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INDEPENDENT REVIEW OF

# ENVIRONMENTAL GOVERNANCE

IN NORTHERN IRELAND

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Interim Report

**Published 17 June 2025**

This is our interim report, taking stock of our work since we were appointed by Andrew Muir, Minister of Agriculture, Environment and Rural Affairs, in November 2024. Our Terms of Reference (attached as **Appendix D**) set out our mission. As an independent panel we have been tasked with considering both the substantive and practical issues involved in moving to a more robust model of environmental governance for Northern Ireland. Our remit has included engagement with relevant stakeholders, initiating and analysing a call for evidence, and considering ‘all sensible options to improve environmental governance’, in order to provide recommendations for the Minister’s consideration.

We have been tasked with conducting:

- **“A brief review of current environmental governance within Northern Ireland - this will be supported by the Department’s own initial scoping exercise.”** In part produced here, in greater detail in final report. We note in particular the complexities of the current governance landscape, with functions spread across a range of departments and agencies. However, a significant majority of the functions rest within the Northern Ireland Environment Agency (NIEA), hence our particular, though not exclusive, focus on its role.
- **“A call for evidence”.** Completed by 14 March 2025. (See **Appendix A** for overview of responses)
- **“Engagement with interested parties / stakeholders to take views/opinions and identify best practice in related work areas from other parts of the UK, Ireland, or elsewhere.”** **Appendix B and C** track our engagement – views of stakeholders are referred to throughout the interim report.
- **“Exploring as many options as possible within the timeframe available to ensure that the recommended approach put forward has been given the appropriate consideration.”** This was done through the call for evidence, stakeholder engagement and this report.

- **“Consideration of the linkages and interdependencies between the environmental governance being considered and other functions and business needs within DAERA and other relevant organisations.”**

This has been done, in part, in this report. Further attention to specific functions and business needs will be dealt with in final report.

We would like to thank everyone who has contributed to our work so far, through participating in the call for evidence, attending our events, meeting or corresponding with us. We look forward to continuing engagement as we work on the final report.

This interim report is composed of four sections. **Section One**, a changing context, sets the scene for our review, describing both the ongoing and new environmental challenges Northern Ireland faces in a post-Brexit world. **Section Two** presents a stock take of what works and does not work with the current arrangements for environmental governance in Northern Ireland, building on our Call for Evidence and public meetings, between January and March 2025, interviews with key stakeholders and documentary analysis. **Section Three** sets out our initial recommendations to improve environmental governance in NI. **Section Four** concludes and sets out the main gaps we have identified as requiring further work ahead of the final report.

Our work is still on-going, as we continue to investigate the practical implications of our initial recommendations and how best to deliver them. We will continue to engage with key stakeholders over the coming months as we work on our final report. This means that some of our recommendations, and their prioritisation, may change between the interim and final report, although we do not anticipate any material change.

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## Section One: A Changing Context

Environmental governance in Northern Ireland has long been debated. Reading through the 1990 Rossi report familiar themes emerge: a sharp lack of resources, a comparative lack of independence, and Northern Ireland lagging behind the rest of the UK when it comes to both practical environmental action and compliance with European Union rules. Since then, numerous reviews have taken place, each making careful recommendations for improving the state of the environment. Some of these recommendations were taken forward and have helped shape NI environmental governance today. However, on each occasion opportunities to make more significant changes were not pursued.

Ten years have passed since the last government consultation on reforming environmental governance in Northern Ireland, commissioned by the then Department of Environment Minister Mark H Durkan in 2015, while the last NGO-commissioned review of environmental governance was in January 2016.<sup>1</sup> These ten years have been momentous for environmental governance in Northern Ireland, not least due to the changes in the governance landscape brought by Brexit and growing public concern about the impact of climate change and depletion of nature. As such, the questions our review strives to address may be old and recurrent, but the context is new. This has profound implications for the way forward for Northern Ireland, underpins the urgency of taking action now, and shapes our recommendations.

1990	House of Commons Rossi Report
1998	NI Audit Office report on river pollutions
2004	MacRory report
2007	Bell, Burke and Turner report
2016	Purdy and Hjerp review

**Table 1 - A short history of NI environmental governance reviews**

Over the last ten years, environmental degradation has continued in Northern Ireland. In terms of biodiversity, overall **38%** of features in marine and terrestrial

<sup>1</sup> Ray Purdy and Peter Hjerp, ‘Environmental Governance in Northern Ireland’, no. March (2016), pp. 1–117.

protected areas were in unfavourable condition in 2024/2025<sup>2</sup>, compared to **36%** the previous year, while it was reported in December 2021 that no rivers, lakes, transitional and coastal water bodies achieved good environmental status in 2021.<sup>3</sup>

These different crises are connected, with repeated blue-green algae blooms in Lough Neagh offering a stark example of how water pollution, invasive species and climate change interact. These environmental crises are also governance crises, raising difficult questions in terms of planning, agricultural and environmental policy from design to implementation and enforcement.

