



**Please quote the reference number below when contacting the office:**

Our Ref: 3332  
Your Ref: DAERA/25-789

18 March 2026

Marine & Fisheries Division  
Klondyke Building  
Cromac Avenue, Gassworks Business Park Malone Lower  
Belfast  
BT7 2JA

Sent via email only to: [anglingcorrespondence@daera-ni.gov.uk](mailto:anglingcorrespondence@daera-ni.gov.uk)

Dear Sir/Madam

### **Crumlin and District Angling Club Abstraction Issues - Crumlin River**

We refer to all previous correspondence between ourselves herein culminating in yours of 16<sup>th</sup> January 2026. Given lack of progress to date, we feel we have no alternative but to now revisit all outstanding issues herein together with new issues arising.

#### **Inadequate Fish Pass**

At paragraph 5.1 of our correspondence to you of October 6<sup>th</sup>, 2025, we laid out the background to this issue in full and urged that you take enforcement against Glen Oaks Fish Farm (GOFF) for the inadequate fish pass. In your response of November 20<sup>th</sup>, 2025, you stated “*DAERA has noted your request and will give it full consideration*”. In your correspondence of January 16<sup>th</sup>, 2026, you further stated that you “*will keep CDAA updated on... consideration of this matter whenever...in a position to do so*”. Given the passage of several months without update, please kindly now confirm what consideration has been given to this matter together with what action has been taken, or is planned to be taken, as a result thereof.

**The Department has noted the issues raised in relation to the adequacy of the fish pass at Glenoak Fish Farm (GOFF). This matter remains under consideration as part of ongoing regulatory and enforcement activity by the Department’s Inland Fisheries Inspectorate. In line with previous correspondence, the Department will keep the Crumlin and District Angling Association updated on its consideration of this matter when it is in a position to do so.**

**Chairman:** George Graham | **Chief Executive:** Jamie Cook

**Head of Legal Services:** Haseeb Ilyas, **Head of Policy and Strategy:** Zoe Wedderburn-Day

**Solicitors:** Robert Younger, Andrew Kelton, Cameron Hogg, Geoff Hardy, Angela Henry, Deborah McEldowney, Haseeb Ilyas, Zoe Wedderburn-Day

Fish Legal, Eastwood House, 6 Rainbow Street, Leominster, Herefordshire HR6 8DQ

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## **Breach of Fisheries Act**

We have repeatedly requested sight of your 2024 report wherein you have claimed that no legislative breach was discovered together with all other inspection reports within your possession, however, have been denied same under EIR exemption on the grounds that DAERA is currently pursuing enforcement action in relation to same. In our correspondence of October 6<sup>th</sup>, 2025, we sought an update from you in respect of this enforcement action together with confirmation of when you expected a conclusion to be reached. In your correspondence of November 20<sup>th</sup>, 2025, you responded “*Enforcement action is still ongoing...*”. Please kindly provide us with an update as to the current status of this investigation/enforcement action. Has any prosecution issued in respect thereof. If so, what is the current status of such prosecution?

We are instructed that the Director of Marine and Fisheries has been in direct correspondence with CDAA on the alleged absence of the appropriate gratings on both the point of abstraction and the point of return to the river at GOFF culminating in correspondence received March 3<sup>rd</sup>, 2026, wherein he states:

*“As outlined in earlier responses on issues raised regarding Glenoak Fishery, the Department’s position regarding the compliance of the apparatus with the Fisheries Act 1966 remains under review. The ongoing investigation by the DAERA Inland Fisheries Inspectorate means that I am limited in what I can share until the process is complete.”*

Can you please advise what has been done to address the issue in relation to the powers granted under the Fisheries Act in terms of the exception permit granted. In particular, can you please confirm if you have sought to utilise the 28-day period for the removal of the Sunday Abstraction exemption permit granted at this site? We are instructed that our member has notified you on a number of occasions (indeed as recently as 15<sup>th</sup> March 2026) providing evidence on each occasion of the Glenoak hydro abstracting during the closed period. Can you please therefore confirm if an exemption is currently in place or, has been on the date of all breaches you have been advised of, and if not, what action has been taken by you in respect thereof.

**As previously advised, enforcement action in relation to this site remains ongoing in line with the Department’s enforcement policy. While these processes are ongoing, the Department is not in a position to provide further detail, including in relation to the status of investigations or any potential enforcement outcomes.**

**In relation to the matters raised regarding the adequacy of gratings and compliance with the Fisheries Act 1966, these continue to be subject to ongoing consideration by the Department’s Inland Fisheries Inspectorate. As such, it would not be appropriate to comment further at this time.**

The site continues to be monitored by the Department. While these matters remain under investigation, it is not appropriate to comment on specific operational decisions or the status of any individual exemption.

