

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM

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### FEIDHMIÚ CHOMHAONTÚ AOINE AN CHÉASTA

### JOINT COMMITTEE ON THE IMPLEMENTATION OF THE GOOD FRIDAY AGREEMENT

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*Déardaoin, 8 Samhain 2018*

*Thursday, 8 November 2018*

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The Joint Committee met at 2.15 p.m.

#### MEMBERS PRESENT:

Deputy Declan Breathnach,	Senator Frances Black,
Deputy Tony McLoughlin,	Senator Gerard P. Craughwell,
Deputy Fergus O'Dowd,	Senator Mark Daly,
Deputy Maureen O'Sullivan,	Senator Frank Feighan.
Deputy Brendan Smith,	

DEPUTY SEÁN CROWE IN THE CHAIR.

*The joint committee met in private session until 2.40 p.m.*

### **North-South Implementation Bodies: Waterways Ireland and Loughs Agency**

**Chairman:** I welcome from Waterways Ireland, Ms Dawn Livingstone, chief executive; and from the Loughs Agency, Ms Sharon McMahon, designated officer. I will shortly invite them to give their opening statements and this will be followed by questions from the committee.

I remind members and visitors in the Gallery to ensure their mobile phones, tablets and so on are switched off completely for the duration of the meeting as they cause interference with the recording equipment in the committee even on silent mode.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official by name or in such a way as to make him or her identifiable.

By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to so do, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable.

I invite Ms Livingstone to make her opening statement.

**Ms Dawn Livingstone:** I thank the committee for the opportunity to appear. Waterways Ireland is the largest of the North-South bodies and it looks after 1,000 km of navigation, which is probably one of the country's largest outdoor recreational assets. Our statutory function is to manage, maintain, develop and promote those waterways. The slide on view shows the spread of what we are looking after. We look after two major lake systems, the Shannon and the Erne navigation. There are 420 km of canal, 360 km of which is watered, from the Royal and the Grand canals coming from the centre of Dublin right across to the Shannon, the Barrow navigation which runs through the east and the Lower Bann on the north coast.

Our goal as an all-island body is to deliver world class waterway corridors, to capitalise on these unique natural assets and to leave them in better shape than we found them for the next generation, and to use them to create jobs and support businesses while sustaining their unique built and natural heritage. There are challenges along the way, some of which I have set out. Like all public bodies, we have declining resources. There have been changes in the weather patterns, with two 100-year storms in the past three years and with extreme flooding in the winters during very short periods, as well as a shortage of water this summer. Invasive species are another challenge and are coming at us almost quicker than we can identify and map them. Last year we disinfected boats coming back into the Shannon to keep out a crayfish plague. We look after almost €1 billion worth of ageing and historical infrastructure, most of it over 200 years old, so we are looking after antiques, with all the care and cost that involves. We need to modernise our by-laws, an issue I will turn to later in the presentation. We have issues around water

quality and supply. The water supply for the Royal Canal is currently being used for drinking water and we are working with Dublin City Council and Irish Water to ensure, when the midlands and Dublin water supply is restored, we get back the original supply for the Royal Canal. There are also some pollution issues. In addition, we work in highly designated lands. All of our waterways are SEAs or proposed NHAs, with the challenges that brings to look after them.

How have we responded to these challenges? When Waterways Ireland was originally formed, we redeveloped and reopened the Royal Canal. We now use our capital funding for repairs of critical condition infrastructure, and the slides show some of the work we are undertaking. By their nature, waterways are expensive. The second slide shows the replacement of lock gates taking place at Rooskey. There are five major locks on the Shannon navigation and the gates cost in the region of €800,000 to replace, although it is a once in 75-year job. We are using a combination of our own in-house labour and we have started to make lock gates again in Tullamore with our core skilled workforce. The next slide shows how we can respond to emergency failures, in this case by fixing an embankment.

Given reduced resources, we have taken action to reduce costs. We have recognised that some of our posts should be seasonal, reduced fixed overheads by 50%, reduced the management team and used technology to try to save costs. We have tried to match the employment of people to periods of greatest need for the service through a lock-keepers agreement. We have also looked at how we can earn income, and one of our goals is to try to create a sustainable significant income for each waterway. We have also looked to commercially use the land assets belonging in particular to the canal network and to create income through that. We have used third party funding to be able to continue a programme of development, and I have given some examples, including funding of over €4 million for towpath development.

The canals are a particular opportunity in that they are in public ownership so there are long, linear corridors for walking, cycling and boating that run from the centre of Dublin through the midlands. We have looked to form partnerships whereby we can draw down funding, for example, with Fáilte Ireland, which is currently 75% funding three key projects. These are to develop a master plan for the development of the Shannon; to examine the possibility of a greenway in the city, using the canal towpaths; and to develop a tourism master plan for the development of Grand Canal Dock. I have also given further examples. Last year, we had support through the rural recreation scheme and were able to attract €500,000 to develop a floating boardwalk that connects the blueway between the villages of Leitrim and Drumshanbo which over 10,000 people a month use for walking.

Our goal, very simply, is to increase use, with a target to increase use of inland waterways by 5% annually. We want to do this in two ways. We want to increase use by local people, which we are doing through programmes like Paddles Up, Blueway 10 km and open water swimming. We are moving away from sponsoring once-off events to developing six-week or 12-week programmes which engage local communities in learning a new water sport. In this way, we are hoping to create a generational shift so that, in time, every town and village beside a waterway will have, for example, an open water swimming club, rowing club or canoeing club, and people will more regularly use the recreational assets on their doorstep.

The other half of increasing use is through using the waterways to bring visitors into an area to create jobs and deliver prosperity. There are different ways in which we are doing this. We are looking at how people are changing the ways they use their recreational time and we can see there is a desire for activity tourism. We have looked at developing things like the blueways, thereby presenting our waterways to a new audience, not just to boaters but to all who want

to get out and get active. We have looked at sports tourism in order to bring in international events. We are developing a heritage trail through using our existing facilities and presenting them to a new audience. We are looking at all attractive harbour sites along the Shannon, in particular how we can map those and lay them out for people who come to Ireland in motorhomes.

We are also looking at the redevelopment of key sites. The slide on view shows a picture of Tullamore harbour. There are two major harbours, or a harbour and a branch line, right in the centre of Tullamore, so there is real potential to create a water quadrant in the town. We have bid into the rural regeneration fund with Offaly County Council in seeking to develop this as a focal point within the town. We want to anchor back-office, high-end IT jobs linked to Grand Canal Dock and also create housing and a social and recreational amenity and a new destination in Tullamore. Our key priority is to get the towpaths along the canals complete. We will open 140 km of the Royal Canal next year and we will have an application to go into the greenway strategy for the Grand Canal this autumn, working with all the councils across the length of it, which will be another 140 km. The Barrow blueway is in planning and has gone to appeal.