But these last ten years have also seen a growing appetite for environmental action and ambition in Northern Ireland, with the NI Environmental Statistics Report 2025 indicating **73%** of households are ‘very or fairly’ concerned about the environment, compared to **68%** in 2015/16. This can also be evidenced both in terms of public mobilisation – from the Climate Marches of 2019 to recent public movements galvanised by issues around Lough Neagh – and through the political system. Here we note four important developments: the terms of the New Decade, New Approach agreement of January 2020 which restored devolution and committed the NI Executive and Assembly to action on climate, plastic pollution and green jobs as well as governance reform (commitment to an independent environmental agency – see **Table 2**); the declaration of a Climate Emergency by the NI Assembly in February 2020 which went hand in hand with support for a more independent environmental protection agency; the adoption of Northern Ireland’s first Climate Change Act in 2022 which made provision for two new bodies to be created – a Just Transition Commission and a Climate Commissioner; and finally the Programme for Government 2024-2027, ‘Our Plan: Doing what Matters Most’ which was agreed in February 2025 and sets as a target for 2025 the delivery of this review and presenting a way forward to the Executive based on its findings.

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<sup>2</sup> NISRA, ‘Northern Ireland Environmental Statistics Report 2024’, 2024 <[https://www.daera-ni.gov.uk/sites/default/files/publications/daera/NI%20Environmental%20Statistics%20Report%202024\\_0.pdf](https://www.daera-ni.gov.uk/sites/default/files/publications/daera/NI%20Environmental%20Statistics%20Report%202024_0.pdf)>

<sup>3</sup> DAERA, ‘NI Water Framework Directive Statistics Report 2021’, 2021 <<https://www.daera-ni.gov.uk/sites/default/files/publications/daera/NI%20Water%20Framework%20Directive%20Statistics%20Report%202021.pdf>>.

“The Executive should bring forward a Climate Change Act to give environmental targets a strong legal underpinning.

The Executive will establish an Independent Environmental Protection Agency to oversee this work and ensure targets are met.”

New Decade, New Approach  
Agreement, January 2020

“That this Assembly recognises that we are facing climate breakdown and a biodiversity crisis, which are impacting here and now, and will affect all aspects of our lives in coming years; declares a climate emergency; and calls upon the Minister of Agriculture, Environment and Rural Affairs and the Minister for the Economy to implement urgently the commitments as agreed in the New Decade, New Approach agreement to include (...) establishing an independent environmental protection agency to oversee this work and ensure targets are met”

NI Assembly Climate Emergency motion, 3 February 2020, carried 48 to 27 ([Hansard](#))

“This year [2025], we will:

- Establish robust accountability mechanisms to allow monitoring and reporting of progress on the Environmental Improvement Plan for Northern Ireland and consult on a draft Climate Action Plan and publish the third NI Climate Change Adaptation Programme.
- Complete a review of Environmental Governance and following receipt of the findings of the independent panel, DAERA will present a proposed way forward to the Executive for consideration and agreement”

Programme for Government  
2024-2027

**Table 2 – Current NI Assembly commitments to environmental governance reform**

These domestic developments occurred in a fast-changing environment, with the UK's exit from the European Union, the strain the Covid19 pandemic put on societies and governments across the world and finally multiple changes of government in the UK. The European Union had long played a central role in environmental policy and regulation in Northern Ireland – indeed one of the first recommendations of the 1990 Rossi report is to ‘welcome the Government’s commitment to transpose the backlog of EC directives...’. Hence while Brexit created environmental governance gaps across the whole of the UK, these were most acutely felt in Northern Ireland – a challenging situation compounded by the lack of a functioning NI Executive between 2017 and 2020.<sup>4</sup>

The 2021 UK Environment Act addresses a number of those gaps for England and Northern Ireland (with Scotland and Wales opting to develop their own approaches). Three major changes for environmental governance in NI stem from this Act:

- NI environmental action will now be led by the delivery of an overarching strategy, the NI Environmental Improvement Plan – finally agreed by the Executive in September 2024.
- A new oversight body, the Office for Environmental Protection, will fill some of the roles previously played by EU institutions in providing, amongst other things, advice to DAERA in relation to environmental policy development, monitoring of delivery of the Environmental Improvement Plan and investigating cases of environmental law failure and non-compliance by public bodies. The OEP has been active in Northern Ireland since February 2022.
- All government departments in Northern Ireland will now have to pay due regard to environmental principles when developing policy across most policy areas (still to be fully implemented in NI).