## **Abstraction**

### **Fish Culture Licence (FCL)**

You have previously relied upon an inability to define what “*sufficient water*” is under the appropriate legislation governing same, as excuse for not pursuing any prosecution against GOFF in failing to comply with the conditions of the FCL. The term “sufficient” by basic definition means enough or adequate – having an amount that is enough to meet a specific need. We do not accept therefore that the term cannot be defined and would contest that there can be no ambiguity in this respect whatsoever, since over-abstraction by GOFF has resulted in a half kilometre of the river being de-watered, which is undeniable evidence of insufficient water to meet the basic need of the fish pass, evidence of which has been provided to you.

The condition referred to in your correspondence above is Condition 3 on Glenoak Fisheries FCL: *‘Abstraction of water shall be so regulated that sufficient water will be maintained at all times in the natural watercourses adjoining the fish farm to ensure the free passage of migratory fish par the fish farm. The licence holder shall comply with any direction issued in that connection by the Department from time to time.’*

This particular condition has been on the FCL since 1977 and as part of the wider FCL condition review has been noted as not meeting the legal tests of conditions and is therefore, not enforceable and will be removed from the licence in due course. Fundamentally, it should not be a condition on the FCL as Abstraction of water from the environment is already controlled by the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 (AIL). This piece of legislation is enforced by DAERA through the NIEA.

You have claimed to the Office of Environmental Protection (OEP) in response to their request for an action plan in respect of FCL that you have carried out routine biennial inspections and that *“in the past 5 years no instances of non-compliance have been identified at GOFF”*. Given that prosecution has already been taken against GOFF or that investigations are ongoing (as claimed) with a view to prosecution (regarding which you have refused to release evidence claiming same to be “*sub-judice*”) then it would appear that you have very clearly misrepresented the situation to the OEP and provided inaccurate information. Please kindly clarify, otherwise, we shall have no alternative but to return to the OEP in respect.

Your paragraph above appears to amalgamate a mixture of different issues. In respect to the FCL routine biennial inspections, the inspections referred to are ones undertaken

by the DAERA Fish Health Inspectorate predominantly to ensure compliance with Animal Health Law and only monitor compliance of FCL conditions pertaining to Animal Health Law. However, breaches in other enforceable FCL conditions will be noted as part of these inspections and passed to the relevant team. Due to Condition 3 not being enforceable, this would not have occurred in this instance.

In reference to the prosecution and ongoing enforcement, this is in respect to potential breaches of the Fisheries Act (Northern Ireland) 1966 itself and the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006. Enforcement action in relation to this site remains ongoing in line with the Department's enforcement policy. While these processes are ongoing, the Department is not in a position to provide further detail, including in relation to the status of investigations or any potential enforcement outcomes.

Please also now provide copies of all evidence held by you in respect of your claimed routine biennial inspections since February 2019 upon which you have relied in your report to the OEP.

Redacted copies of all evidence held by the Department in relation to routine biennial FCL inspections since February 2019 is attached.

You have informed us (and the OEP) that the Department is developing a new aquaculture policy to be taken forward as part of a Fisheries & Water Environment Bill to modernise the existing Fisheries Act (NI) 1966. Whilst we welcome this action by the Department, this is no excuse for not enforcing the current legislation which GOFF is clearly in breach of. Please kindly provide the legislative basis upon which there is no requirement for you to enforce the current legislation whilst a new "*policy*" is pending?

Please confirm current target date for determination of **all** Fish Culture Licenses.

The process of reviewing all Fish Culture Licences (FCLs) and their conditions is ongoing, this work is extensive and includes the right of appeal for licence holders, it is therefore not possible to provide a date for completion of the review at this stage. The Department continues to deal with breaches under the current legislation. The work for the forthcoming Fisheries, Aquaculture and Water Environment Bill is progressing and it is hoped that the Bill can be introduced to the Assembly before summer recess.