I have mentioned blueways a number of times. Blueways are about repositioning the waterways to make them attractive to a new range of people who want to walk, cycle, canoe or stand-up paddle board along them. Instead of just providing a physical facility and hoping people will come, it is about engaging with local communities, the local authorities and the private sector to anchor people. We provide the maps and infrastructure but it is about putting a package in the shop window that people can buy. It has been highly successful. The Shannon blueway was the pilot in 2014. It contributes €4 million per annum to the rural area around the Lough Allen Canal. We launched the Shannon-erne blueway in 2015 and this year we launched the Lough Derg blueway. It is about linking together businesses, paths and opportunities and mapping them and making them accessible.

The next question is: is there a demand for outdoor recreation? The answer is “Yes”. Activity tourism is big business. We commissioned research with Fáilte Ireland, which led it. It looked at the key markets for Ireland in terms of activity tourism. If we only got 5% of all the people surveyed who expressed a strong interest in coming to Ireland and who take activity tourism holidays, it would be an extra €1 billion in tourism revenue. There is real potential in this area.

One of the projects we are working on to try to unlock some of the latent, untapped potential is developing an inland waterways spiritual trail. The inland waterways were once a highway for pilgrims. There are sites dotted along them. We are working with 13 local action groups led by us, Fáilte Ireland and the built heritage section of the Department of Culture, Heritage and the Gaeltacht through the LEADER action groups. We have drawn down money as a co-ordination project. The feasibility study to develop it has started.

Another area we are interested in is the Ulster Canal, often called the missing link in terms of creating a unified navigation from the top of Ireland to the bottom. It is 76 km in length. I have shown the committee on the map where it turns. The Ulster Canal would connect the Erne system through to Lough Neagh which would then link into the Lagan. We opened 3.3 km, which was just completed in September of this year, which provides a new navigation from Lough Erne to Castle Saunderson. We chose Castle Saunderson as there is an international scout village there and Cavan County Council owns 70 acres of land. We hope to see it developed as an activity hub like Lough Key outside Boyle. There has to be a destination at the end of a navigation so people have a reason to go there. In 2015, we also took the idea to the North-South Ministerial Council that the way to develop the Ulster Canal was to champion the

development of a greenway along the route that would protect the route for future generations if there came a time when the canal could be redeveloped. It provides an immediate economic benefit and will eventually provide the link for an off-road walking and cycling network that would run Dublin to Belfast.

I am conscious I am skipping through my presentation. We managed to draw down almost €5 million of INTERREG funding through the sustainable transport fund and we have 22 km of that Ulster Canal towpath development under way. Monaghan County Council led the way with a 3 km route through the middle of Monaghan. This builds on that by developing from Smithborough through to Middletown. One can see in the pictures where we are hoping to go from and go to.

Another important project for us is realising two of our greatest assets which are Grand Canal Dock and Spencer Dock in Dublin. The intention is to create a water quarter, a blue playground for the city and a new destination within the city. It will be a fast-track development zone for the Dublin tourism co-ordination committee. In my presentation I listed some of the things we are doing to try to animate that strategy. We have a Dublin City Canal events programme which draws together disparate events and brands them into a programme for visitors to come and use. We have started an open triathlon training session in Spencer Dock. We are hoping to have a new exit and boardwalk from the Grand Canal DART station. It does not open into Grand Canal Dock now. That is a game changer because we are one stop from Trinity College Dublin. It means 80,000 visitors could get from Trinity College Dublin immediately into Grand Canal Dock if it opened directly into the dock. We have developed - and the Fáilte Ireland study will flesh out the bones of it - an inner city greenway using the canal towpaths, which is 40 km in length. We are working with Dublin City Council and Irish Water on a water quality issue in Grand Canal Dock. There is a storm water outflow that creates intermittent pollution but otherwise the quality of the dock water is excellent because the water from the canal comes from Pollardstown Fen and it is bathing quality water. Potentially there is a dock that people can use for open water immersive events.

We need to modernise the canal by-laws. It is over 30 years since they were last modernised. In terms of the challenges, there are almost 14,500 registered boats. Most of those boats are on the Shannon. There are 8,500 on the Shannon and 6,000 on the Erne. There are only 508 boats on the canal network. In Ireland, we are spoilt with an embarrassment of riches. There are two open water lake systems which are much more attractive to boating than using the canal system. We need to develop the canals and how we look after them to make them attractive and to grow the boating sector. As part of that, we have to develop the canal by-laws because of the 508 boats that are on the 360 km, 75% never move. The Heritage Act 2018 passed this summer and some members will be familiar with it. As part of the by-law proposals we will be bringing forward, we want to modernise the charging. We provide the public infrastructure on all of our navigations for mooring and navigation signs but on the canal network we own the whole thing. On our other waterways there is private sector investment so when one is not cruising and using one's boat recreationally, one buys a private mooring and stays on it. In the canals we own everything so everybody is always on our property. The charge to use the canals for a year is €126. The maximum charge of €152 to park one's boat in a location for a year regardless of size is too cheap to stimulate any inward investment. We want to modernise the charging for the canals, not least because one of the difficulties we have is that with the current charging, it is cheaper to just to abandon one's boat. The only sanction we have now is to remove it. It is in the nature of boating that people buy boats and then things happen or family circumstances change and boats get abandoned. It costs us an awful lot of money to remove them. In the

canal by-laws, one of our proposals is to introduce a fixed penalty notice which was granted in the Maritime Safety Act 2005 but needs a by-law to bring it into use. I assure the committee we will not become like carpark attendants but it is to give another measure for people who, over months and years, persistently do not comply with the navigation inspector's request to move their boats and not be a pollutant. It gives us another way of encouraging people to become more active boat owners.

The other areas in the by-laws we will be looking at is making provision to manage new use. For example, 30 years ago nobody anticipated there would be the demand for houseboats that there is today. The new by-laws will allow us to manage and provide for those.

I am coming to the end of my presentation. I just wanted to give the committee a feel for the value of the inland waterways in terms of what they contribute each year. It comes to just under €400 million. Private boating directly contributes €88 million. The cruise hire sector which has grown strongly over the past three years contributes €55 million. Angling, just on the waterways we manage, contributes €142 million and access to recreational opportunities which is the softer pursuits such as canoeing and stand-up paddle boarding contributes another €50 million. Health benefits to the people who are using them actively is valued at €30 million and events are valued at €80 million. The good status water quality is valued at €16 million. With regard to what we cost, the committee will see in the table in my presentation the changing levels of funding. In 2010, our grant from Government was €39 million. Today it is €27.68 million. We are funded 85% by the Department of Culture, Heritage and the Gaeltacht and 15% by the Department for Infrastructure in the North. That represents the percentage of navigation in each jurisdictions. Both jurisdictions fund their own capital.