Beyond the 2021 UK Environment Act, another new layer of complexity stems from the UK-EU agreements, most notably the Windsor Framework, which affects environmental action in Northern Ireland in three different ways.<sup>5</sup> First, most clearly,

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<sup>4</sup> Viviane Gravey and others, *Northern Ireland: Challenges and Opportunities for Post-Brexit Environmental Governance* (Brexit & Environment, 2018), p. 32 <<https://www.brexitenvironment.co.uk/wp-content/uploads/2018/10/BrexitEnvNIREport.pdf>>.

<sup>5</sup> Viviane Gravey and Lisa Whitten, ‘The NI Protocol & the Environment: The Implications for Northern Ireland, Ireland and the UK’, no. March (2021), pp. 1–8.



as a small number of directly applicable EU laws are environmental (especially when it comes to waste or chemicals). Second, because the Windsor Framework commits both UK and EU to further and sustain areas of North/South cooperation between Ireland and Northern Ireland, of which environment is one. Third, through the potential for Article 2's non diminution of rights commitment to apply to environmental rights and safeguards.<sup>6</sup>

Finally, while the debate on environmental governance is often presented as NI needing to 'catch up' with governance arrangements in either (or both) Ireland and the rest of the UK, this framing is problematic as it tends to underplay both the diversity of arrangements across these four jurisdictions, the changing nature of the regulatory and governance landscape in Wales, Scotland, England (UK), Ireland or indeed the European Union. We also note continued challenges for environmental governance in these other jurisdictions (notably in terms of compliance with the UNECE Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters).<sup>7,8</sup>

A first way in which there is no 'one size fits all' approach to environmental governance is about scope, that is the areas within the remit of a regulatory body: here a major divide is whether flooding falls within or outside the scope of the organisation, with the Environment Agency in England the environmental regulator in these islands with the most competence for flood prevention and response.

A second major difference is the degree of independence. While most environmental regulators across these islands are 'arms-length bodies' or non-departmental public bodies (Natural Resources Wales, Scottish Environment Protection Agency, Natural England, Environment Agency (England), Environmental Protection Agency (Ireland)) some environmental regulatory functions were until recently delivered within departments. Hence, in Ireland the National Parks and Wildlife Services moved in 2022 from being a division within the Department of Housing, Local

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<sup>6</sup> Mary Dobbs and others, 'Non-Diminution, Dynamic Alignment and Cooperation: Exploring the Potential of the Protocol on Ireland/Northern Ireland to Protect the Environment', *Northern Ireland Legal Quarterly*, 75.3 (2024), pp. 550–83, doi:10.53386/nllq.v75i3.1126.

<sup>7</sup> Nathalie Berny, 'Under Normative Pressure: The European Union at Odds with the Aarhus Convention', *Journal of European Integration*, 2025, pp. 1–22, doi:10.1080/07036337.2025.2490155.

<sup>8</sup> Colin Reid, 'Environmental Governance Review', *Scottish Planning and Environmental Law*, no. 227 (2025), p. 4.

Government & Heritage to becoming an Executive Agency of that department, a status equivalent to that of the Northern Ireland Environment Agency. The environmental watchdogs which emerged since Brexit across the UK are either non-departmental public bodies (the Office for Environmental Protection (England, NI); the proposed Office of Environmental Governance Wales) or Parliamentary bodies (Environment Standards Scotland which reports directly to the Scottish Parliament).

Beyond their formal status, these bodies have different degrees of functional (in)dependence, sometimes with their own websites and communications, sometimes relying on administrative support from their home department, sometimes instead having their own back-office systems and, for example, managing their own human resources. Both England and Northern Ireland are outliers here, with NIEA, Natural England and the Environment Agency's online presence and communication channels being subsumed under their parent departments DAERA and DEFRA respectively – but no environmental agency across the UK and Ireland is fully independent. In England, those arrangements and the wider relationships and membership of the 'Defra family' are currently under review, most notably through the recently published Corry report, **“Delivering economic growth and nature recovery: an independent review of Defra's regulatory landscape”**.<sup>9</sup> This shows that debates on independence, scope and function – be it practical or a question of legal status – are ongoing and evolving beyond Northern Ireland.

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<sup>9</sup> Dan Corry, *Delivering Economic Growth and Nature Recovery: An Independent Review of Defra's Regulatory Landscape* (DEFRA, 2025) <<https://assets.publishing.service.gov.uk/media/67ef87e9e9c76fa33048c7a9/dan-corry-review-defra-regulatory-landscape.pdf>>.