### **Abstraction Licence/Exemption Permit/Investigation**

You have indicated that investigations are ongoing into potential breaches of Abstraction Licence AIL/2016/0003 as opposed to any potential breaches of the Fish

Culture Licence, investigations having commenced in October 2022 which included taking flow measurements within the fish pass with same leading to a Regulation 20 Notice issued to GOFF in January 2023. Presumably therefore the measurements taken by you within the fish pass proved a lack of “*sufficient water*” through over-abstraction leading to the fish pass not being fit for purpose and subsequently grounds for the issue of the Regulation 20 Notice. If this is not the case, then please confirm your reasoning for issue of the Regulation 20 Notice in January 2023.

The Regulation 20 Notice was issued due to evidence being available that conditions of the Abstraction Licence for the turbine on site (AIL/2016/0003) were not being complied with.

Goff was then granted an Exemption Permit by you on 30<sup>th</sup> June 2023 removing the requirement for weekly closures, without consultation. We have previously and hereby further contest that you departed from your own guidance in failing to consult with the adjacent fishery owners prior to the issue of this Exemption Permit to GOFF and then subsequently amended your guidance to claim discretion in regard, arguably in direct response to such failure. Any claims by you to the contrary are simply unacceptable.

Turning to the issue of the granting of the Exemption Permit, please kindly provide full reasons as to why an Exemption Permit was granted to GOFF in June 2023 despite the findings which led to the issue of a Regulation 20 Notice in the first instance, only six months prior. Please also provide details of any/all Exemption Permits previously granted to GOFF.

For an Exemption Permit to be granted it is an inherent condition that all “*abstraction infrastructure*” must be in working order and in a good state of repair. You have relied again for inaction upon your failure to be able to interpret a definition, in this instance the definition of “*abstraction infrastructure*”. Notably however you have since confirmed that you are currently carrying out enforcement actions, upon which you claim to be unable to comment.

The issuing of a Regulation 20 Notice is an enforcement tool available under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 which are enforced by the Abstraction and Impoundment Licencing Team within the Northern Ireland Environment Agency (NIEA).

Exemption Permits, from various aspects of The Fisheries Act (NI)1999, are issued by the Inland Fisheries team, a separate unit with the Department of Agriculture, Environment and Rural Affairs.

The issuing of the Regulation 20 Notice was for failure to meet AIL licencing conditions.

The granting of Exemption Permits under the Fisheries Act is a separate legal issue to taking enforcement action under the AIL Regulations. Inland Fisheries are also considering potential enforcement actions under the Fisheries Act.

These are two separate and distinct enforcement processes that should not be conflated.

### **Proof of Site Control for FCL and AIL**

We have had sight of a Conveyance deed dated the 10<sup>th</sup> day of June 2014 whereby the operator of GOFF, Mr. Raymond Mairs, duly transferred his ownership of the land from which GOFF operates from himself to Rachel Ruth Mairs. Since the operator was no longer the landowner from that date onwards, can you please confirm that you were advised of this material change of ownership and that variation/modification applications were correctly received by you exhibiting appropriate proof of operator site control, in compliance with the appropriate regulations and continued validity of each licence.

Section 11 of The Fisheries Act (Northern Ireland) 1966 ('The Act') sets out the legislative provisions for Fish Culture Licences with Section 11(1)[...] *allowing any person to (a) operate a fish farm at a place specified in the licence.* The Act does not require the Department to have oversight of landownership. Therefore, operational control of Glenoak Fish Farm sits with the licensee stated on the Fish Culture Licence and the associated Animal Health Approval.

In relation to Abstraction Licencing, the Department also does not engage in land ownership, lease or property legal status issues. If the new owner is not named on licence i.e. if no transfer application is made, the licence will continue to be the responsibility and liability of the current registered licensee as per regulation 6(3) of the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006. It is for the parties involved to consider how they bear the obligations and liabilities in respect of licensing. For clarity, the new land owner does not become the licensee without the transfer of the licence.

### **Inaction/Lack of Enforcement of Regulation 20 Notice June-December 2024**

An appeal against your Regulation 20 Notice was lodged by GOFF to the Water Appeals Commission (presumably February 2024) and whilst the appeal was pending, we are aware that your Notice had no effect. Goff however withdrew their appeal in June of 2024. The withdrawal of such appeal would have rendered your Notice automatically effective once more. You state however that "*the effective date for the Notice was extended to 1<sup>st</sup> January 2025*" with "*extension granted to allow for the consideration of an application for modification of the Abstraction Licence*" by GOFF "to ensure procedural fairness to the operator". The modification application however

was not lodged by GOFF until 23<sup>rd</sup> December 2024 therefore, the Department could not have been in a position to consider the modification application until it had in fact been lodged. Please kindly let us have sight therefore of any correspondence issued to GOFF between June 2024 and December 2024 suspending the Regulation 20 Notice together with sight of the time limit given to GOFF within which to lodge their modification application.