The next slide in my presentation illustrates the pressure on critical structure repairs. The top line the budget required is the amount of money when we looked at the assets we manage. If we are to repair only those which are in unsafe and critical condition, we need more than €6 million on average each year. One can see the grant we have received each year. Our Department has been good to us in the past two years and has managed to find extra money to bring our funding up to €5.5 million. This year, however, it was unable to find that resource, and next year the allocation falls short. There will be challenges with that in trying to manage just the infrastructure that is in critical condition before we do the planned preventative maintenance.

The other pressure we have is pension costs. When Waterways Ireland was formed 223 staff were transferred and designated for the body. Those staff came in the second and third quarters of their careers with pension accruals and we pay all the pension costs out of our current allocation, which has not increased. The money for front-line services, therefore, continues to diminish. When we started the cost was zero, in 2010 it was €700,000, but next year it will be €3.3 million, which directly takes away from what is available for front-line services.

I am sorry my presentation was rushed. In summary, we manage 1,000 km of navigation, and we are doing our level best to lever as much opportunity as possible out of that for everybody on the island of Ireland, while also protecting and looking after it.

**Chairman:** I thank Ms Livingstone. I invite Mrs McMahan to make her opening statement.

**Mrs. Sharon McMahan:** I thank the Chair for the introductions and welcome. We are delighted to be here to present before the committee today. We sent a number of documents in advance, including our annual activity reports for the past two years. I will give a brief history lesson, partly in order that the committee will understand where the agency came from, before

moving on to Brexit and other issues that may arise.

As members will be aware, the Loughs Agency is one of the six implementation bodies established under the Good Friday Agreement, and we claim to be the original cross-Border body. The agency inherited the functions and responsibilities of the Foyle Fisheries Commission with regard to the conservation, protection, management and improvement of the fisheries of the cross-Border Foyle area. Further functions were conferred on the agency by the Good Friday Agreement. In 2007, the Foyle and Carlingford (Northern Ireland) Order, and the corresponding Foyle and Carlingford Fisheries Act, provided for the Loughs Agency to become the licensing authority for land and marine agriculture in Foyle and Carlingford. We have responsibility for 4,070 sq. km of catchment in the Foyle area and 480 sq. km in Carlingford, with responsibility for the two sea loughs and an area extending 12 miles out to sea from Lough Foyle, which stretches to Downhill in Northern Ireland and Malin Head in Donegal. The agency has delivered transboundary fisheries management in these waters since the establishment of its predecessor in 1952, the Foyle Fisheries Commission. We are a small but relevant organisation with an approved staffing complement of 53, who provide a unique statutory public function across an international budget with an annual baseline budget of just €4 million.

Over the past 20 years, and before that since 1952, the Lough Agency's achievements have allowed it to grow and develop its approach to fisheries management. Deploying an internationally recognised evidence-based management approach and audit point management system for Atlantic salmon to enable management decisions, the agency has successfully developed and implemented a freshwater fisheries monitoring programme and a fish counter programme, both of which are critical when developing and delivering fisheries orientated management. Salmon numbers have declined globally, however, and, unfortunately, the Foyle system is experiencing similar downturns. With the decline, the agency played a significant role in various research programmes, investigating the underlying reasons for the drop in numbers of returning Atlantic salmon.

We also initiated research programmes which highlighted potential issues with survival in the early marine transitional phase. As the agency does not have the resources to address fully the questions raised, we sought and secured EU INTERREG V funding, which included €1.4 million for the River Finn through the Donegal County Council-led catchment CARE programme. We have secured €4.7 million for a project called SeaMonitor, which will allow us to further investigate the survival of salmon and the distribution of other mobile marine species, such as the basking shark, on the north coast between the island of Ireland and Scotland. The partnership consists of nine partners from Ireland, the UK, Canada and the USA, with the agency acting as the lead.

Our protection conservation and enforcement work forms the central, day-to-day operations of our business. The Loughs Agency has instigated a significant number of prosecution cases over the years, taking actions in courts in both jurisdictions, encompassing a variety of offences. This unique aspect of our legislation provides the agency with a distinctive and irreplaceable mechanism for ensuring the fisheries law is effectively enforced in cross-Border areas, allowing the agency to prosecute by domicile, that is, where an offender can be prosecuted in the country where he or she resides as opposed to where the offence took place.

Since September 2008, the Loughs Agency has licensed and regulated the native oyster fishery in Lough Foyle. As previously mentioned, the 2007 Foyle and Carlingford order and the corresponding Act provide for the agency to become the licensing authority for both land and marine aquaculture in the Foyle and Carlingford areas. Due to the ongoing stalemate over

the jurisdictional issue, however, the regulations have not been enacted. High level discussions which relate to the jurisdictional issue are taking place between the Department of Foreign Affairs and Trade and the British Foreign and Commonwealth Office before legislation can be brought forward to regulate this activity. Unfortunately, we are not involved in these discussions but we hope it will lead to the issue of unlicensed oyster farms being addressed.

Our marine tourism and angling development remit has been supported over the years with investment through INTERREG and core funding by both sponsored Departments, which has led to improved access to many water-based activities and for anglers. In particular, the agency secured €3.7 million of INTERREG funding aimed at developing and promoting marine tourism and angling. One of the marine tourism projects included the procurement and installation of pontoons in Derry city centre, which enables the Foyle Maritime Festival to hold the clipper round the world yacht race. The high quality angling product in the Foyle and Carlingford areas makes them a destination of choice for local and overseas anglers. Average annual licence sales are approximately 9,000, with 5% of sales originating from approximately 18 countries around the world. Our catchments have been the venue of choice for many international angling events, generating much-needed economic investment in rural areas, including the successful 2018 Commonwealth fly fishing championships, held in association with the Trout Angling Federation of Ireland.

Through our education and outreach programmes, we pride ourselves on inspiring the next generation of catchment custodians. Our Riverwatch visitor centre has welcomed nearly 250,000 visitors since it opened in 2002, and we have delivered a number of workshops to schools that demonstrate the scientific functions of the agency. Our engagement programmes have seen the development and delivery of the Foyle ambassador programme, with a Carlingford programme due to commence next year. To date, more than 100 young people have completed the programme.

