any charging scheme there would be extensive research carried out to consider the potential impact on the profitability and competitiveness of the industry.

The proposed enforcement changes for water pollution offences are not expected to impose any additional cost burdens on businesses as no new offences are created. Small businesses involved in sea fishing, aquaculture and angling sectors will be specifically invited to take part in public consultation. The Draft RIA will be reviewed in light of comments received.

## **Summary**

This RIA does not quantify the impact of existing policy and legislation. It does, however, document any potential impacts on business (positive or negative) arising from the additional clarity, advice and guidance provided by the policy proposals encompassed in the new Fisheries and Water Environment Bill.

The additional clarity and guidance provided by the policies within the Fisheries and Water Environment Bill, will benefit business by informing the concept, planning, and design of provisions in relation to fisheries, fishing and aquaculture in the marine and aquatic environment.

In addition, the Bill will clarify the legal requirements for fisheries activities and the penalties for non-compliance with the requirements. The Bill will lead to a more efficient and effective decision-making processes, thus reducing the risk of uncertainty and increasing the potential for a positive outcome. The development of a new Fisheries and Water Environment Bill will ensure, as a minimum, that aquaculture and inland fisheries are better managed; and that the common enforcement powers available to the UK's other sea fisheries authorities are available to the Department in the same way.

A Fisheries and Water Environment Bill would also ensure that fisheries management and regulation can keep pace with changes in the other parts of the UK and this should encourage business and reduce costs and encourage small and micro-business (SMBs).

The Bill will work towards supporting the delivery of the Lough Neagh Action Plan, the Environmental Improvement Plan and Programme for Government. Introducing a more flexible enforcement regime will deter polluters and non-compliant operators, supporting the Departmental priority of protecting and restoring our water environment and delivering improvements to water quality.

The role of the RIA is to '*assess the impact of policy options in terms of the costs, benefits and risks of a proposal and should be considered for every policy and strategy*'. '*The level of detail in an RIA will be commensurate with the degree of impact. If there is little cost or savings to the business community or little change in the burden imposed by Government intervention, then this should be represented in the length and detail of the RIA. Analysis and research for an RIA should be **proportionate** to the policy issue and the potential impact of the intervention*'.

The Fisheries and Water Environment Bill will consolidate existing legislation, policy measures and practices in the Northern Ireland marine and aquatic area. The RIA will be published alongside the Fisheries and Water Environment Bill Consultation.

It is stressed, in subjecting the Fisheries and Water Environment Bill for Northern Ireland to an RIA, that the Bill for Northern Ireland does not itself amend the regimes under which marine and aquatic activities and uses are managed through decision making by public authorities, but provides a more rational, consistent, transparent and evidenced based legislative basis to guide decisions under those regimes.

Accordingly, it was determined that the Fisheries and Water Environment Bill, when adopted, will have a positive impact on business by providing clarity, advice and guidance across a wide range of issues. In addition, it was considered that there will be no or minimal additional costs to business, as a result of introducing the Fisheries and Water Environment Bill. Any additional costs that may arise may be in relation to ensuring compliance to avoid new enforcement action, however as no new offences are created, the costs cannot be attributed to the Bill.