

# Response to call for evidence: review of environmental governance in Northern Ireland



14 March 2025

Green Alliance welcomes the opportunity to respond to this important and timely call for evidence.

Legislation and  
Governance Unit

## Consultation questions

### Question 5: Do you believe the current environmental governance arrangements in Northern Ireland are effective?

**No.** Northern Ireland's environment is in a perilous state, with extremely poor water quality and dwindling biodiversity. There is historic regulatory dysfunction and low compliance with environmental law, exacerbated by the absence of an independent environmental protection agency.<sup>1</sup>

The establishment of the Office for Environmental Protection (OEP) as an independent body to hold public authorities to account on their compliance with environmental law is a welcome development. However, it is important to note that it is a strategic oversight body, not a frontline environmental regulator.

The OEP has made various interventions to address breaches of environmental law, demonstrating that there are ongoing compliance challenges. For example, in September 2023, it issued a judicial review pre-action letter to DAERA and the Northern Ireland Environment Agency (NIEA), prompting the withdrawal of guidance given to local planning authorities and applicants seeking planning permission for certain livestock developments, which the OEP found did not comply with environmental law.<sup>2</sup>

### Question 7. Do you feel a new environmental governance framework should be established, which outlines, among other things, the structure, roles, rules, and procedures, and how these may be enforced?

**Yes.** A new environmental governance framework is needed. This must take account of and build on recent developments introduced by the Environment Act 2021, namely the establishment of the OEP, a new duty on Northern Ireland's ministers to have due regard to an environmental principles policy statement in their policy making and the introduction of an Environmental Improvement Plan (EIP).

The implementation of the EIP offers an opportunity to clarify the respective roles and responsibilities of public authorities.

## Leadership for the environment

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A delivery plan should be published that outlines targets, timelines and pathways for achieving environmental improvement and specifies the expected contributions of different actors, including public authorities.

This would strengthen delivery, improve effectiveness and value for money and increase transparency and public understanding.

While public authorities agree individual framework documents with their sponsor department, these are generally about working and governance arrangements for that specific body rather than the wider governance context.

It would therefore be helpful for DAERA to publish a statement which sets out the overall governance system and outlines its component parts.

### **Question 9. Robust mechanisms for monitoring, reporting and reviewing progress against targets are important. What mechanisms to achieve this should be incorporated into any new environmental governance framework?**

No provision was included in the Environment Act 2021 to set statutory nature targets for Northern Ireland, which was a regrettable omission.

The position on targets should be rethought. While the EIP contains targets, these lack specificity and are not ambitious enough to tackle the drivers and pressures which impact on nature in Northern Ireland. The OEP has found that these pressures are unsustainable and recommended urgent action to protect and improve the environment.<sup>3</sup>

**DAERA should therefore expedite the adoption of legally binding targets for nature.**

Progress on delivering targets should be included in the Department's annual report on the implementation of the EIP. It should review the targets in the EIP at the earliest opportunity to make sure they are complementary (to any new legally binding targets), SMART and sufficiently ambitious.

### **Question 10. How important is the mission statement in defining the organisation's remit and reinforcing its authority?**

**Very.** A mission statement provides clarity on the overall direction of travel and strategy of a body, which aids public understanding and provides a governance anchor in times of political uncertainty.

In our view, the current mission statement for the NIEA is too broad and risks deflecting the body's focus and activity, leading to inefficiencies and uncertainty about its priorities. The mission statement should be revised to focus more strongly on the regulation, protection and enhancement of the environment.

### Question 13. Do you believe the NIEA should continue to be an Executive Agency of DAERA?

**No.** The model of an Executive Agency does not provide the NIEA with sufficient independence from the Executive to enable it to fulfil its functions fully in the public interest.

It is of note that Northern Ireland is the only country in the UK without an independent environmental protection agency.

Environmental regulators should not be subject to the direction and control of ministers. This can result in undue political influence and fluctuating priorities, which undermines purpose, effectiveness and the ability to act in the public interest.

**Establishing an independent environmental protection agency would be in the public interest and should be progressed urgently.**

### Question 14. Please indicate your preference from the options listed.

**We support the NIEA being a non-departmental public body.** This would provide a stronger degree of independence from the executive. However, this must be bolstered by oversight, for example from the Northern Ireland Audit Office and the Assembly's Public Accounts Committee and Committee for Agriculture, Environment, and Rural Affairs. This could include appearances before the committees by the NIEA Chair and CEO to report and be scrutinised on their activity, governance and resourcing.

Ministers must not be granted a power to issue directions to the NIEA, funding should be provided on a multi-annual basis and the NIEA should operate an independent communications function.

### Question 31. How can co-operation between public bodies be improved in the future?

The Environment Act 2021 includes a duty of co-operation which requires public authorities to co-operate with the OEP. **A similar duty could be introduced in relation to the NIEA. Memorandums of understanding should also be considered.**

#### For more information, contact:

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<sup>1</sup> State of Nature Partnership, 2023, 'State of nature', [findings on Northern Ireland](#)

<sup>2</sup> OEP, 7 October 2024, '[OEP confirms DAERA failed to comply with environmental law over ammonia advice](#)'

<sup>3</sup> OEP, 15 October 2024, '[Drivers and pressures affecting terrestrial and freshwater biodiversity in Northern Ireland](#)'