On the impacts of Brexit, it was important we gave that brief overview and recap of our history, role and work in order that the committee can have a clear picture of the impact and opportunity of Brexit of which we in the agency could avail. Although there are many unknowns at this time, we are not naive; there will doubtless be new challenges for the agency. Our uniqueness exists primarily because fish, poachers and pollution do not recognise borders. It is imperative the agency continues to protect, conserve and develop the natural resource in the Border counties. At this point, we are confident nothing in our legislative framework will change post Brexit, though the UK's withdrawal from the EU is potentially one of the biggest threats to the environment in the medium to long term. The UK has committed to transpose EU directives into national legislation through the great repeal Bill, but we are unsure how this will work. We are concerned that, as time passes and amendments are made to EU and UK legislation, divergence will be inevitable, with standards in assessment techniques deviating, potentially leading to different interpretations. We developed and maintain strong working relationships with a number of relevant agencies in both jurisdictions, relating to law enforcement and the broader management of the Foyle and Carlingford catchment areas. It is our intention post Brexit to continue to maintain and further develop such working relationships. There is no doubt EU funding played a substantial role in supporting the work of the agency over the years, and the agency has successfully secured in excess of €20 million to date from various funding initiatives.

In conclusion, the agency's unique strength is that it has worked on a cross-Border basis since 1952, before accession to the EU and through the Troubles. The Foyle Fisheries Act 1952

predates the accession of Ireland and the UK to the European Union. We are confident this so-called experiment in co-operation and goodwill, referred to in the 1952 Act, will continue post Brexit.

Provision of what the agency termed the “management agreement” will strengthen the position of the agency post-Brexit and allow us to deliver management and regulation of aquaculture in the Foyle and Carlingford areas. Post-Brexit, this agreement must be recognised by the relevant Departments, North and South as well as east and west, as a matter of priority.

Finally, the role of the agency is irreplaceable. We are a very relevant 21st-century organisation. Our work forms a template for the effective management, protection, conservation, development and promotion of a vulnerable natural environment which straddles both sides of an international Border, sponsored and supported by two governments. The potential for the agency as a vehicle to deliver cross-Border funding initiatives, environmental projects and many other projects which will bring benefit to the cross-Border region should not be ignored nor should it be underestimated. As I have said, we have forwarded the committee a number of documents. I hope members have had time to look through them. If there are any questions my colleagues and the vice-chair of our board are happy to address them.

**Chairman:** I thank Ms Livingstone and Ms McMahon. The witnesses may notice people leaving and coming back. That is just the nature of the Houses. The Judicial Appointments Commission Bill 2017 is before the Seanad so some Senators have to attend those sittings and others are doing other work in the Houses. Witnesses may see them on the screen.

**Senator Frank Feighan:** I thank the witnesses. It is great to see Ms Livingstone here. Coming from Boyle in County Roscommon, I have a huge interest in Waterways Ireland. My father had a boat on the Shannon Navigation. While we enjoyed it now and then, when he passed away 15 years ago my brother and I had a row over who would not get the boat. Thankfully I won and he got it. His wife never forgave me.

**Chairman:** Did the two brothers not cut it in half?

**Senator Frank Feighan:** I was also chairperson of Lough Key Forest Park Action Group. Although more can be done, it is wonderful to see the various agencies, including local authorities, Coillte and the witnesses’ organisations, working together to make that one of the major tourist attractions.

We sometimes take the six largest North-South implementation bodies for granted. It is hugely significant for me and for Ireland that we are working together. I have heard nothing but good news from the agencies represented here. Their diversification in the last few years has been very welcome. I have seen the blueway at Acres Lake. I have walked the boardwalk with my child and it is absolutely wonderful. In Ireland we do not realise that we have clement, temperate weather all-year round if one puts on the right rain gear. More of these initiatives are very welcome. It is great to see the work on Roosky Lock.

We had serious flooding in 2010 and again more recently. The agencies did not all come together. It is great to see Waterways Ireland and the Loughs Agency coming together with the local authority and the ESB in monitoring this. It is a huge issue around Carrick-on-Shannon, Roosky and similar areas. I know that the witnesses’ agencies also monitor the depths of the lakes, including Lough Allen. Funding has been secured for the lock at Jamestown, which was vital. A local group that with expertise at its disposal got involved there, and the Office

of Public Works, OPW, and the agencies represented here listened to it. Many of those pinch points have been addressed. The witnesses' agencies are not responsible for flooding but they are certainly part of the solution, and I would like to thank the witnesses for their work there.

Heritage trails, tourism, motor home facilities and blueways are all signs that these agencies are diversifying, and they are very welcome. I have seen the huge local benefit of the blueway. We never thought there would be such a benefit but I have seen it.

Finally, I am a bit confused about the charge. A year's use costs €126. That is just-----

**Ms Dawn Livingstone:** That is just for the canals. The other waterways are free.

**Senator Frank Feighan:** Waterways Ireland is hoping to raise charges for people to park their boats, is that right?

**Ms Dawn Livingstone:** On the Shannon, for example, the maximum stay at the public facilities that we provide is five days. Those are free of charge. When they are not using their boat, people buy a berth in a private marina where they leave it for the long term. We own all of the property on the canals and the maximum charge to use the canals for a year is €126. The maximum charge to park a boat of any size and leave it somewhere for a year is €152. Those charges are too low. At the private marinas on other waterways people pay €600 for their private berth at the bottom of the scale, and can pay anything up to €1,600. We want to raise charges on the canals. We want to have an affordable choice and a range of charges depending on the facilities. This is holding back the development of the canals, because there is none of the private inward investment enjoyed on other waterways where people can leave their boats at private marinas that provide security, water and electricity. This will also improve the quality of boats. If someone has a very good boat, he or she will want to leave it somewhere that is secure and has good facilities.

**Senator Frank Feighan:** I thank Ms Livingstone. I ask Ms McMahon not to take this badly, but I will leave the loughs to the politicians who live near them.

**Deputy Declan Breathnach:** Senator Feighan has always been at sea. I jest. I thank the witnesses for their presentation. I am Deputy Declan Breathnach from County Louth. Unfortunately we do not have much impact on canals. We do have the Newry Canal however, as well as the plans for a greenway, developed between Down District Council and Louth County Council. I would like Ms Livingstone to comment on the potential for linkages that one can see on the map. The colleague on my left will be more interested in the Ulster Canal. Is there an opportunity to link it to the vicinity of Portadown? The Newry Canal and the walkways are intended to go that far and the Ulster Canal does not seem to be too far away when one looks at the map. Are there plans to link them? That is my main point.

I compliment Ms Livingstone on her presentation. It was one of the better presentations I have seen in this committee and gave a very strong overview of Waterways Ireland. In speaking about the loughs it would be very remiss of me not to refer to my colleague Mr. Peter Savage on Louth County Council and his commitment to Waterways Ireland.