Please further provide details of the Regulation which permits suspension of a Regulation 20 Notice pending receipt of modification plans. If no such Regulation exists and this is once more at the claimed discretion of the Department, please kindly provide all grounds upon which such decision was reached by you and subsequent discretion applied. We do not accept "*fairness to the operator*" as sufficient justification herein to warrant the potential of environmental damage for a period of six months otherwise, what purpose would the issue of a Regulation 20 Notice have served in the first instance.

If no Notice of Suspension was in fact issued to GOFF or moreover, legislatively permitted, then the Regulation 20 Notice applied and was effective within the period June to December 2024 and therefore GOFF acted illegally in failing to comply with same through continuing to abstract throughout that period. Please therefore provide a full explanation as to your failure to enforce such Notice within the aforementioned period.

The information you have requested is subject to legal professional privilege related to ongoing legal proceedings that have yet to be fully resolved. As disclosing this information could adversely affect the outcome of the proceedings the Department is applying the exception available under Regulation 12(5)(b) of The Environmental Information Regulations 2004 - The course of justice, the ability of a person to receive a fair trial or the ability of the public authority to conduct an inquiry of a criminal or disciplinary nature. A public interest test has been completed and is attached.

### **EIR/FOI Request**

We are aware that DAERA previously brought a prosecution against GOFF in relation to the fish pass being dewatered under s54(6) of the Fisheries Act 1966, copies of which you have previously refused through our EIR/FOI requests. We now request under the terms of both EIR and FOI that you provide us with confirmation as to whether this matter was brought to Court, if so, what date this was heard before the Court, details of what was said on behalf of each side in open Court together with the outcome of the Court. We trust you will appreciate that any plea in mitigation or judgment given in open Court is a public matter and as a result, there can be no prejudice to the Department in releasing such information to ourselves and no lawful basis for withholding disclosure herein on the terms as previously claimed.

The Department confirms that proceedings were previously brought in relation to this matter. Information relating to the outcome of these proceedings has previously been provided to you in redacted form. The available record indicates that the case concluded on 28 February 2024. The Public Prosecution Service Northern Ireland progresses prosecutions on behalf of the Department. The available record indicates that the charge was dismissed.

Your request for further detail, including what was said in open court, has previously been considered by the Department under the Environmental Information Regulations 2004. In that response, the Department applied the relevant exceptions, including Regulation 12(3) and Regulation 13, as the information requested contains third-party personal data. The Department considers that disclosure of such information would constitute disclosure to the public at large and, having applied the relevant data protection tests, has determined that there is no lawful basis for its release. The Department's position in this regard remains unchanged.

### **Alleged Pollution Events since 23/12/2025**

We are instructed that reports of at least 3 suspected pollution events have been made to the NIEA recently herein regarding discolouration of water in the outlet from GOFF to the Crumlin River as follows:

1. 23<sup>rd</sup> December 2025 – EA reference WR 4/25/0183
2. 12 February 2026 – EA reference WR 4/26/0027
3. 24 February 2026 – EA reference WR 4/26/0811

A request has been made by CDAA for an in situ monitor to be placed at the position of outflow to monitor the situation. We trust you shall urgently attend to this request and provide us with a full update in regard thereto.

Despite there being no pollution found at the time of investigation in respect of the above reports, the investigation into these matters remains ongoing.

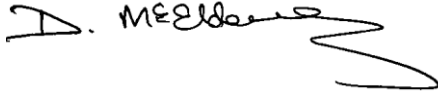
### **OEP Progress Report**

We have reviewed your most recent progress report to the OEP and have grave concerns over the lack of action within this. The need for an action plan was first raised by the OEP in January 2024. Over two years have now passed within which only 2 of the 10 agreed action plans have been completed with determination of "complex applications" (which include fish farms) still to begin despite same being the subject of the initial complaint. Can you please therefore indicate if any additional progress has been made in respect of timeframes for the determination of both simple and complex licenses?

The latest update is with senior management and the Minister for approval before being forwarded to the OEP, who will publish it on their website in due course.

Please let us hear from you in respect of all matters as raised herein no later than 1<sup>st</sup> April 2026.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D. McEldowney', with a stylized flourish extending to the right.

Deborah McEldowney  
Solicitor (Northern Ireland)