

Guidance on Requirements for Section 48 Permits - In River or Waterbody Works



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Department of
**Agriculture, Environment
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It is widely recognised that unregulated work in rivers can impact severely on indigenous fish stocks, damaging fish habitat, via direct material removal, compounding, siltation and pollution. It is important that any in river or waterbody works give serious consideration to effective fishery mitigation measures that may be required.

Under the Fisheries Act (NI) 1966, DAERA regulates for the conservation and protection of salmon and inland fisheries in Northern Ireland. (Except for the Foyle and Carlingford areas, which come under the responsibility of the Loughs Agency).

If you intend to carry out any work that could impact on inland fisheries you must inform DAERA or risk prosecution.

Under the Fisheries Act it is an offence if a person or persons;

- a) wilfully obstructs the passage of the fry of salmon, trout or eels; or injures or disturbs the spawn or fry of salmon, trout or eels; or
- b) Injures or disturbs any spawning bed, bank or shallow where the spawn or fry of salmon, trout or eels may be, or places any obstacle or contrivance of any kind or does anything in or near a fish pass in order to deter or prevent fish from freely entering or passing through the fish pass at all times; or
- c) causes pollution which is subsequently shown to have a deleterious effect on fish stocks and that they may be liable to criminal and civil court action for the cost of restocking/ rehabilitating a watercourse should a fish kill occur.

Any In river or Inland Waterbody works may require a section 48 permit from DAERA.

Any failure to comply risks enforcement action and may result in prosecution.

A section 48 permit is required in addition to any other permits/consents or approvals which may already be in place such as those from Rivers Agency, DFI Planning Service and NIEA Water Management Unit.

Wherever possible, work in rivers should be scheduled for less sensitive periods of fish migration and spawning (May until Sept).

DAERA within their area will engage with contractors to advise best practice and approach and also ensure the enforcement of permit conditions.

A written application is required for a section 48 permit (application forms are available online or by post).

Internet address below;
www.daera-ni.gov/publications
Click on link to; Inland Waterways and Fisheries - Conservation and Protection. Then click on link to; Permits issued under Section 48 of the Fisheries Act (NI),

For Foyle and Carlingford areas please contact Loughs Agency

Applications must be received by DAERA at least 28 days before you intend to proceed to allow DAERA to inspect the site and agree conditions.

Late applications risk delaying the issue of permits.

Any planned works may only be considered approved once the contractors have received the relevant Section 48 Permit.

Examples of Conditions that might be imposed on a section 48 Permit.

Temporary watercourse diversion design should be approved by DAERA.

Temporary watercourse diversions to be lined with a suitable impermeable material and the bed covered with round washed stone 200mm - 300mm diameter, so that the bed is 100% covered.



Upon installation of the temporary diversions the Department will assess if fish passage is being impeded. You may be required to carry out additional works as approved by DAERA.

Fish stocks within depleted sections of watercourse, where necessary, must be removed by an appropriate fisheries contractor and placed back in the watercourse upstream of the works.

The removal of fish from the original water course must be carried out within 24 hrs of any works or drainage associated with the depleted/redundant natural water course.

The material removed from the river bed must be retained and reinstated post works.

All works should be approved by DAERA fisheries officers.

Examples of work that require Section 48 permitting:

Gravel Abstraction, Channel Clearance, Bank Protection & Enforcement

Construction and or installation of any in river structures such as culverts, weirs, impoundments, cattle crossings etc, including fish passes.

Removal of any in river material.

Diversion of any water ways or courses for construction purposes, including roads and highway maintenance.

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