There are three issues I wish to discuss. One of them has been referenced. I would like the witnesses to elaborate a little bit further on Brexit. I know the agencies represented here have long been engaged in cross-Border projects and will continue to be. Could they comment on water rights and concerns around fishing rights, particularly in Derry and indeed Carlingford Lough? More recently, are the witnesses at liberty to comment on the impact the agencies

might have on the development of Warrenpoint Port and the concerns arising from dredging there? There are certainly causes for concern regarding shellfish and oyster fishing in the lough. Several weeks ago I attended a briefing in Warrenpoint town hall at which the intentions for the port were outlined. Could the witnesses allay people's fears of what may happen regarding dredging and the disposal of waste into lough? Last but not least, I am very taken by the whole issue of the SeaMonitor project and I wish the Loughs Agency well with it.

**Chairman:** That is a broad range of questions.

**Ms Dawn Livingstone:** I will address the question on the Newry Canal and Portadown. As part of the work of creating a greenway along Ulster Canal, we have undertaken a strategic study with our local authority partners and looked at all of the connections. We have also undertaken the environmental studies that are required if they are to be developed. We are trying to put the background work in place. That roadmap is ready for when funding opportunities become available. A lot of the work needed to capitalise on funding opportunities has been done. That ties into what is already a very successful route.

**Deputy Declan Breathnach:** How does the use of the canals as places of permanent residency compare with canals in England? Do many people use them on a permanent basis as homes as opposed to using them for holidays? Is there potential for people to own homes relative to what happens in England?

**Ms Dawn Livingstone:** There is significant demand from people who want to live on boats, particularly in urban areas like Grand Canal Dock and villages like Sallins and Hazelhatch - anywhere close to the city with good connections. We have planning permission in Grand Canal Dock for 20 to be used as residential moorings and we have some approval in Shannon Harbour at the far end of the system. One of the things we would hope to do by bringing in the by-laws and creating a platform from charging is making investing in those type of facilities economically viable. They are definitely part of a vibrant canal network and we can have communities that flourish but it needs to be managed and controlled because if we do not manage and control, we will have all sorts of problems with pollution and people living in substandard conditions. It is something we are keen to manage and grow in a sustainable way that meets the requirements of planning authorities.

**Mrs. Sharon McMahon:** I will take the first part of the question about Warrenpoint Harbour and the dredging proposal. The Loughs Agency is aware that a planning application has been submitted. The port is planning to dump dredge material in the lough where the material is currently placed six miles out to sea. We are part of that consultation process. That is the degree to which we have been involved at the minute. We are at the table with regard to discussions. Our people on the ground have been in discussions with the harbour but that is all we are prepared to comment on at the moment. I will pass over to our director of aquaculture in a minute who can talk about the possible effects on the shellfish and aquaculture industry in Carlingford Lough.

With regard to disputed waters in Carlingford and Foyle, again, this is out of our control but it is something we would very much like to see moved forward with regard to the management agreement because we really do want to work with the oyster farmers, particularly in Lough Foyle where there are a number of unregulated oyster trestles at the moment, probably in the region of 50,000. We want to work with them and regulate that activity. The Act is there; it just needs to be enacted to allow us to regulate that activity. The farmers in the area do want to work with the agency. Again, our director of aquaculture, Barry Fox, can talk about that further.

With regard to SeaMonitor, we are very proud of the achievements of our staff with regard to securing that funding. Dr. Patrick Boylan has been instrumental in securing that funding for us and it will be a very worthwhile project. We are recruiting staff for well-paid jobs that will be based in the Derry area, which is quite welcome for the economy there. Mr. Fox might answer the question about Warrenpoint Harbour.

**Mr. Barry Fox:** I cannot say a whole lot at this stage but in respect of the issue of the dredge disposal site in Carlingford, this is the third attempt to establish the internal dredge spoil site. An argument is being put forward that it is an individual cell so what they are saying that the sand never came from another area and never left the sea lough. That has yet to be proven by the consultants. It is so early in the consultation process that no decisions have been made nor have any of the environmental agencies involved in making those decisions given any indication whether it will be approved or not. That is probably as much as we can say about that area but we are involved in every step of the process with regard to the application.

With regard to the aquaculture issue referred to by Ms McMahon, Carlingford is a very important aquaculture sea lough. It produces a significant amount of flat oysters and gigas oysters for the Irish, French and Belgian markets. The mussel industry in Carlingford is seen as one of the best production areas in the country. Regarding the impact of an internal dredge disposal site, we cannot comment on whether or not it will have a significant impact. Studies are being undertaken and there are opinions about whether or not it will have an impact. Until the consultation moves forward, we cannot give a clear indication of the impact it will have.

Regarding production in Lough Foyle, again, it is very important that we get our management agreement and implement our licensing regime and legislation to regularise that activity. It is generating a significant amount of money for the local economy but, unfortunately, it is an unregulated activity.

**Chairman:** I will open things up to a few more members.

**Deputy Brendan Smith:** I welcome the witnesses from the two implementation bodies. Regarding Waterways Ireland, Ms Livingstone initially painted a picture of declining resources, competing demands and infrastructure that is getting older and needs investment. Thankfully, there has been a significant increase in usage of and traffic on the waterways. Waterways Ireland does not have a good revenue stream and depends on public funding through the different Departments. Is there any recognition at Department level of the importance of this asset and Waterways Ireland to the tourism industry? If Waterways Ireland is attracting additional visitors, it needs to be able to maintain the infrastructure that attracts those people. Ms Livingstone has outlined the decline in the allocation from the Departments over the past seven to eight years in particular. There comes a time when resources can only be stretched so far. Critical investment is needed when a certain stage is reached regarding usage of facilities. I sincerely hope the case for the need to invest and ensure that we keep renewing, regenerating and protecting that important asset is being listened to at Government and Department level.

I represent Cavan-Monaghan. Working with the then Tánaiste, John Wilson, I was very aware when the Shannon–Erne Waterway was restored. It was then known as the Ballinamore-Ballyconnell Canal. I remember how when that project was announced in the national development plan in 1989, the people who were negative about it stated that it would never happen. That was at a time when Ireland was in a very difficult position, north, south, east and west and in terms of our relationship with Great Britain. Thankfully, through political leadership and with the commitment of other organisations, the Ballinamore-Ballyconnell Canal was restored

and opened in the early 1990s. It has been very successful and is a great tribute to everybody who contributes to its management and the people who provided leadership at that time. I remember some of the nay sayers very well who said that if that restoration and engineering work continued, it would flood the countryside - the usual negativity. Well it did the opposite; it helped from a drainage perspective in Cavan, Leitrim and south Fermanagh, which are the areas with which I am most familiar. It is great to see the level of traffic and as Senator Feighan referred to, the additional activities that have grown out of the use of the waterway such as blueways.

Deputy Breathnach mentioned the potential of the Ulster Canal. I am glad that this project is moving along incrementally. It was referred to in the St. Andrews Agreement. In particular, at that time, David Trimble was a strong advocate of that project. Bertie Ahern agreed to it at that time. It is good to see it moving on. Naturally, we would all like to see it progress more quickly but the fact that it is being progressed incrementally is very positive.

I am sure the witnesses will have seen through parliamentary questions and other Dáil debates that I have been advocating for an extension of the Erne navigation from Belturbet to Killykeen to Killeshandra - that powerful stretch of waterways and great resource. I know some studies have been undertaken that allude and refer to environmental concerns, etc. Recently, Waterways Ireland gave a commitment that those studies can be revisited. Given the advancement in engineering technology and so on, I hope it will be possible to revisit those studies to see if that additional stretch of waterway could become navigable. It would be a powerful additional and complementary asset to the existing Shannon-Erne system, and the Ulster Canal, and all that knits in to the other waterways in the country. I believe this committee would be very supportive of the need for investment in this infrastructure.

Deputy Breathnach referred to England where one can see waterways on which very little space is available and there are traffic jams. Ireland's waterways are underutilised to some extent. The witnesses outlined the potential for activity holidays. Surely further investment in our waterways would deliver a good return to taxpayers. It is heartening to see that the headquarters of Waterways Ireland are in the Border county of Enniskillen, with regional offices in Carrick-on-Shannon and County Clare.

I hope that Ms McMahon and her colleagues from the Loughs Agency had consultation with the parent Government Departments on both sides of the Border about Brexit and how it might impact. I am conscious that the Loughs Agency has been in existence since pre-EEC times and that it worked at a time when relations between Ireland and Britain were difficult. I would like to know what soundings or indications the agency is getting from Government Departments on the likely impact of Brexit. I put it also to Waterways Ireland that due to EU membership we are, to a large extent, in the common regulatory area for many activities. Are both the agencies expecting adverse impacts from Brexit?

**Chairman:** The witnesses may consider when summing up what the committee could do to help both agencies. I will let Senator Frances Black in now as she is under pressure with Seanad business.

**Senator Frances Black:** I thank the witnesses for their presentations. I am so naive in this area that I would not have had any clue, so today is a great learning curve for me about the work done by the two agencies. We can take our waterways for granted. I live on the canal and I walk along it most days. I have also been on the Shannon. I feel bad saying it but I had not realised the amount of work the agencies do behind the scenes. I thank them for that.

Ms Livingstone spoke of blueways, which are a brilliant idea for activity holidays and getting people out on the water. I was a little confused about this, however, and I have a few questions on how people would pay for this and how it would work. Would this give rise to issues with water safety and so on? Perhaps Ms Livingstone could elaborate a little on the safety and security aspects of the walkways.

Deputy Smith asked about Brexit. I would love if Ms McMahon could expand a little on how Brexit will impact on the Loughs Agency. I am also interested to hear how Waterways Ireland and the Loughs Agency work together. Ms McMahon stated the Loughs Agency is an all-island initiative dating back to 1952, which is brilliant, and perhaps this is a model we could work with in some capacity in future. How do the agencies work together and in what way is the partnership positive for them?

**Ms Dawn Livingstone:** We are re-examining the environmental studies that were done for Killykeen and Killeshandra. I know the area, but for those members who do not it is akin to wilderness lake areas in Canada where one thinks, "Oh my goodness, that is fantastic". That is what we have in that area. I will not dress this up. I believe there are significant environmental challenges. It is a special area of conservation and has the highest protection in Europe. To create navigation would require significantly raising the level. The preliminary studies we did show that we would be unable to make the level of mitigation required. We are, however, re-examining those studies. We are earnestly seeking a way of doing this. If it is not possible to create navigation, it is a superb area in which to create a blueway, with the other activities I described, and it is unique in its scope and extension. We have met the council for the area and offered whatever assistance we can. We will also do studies on the issue.

Deputy Smith asked about the balance and the understanding in our sponsor Departments. We are at a critical point in respect of funding. This ties in with Senator Black's question about how the activities would be paid for. We are like the National Roads Authority in that we provide a piece of major infrastructure off which lots of other stuff runs, and because it is there the other stuff flourishes. The villages along a waterway, for example, flourish because a public body sees that it is maintained and opened, that people can get on and off it, and it brings activity. Waterways Ireland is at a tipping point and there are choices to be made. I do not believe it is a simple answer. Both countries have limited amounts of money and choices have to be made about how it is invested. I have tried to outline some of the things we are doing, which is trying to create significant income sources for each waterway, for example, through developing a valuable site we own in Dublin's docklands. Ultimately, however, charging will enter the equation. We only charge on the canals. With the model across Europe, in the United States of America and in Canada people who have boats pay something towards that public infrastructure. To put that into context, if the owners of the 8,000 boats on the Shannon were each to pay €100 per year to use the navigation - like a road tax to use a car - it would increase by 67% the amount of money available to run the Shannon.

A range of measures will be needed and I know that charging is always difficult. We are funded and both Departments are very supportive. There are pressures in lots of ways but if we are compared with Scottish Canals, it is funded by the Scottish Government with €18 million for 220 miles of navigation, while Waterways Ireland has responsibility for 1,000 km and funding of €24 million. We are on the pin of our collar in what we are trying to deliver. We are trying to keep expanding the towpaths and next year we will open up another stretch of the Royal Canal. We do not make income from the towpaths. They are free to use and that is the joy of these amenities, and they will always be free to walk. We have entered into partnerships and

formal agreements with the councils where we will meet annually and the councils will invest in the ongoing maintenance along with us. The Achill greenway is 42 km but the Royal Canal greenway will be 140 km. We recognise that if we are creating projects of this scale they are of international significance and they will require money to be invested. We have gone forward in partnership and we will maintain them in partnership to try to spread that base.

Safety and security issues vary depending on location. As we have developed and improved facilities and towpaths and as more people use them, they have become safer. People then own the spaces, are on them more often and we can provide lighting in urban areas. If one creates a long corridor where people cannot get on or off easily, people do not have the same feelings of security. We have to be mindful of that while also protecting what is special about these green spaces in the city. Safety is a challenge that we are mindful of.

**Deputy Brendan Smith:** Am I correct in thinking that we cannot have a Waterways Ireland blueway along a river that is not within its navigations system?

**Ms Dawn Livingstone:** I cannot run it. It is outside my statutory jurisdiction. The waterways we have were set in the legislation. They were added to with the requirement for the Ulster Canal. We added to them in 2015 by taking on the lead role in the development of a greenway along the Ulster Canal. It would have to be designated for us to do this. There is nothing to stop us and we have done this stepping outside that and providing practical support to our local authority colleagues.

**Deputy Brendan Smith:** That leadership would be needed for blueways where Waterways Ireland does not have its own remit.

**Ms Dawn Livingstone:** This area is outside my jurisdiction.

**Mrs. Sharon McMahon:** The questions from the Senator and the Deputy overlap so I will generalise in my answer on Brexit. The Chairman asked what issues the committee could raise on our behalf. We have been operating since 1952 so for us cross-Border working is a day to day matter. Sometimes when people ask us how Brexit will affect us we have to sit down and question ourselves seriously because we have taken this for granted. On the map of our jurisdictional area we do not actually see the border between North and South. We work to our jurisdictional area which goes into Donegal, and the map shows half of Northern Ireland, just down to the tip of Lough Erne. We stop just short of Lough Erne. We go up to the Ponderosa which is on the Glenshane mountain and into Malin Head in Donegal. We have been doing that since 1952, funded 50:50 by both Governments.

We have established relationships and partnerships that we need for survival. Those relationships are strong because we have been doing this for many years. We work with our sponsors and fellow academics in Ireland, and with Inland Fisheries Ireland, on scientific information. We work with the Marine Institute and have established a relationship with Cork University. We have academic relationships with Glasgow and Queen's universities. Those will continue post Brexit without a doubt. We have staff in both jurisdictions, which we pay. We operate two tax regimes. We operate under employment legislation in both jurisdictions. This is bread and butter for us. This is what we do, day in and day out. We do not see Brexit affecting that.

Our fisheries management regimes have been running since 1952 and we now have a considerable knowledge base within the agency, and expertise, which we see as a template for the

future, maybe to even expand our jurisdictional remit to other Border areas where it may be difficult to deliver fisheries management because of the impact of Brexit but we continue to work on our relationships and we are only as strong as our relationships North and South with our sponsor Departments. Our board is made up of six Northern appointees and six Southern ones. They all work very well for the good of protecting a valuable natural resource.

In regard to what the committee can do for us we would ask it to consider the management agreement. That is a very sensitive subject in the jurisdictional issue but that would further strengthen our position post Brexit. The oyster farmers in Lough Foyle want us to work with them to regulate that activity. It would be worthwhile if the committee could take that forward for us. We have concerns about environmental regulations. We are not that naïve. We are not sure how they will diverge in the future. Through our scientists and scientific department we have forged strong relationships with other likeminded organisations in Ireland and the UK. We intend to keep those relationships and press forward with best practice in that regard.

In respect of funding we have been very successful. We have initiated and implemented tourism projects. We secured the funding for substantial works in Malin Head and on Benone beach in County Derry. We have done many tourism projects and are working with Louth County Council on the Carlingford greenway. We are involved in many funding streams. We have Heritage Lottery funding, have been successful with Co-operation Ireland, and the International Fund for Ireland has sponsored many of our activities. We have been approached by the Prince's Trust, which, believe it or not, wants to work with us in a cross-Border capacity. We see ourselves as a template for many things post Brexit in respect of the environment, funding and tourism, especially marine tourism activities that are on the rise in Lough Foyle, such as canoeing and some of the activities on the rise in Waterways Ireland too, which Ms Livingstone mentioned.

**Mr. Andrew Duncan:** The fact that the Loughs Agency existed before the EU was formed gives us great hope that we can navigate any issues that might arise. It may well be useful for other bodies that are undergoing transition to see how the Loughs Agency has evolved over the past 60 years. That is not to say that there will not be challenges. Environmentally, one of the most difficult aspects will be the transposition of EU legislation into UK legislation to keep them from diverging on completely different paths. We are cofounded by two jurisdictions. We will still have one member within the EU and that is very significant.

I am not overly worried. That is not to say we are not going into this with our eyes shut but because there are so many “unknown unknowns” we are like everybody else, we have to wait and see but I think we are probably better placed and prepared to handle Brexit than most of the other bodies that have existed since the Good Friday Agreement.

**Ms Elisha McCallion:** Most of what I was going to ask has been answered but I have a few questions. I welcome the deputation and thank them for coming to give evidence to the committee. I particularly welcome the contingent from the north west. We could have possibly saved them a trip because we are hoping to go up to the area as a committee very soon.

While I am encouraged by the witnesses' positivity on where things may or may not go, I think they are right to be concerned about the repeal of legislation in the way suggested by the British Government. We do not know what that will mean. Have there been specific conversations about the needs for example of the Loughs Agency, in the context of the legislative change that could happen post-Brexit, notwithstanding that we do not know how any of this will look? I would like to think there have been conversations with the British Government in particular

about that repeal legislation.

On the jurisdictional issue I hear the call for help from the committee. We have influence in all jurisdictions. What is the current status? This does need to be done. We have been listening to it for a while but what is the blockage, if there is one? Is it just that the process is taking too long? What can we, collectively or individually, do, be it here in Dublin, in London or in the North? Can the witnesses give us a synopsis of that issue?

Senator Feighan has already commended the Loughs Agency on its good work. I too recognise the huge amount of work undertaken by the agency and all of the key stakeholders in the north-west region to bring together to almost reclaim the Foyle. Much more work needs to be done in that regard. I know the Loughs Agency is involved in the conversations between the stakeholders in order to maximise the potential of the Foyle. There is a dramatic difference between the use of the Foyle eight years ago and now. Congratulations are due to the witnesses and the stakeholders on bringing forward what is now one of our most successful festivals, the Foyle Maritime Festival. I wish to record my appreciation for that.

With regard to canals and the issue of charging, is there a universal model across the islands or do different areas do things differently? I was shocked to hear that there is no charging at present for such a thing and I wonder if it is done in Scotland, England and Wales or elsewhere. If there are models, what is the best one?

While I hope I am wrong in this and that the witnesses' positivity is correct, I cannot see how the Loughs Agency will be protected in the short term. The witnesses said they have concerns in the medium to long term with regard to legislation but I cannot get my head around it in the short term even though there have been relationships going back to the 1950s. The witnesses are right about the fact that we all take for granted the work of the Loughs Agency and all the cross-Border agencies. We have all been doing that for the past number of years. We should not take it for granted. How has that confidence come about that things will be okay in the short term?

**Chairman:** Ms Livingstone mentioned the quality of the water. Perhaps she will expand on that. How clean is it? She also referred to pollution. What are the main problems in that regard? On houseboats, what would be the best model for that? Everyone is always interested in invasive species. Are there new ones every year? One of the issues for anglers is the removal of pike from many of the loughs. Would she have concerns about that? One thing that struck me, as somebody who uses the Luas in Dublin, is the removal of the canal at Fatima Mansions. On reflection, was it a major mistake? There is a gap for joining up the canals. Does Ms Livingstone have those problems in her work? We can all understand the ageing and historical estate. How crucial is it that it is maintained? She might wish to refer back to us on that area with regard to support from the committee. If she cannot respond today regarding what she wants this committee to do I ask her to write to us and we will do it as part of this report.

**Ms Dawn Livingstone:** I did not comment on Brexit. If I had to ask for one thing it is to minimise every impact. For tourism, particularly in the Border counties, any impediment that makes it less attractive will have a real impact. In the case of the difference in the VAT rate, the hire cruise sector is commercial activity and is mobile and we have seen cruiser operators on the Erne acquire bases in the South and operate cross-jurisdictionally but take advantage of the better VAT rate in the South. If we are faced with a situation in which recreational boat owners have to pass through any form of impediment to free movement it will affect the Border sweep of navigation. They just will not bother. I cannot overemphasise how important it is for that to

remain seamless if it is to continue to flourish.

On the other issues raised, yes there is a charging model. Across Europe, America and Canada there is a charging regime, particularly for boats. Boats cannot operate without somebody providing a navigation, maintaining all the marks, dredging in the depths and providing the water monitoring and harbours. Charging is normal. The challenge for us is to introduce it in an inclusive way. It has to be part of the funding model because there are pressures on public money, which is not infinite.

Regarding invasive species, we are aware of new aquatic invasive species that are arriving. We are well aware of Lough Corrib where an entire system was lost and of the amount of money it took to clean that up. We see pressure points. The fact that legislation has moved forward and there are fewer ways to deal with invasive weeds, and they grow everywhere at once, create a real challenge for keeping navigations, particularly the canals, open and to a standard that is attractive for boating. That requires additional investment.

I do not know enough about pike. We try to support, encourage and work with the Loughs Agency and Inland Fisheries Ireland to ensure that fishing flourishes and is an important part of the tourism mix, particularly in the shoulder seasons. We have four weeks of international fishing competition in the cross-Border area and it is contributing €750,000 per year. That has gone from being based primarily on coarse fish by weight to pike fishing. People are looking for the pike specimen and something over 1 m in length. People who are high spenders are coming from all over the world to do that. We are in an evolving situation. This might not be the environmental approach but, for me, it is about making sure we can sell whatever we have to offer internationally and that we are doing it well. There is a need for better co-ordination. If somebody lowers the lake level, which is not in my bailiwick in some areas, all the pike spawn will be left high and dry and there will be no small pike that year. It is about all of us working together better.

**Mrs. Sharon McMahon:** I thank Ms McCallion for her kind comments. They are much appreciated. The Foyle Maritime Festival is a huge success on the Foyle and it has gone from strength to strength over the years. The agency plays a big role in that festival. We provide what we see as the marine tourism aspect of the festival so we provided all the activities Ms McCallion saw on the water this year, such as stand-up paddle boarding and canoeing. We ran various competitions and we sponsored the open water swimming challenge. We have been very active and we secured the funding that now allows the clipper round-the-world yacht race to moor in Derry for the period of the festival, which is absolutely amazing.

Ms McCallion mentioned our legislative change. We are not naive and we know there are challenges in the future post Brexit, but we are trying to get people to understand that the 1952 Act is unique. We are able to add to that legislation and change it as required. We work with the Attorney General in the South and the Departmental Solicitor's Office in the North. We amend our legislation. We complete a regulatory review each year which goes before both of those institutions and they give us advice and guide us. Our legislation has been working for over 60 years and we do not foresee that changing. The legislation allows us to carry out our daily operations. Yes, we have concerns about the EU environmental directives. However, we have had conversations and we are looking at how we can be involved. We hope the Departments in the North and South would see us as a vehicle to implement whatever changes are required in the Border regions and would use our expertise and knowledge.

Our legislation is quite unique and I encourage members to have a quick look at what we

can and cannot do. Prosecuting by domicile is unique and that will continue. It will not change. We are content that the legislation will continue. We have had conversations with both sponsor Departments and we are constantly asked to update reports on day one planning and what will happen on 1 April 2019. We have done that both North and South and we continue to update it. We are unique and have our own set of laws which we update annually.

**Ms Elisha McCallion:** Very lucky.

**Mrs. Sharon McMahon:** Yes. At present, we are in something of a stalemate because of the political situation in the North with regard to the Northern Ireland Assembly. Our regulatory review would go through that process as well. The North-South Ministerial Council would approve our legislation. We have a number of items parked at present. We would like to bring in fixed penalties, for example, on-the-spot fines, but we cannot do that until the political process moves forward in the North. That legislative amendment is there and ready to go.

We have a concern regarding invasive species, obviously, being a fisheries management body. If the Chair will allow, I will ask Dr. Boylan to comment.

**Dr. Patrick Boylan:** There are a few key issues that we keep coming across. Giant hogweed is one. There have been quite a few issues on the Newry Canal and the Clanrye. We do not have any legislative remit with regard to that.

In the Foyle, one of the ones that seems to have come up in recent years is Asian clam. We are involved in monitoring programmes with parks and wildlife and the Northern Ireland Environment Agency, NIEA, in that regard. Unfortunately, when these things are in, there is often not an awful lot one can do about them other than monitor and see what the likely impact will be.

**Mrs. Sharon McMahon:** I have one more question to answer. The Chairman wanted a brief synopsis on the jurisdictional issue. We are not involved in that. We have our Act and we are aware that discussions are taking place, but we cannot progress that any further. It is up to a higher power than us.

**Ms Elisha McCallion:** Is Mrs. McMahon aware of its current status?

**Mrs. Sharon McMahon:** The management agreement is ready to go. All we need is signatures, but it is not as simple as that. There are discussions in the background but for us. It is as simple as that. It would allow us to regulate the unregulated oysters in the Foyle.

I am only in the agency four years and the discussions have been ongoing since 2007. We gave evidence to the Northern Ireland Affairs Select Committee on fisheries. It had asked that the issue be looked at and progressed within the next six months and that the agency be given the resources to implement the management agreement. However, I am aware that discussions are taking place with both the Department of Agriculture, Environment and Rural Affairs, DAERA, and the Departmental Solicitor's Office, DSO, in the North. That is all we have heard. We have not been updated as to where it is, so to speak, east-west.

**Chairman:** I appreciate very much all of the witnesses coming in to answer our questions so comprehensively. It was interesting. I suggest that if the witnesses have issues that they want the committee to try to progress on their behalf, they should write to us. We will certainly look at this again.

JIGFA

The joint committee adjourned at 4.03 p.m. until 2.15 p.m. on Thursday, 22 November 2018.