## Section Two: A Clear Case for Change

This section reviews the current state of environmental governance in Northern Ireland and identifies areas for significant improvement. It draws on five different sets of material. First, responses to our Call for Evidence which ran for six weeks until 14 March 2025 (see **Appendix A**). Second, discussions at the three public meetings we held during the Call for Evidence period, in Belfast, CAFRE's Loughry Campus and online. Third, a series of 10 interviews with regulators, regulated parties and broader stakeholders across Northern Ireland, Great Britain and Ireland (see **Appendix B**). Fourth, engagement with our Stakeholder Reference Group (see **Appendix C**). Fifth, documentary analysis of official documents and media coverage pertaining to environmental regulators across the UK and Ireland (in both generalist media and specialised media such as the ENDS report).

### Findings from the Call for Evidence

The Call for Evidence received **121** responses through Citizen Space, nine of which came with attachments expanding on responses. This was supplemented by **469** responses received by email, **17** from organisations, and **452** from a campaign organised by Friends of the Earth Northern Ireland which focused on a subset of issues – independence, scope, and powers of a reformed NIEA. We are grateful to all the individuals and organisations who responded thoughtfully and constructively to our Call for Evidence and to those who provided their expertise and shared their experiences at the public meetings.

Analysis of responses to the closed questions in the Call for Evidence was conducted by DAERA. Analysis of open questions, attachments and email submissions was conducted by the panel.

We only have demographic information for respondents who used Citizen Space. Of those **121**, we note that a large majority were male (**72%**), aged over 45 years (**57.85%**) and that the most popular response to describing area they live in was

‘rural area’ (**40.5%**) - conversely many fewer respondents were from cities (**17.6%**) or large towns (**10.74%**).

The section below presents the CfE results. It is structured as such: we first present the data from Citizen Space. If the issue was addressed in other submissions (emails, campaign) we then present these views. As the CfE covered 32 questions we do not detail in depth each issue – but more can be found in **Annex A**.

The first message from the CfE is that an overwhelming majority of respondents **do not believe the current environmental arrangements in Northern Ireland are effective (90.91%)**. This was further echoed in emails and campaign submissions with only few supporting the status quo. Open ended responses to the follow up question spoke of lack of resources, lack of enforcement, failure to meet targets and standards for water, waste or nature. While some respondents called out NIEA and broader NI environmental governance as being too lenient on farm pollution, other conversely decried a heavy-handed nature and difficult relations between the agency and farmers.

The second message, stemming from both the CfE and our subsequent engagement with stakeholders and the public is **the sheer complexity of the current arrangements**. As environmental governance developed over the last fifty years, rules and organisations were gradually layered over each other. This complexity creates difficulties of finding out who is in charge, to whom queries or complaints could be addressed – and thus who could be held accountable.

The third message is that there is **strong support for reforming NIEA and changing its legal status**.

- **80.99%** respondents were in favour of establishing a new environmental governance framework outlining the structure, roles, rules and procedures and how these may be enforced.
- **68.60%** respondents disagreed that NIEA should continue as an Executive Agency of DAERA (**16.53%** yes, **14.88%** don’t know)

Out of the four options offered for potential legal status ranging from the least independent (within department), to status quo (Executive Agency), to more independent options (Non-Departmental Public Body and Parliamentary Body), there

was an **overwhelming support for more independence** with the two ‘independent options’ tallying at **72%** (NDPB **40%**, Parliamentary Body **32%**, Executive Agency, **17.36%**, within department **10.74%**).

This was further confirmed with almost all campaign emails calling for a Parliamentary body, and 13 out of 17 email responses supporting one of the two independence options. Open ended responses talk of risk of misalignment between ministers’ preferences and environmental objectives, made worse since the merger and creation of DAERA and difficulties in holding politicians and regulators accountable in the current system. Yet while some decry ‘political interference’, others point out that greater independence also brings challenges in terms of holding any new body accountable; while concerns about the cost of transition were also raised.

The fourth message is that **independence is not simply a matter of status – but of practice**, of how a body is perceived and engages with stakeholders and the general public. Here we note that **78%** respondents did not believe NIEA’s current communications – occurring through DAERA channels presently – were effective (**6.61%** did). Furthermore, **76.86%** respondents considered that current engagement with stakeholders on environmental issues was not effective, and **60%** did not think NIEA’s current mission statement was appropriate. Open ended responses stressed how engagement suffered from lack of resources (both in terms of staff time and communication).

The fifth message is that the **change hoped for goes beyond the independence debate...but that once we move past independence greater divergence of views emerge**. How the agency is funded, what power it has, what scope it has could all change – yet for these three points we note that not only are majorities or pluralities for change slimmer, but that suggested changes differ.

- **41.32%** of respondents did not think the scope of NIEA’s powers were adequate (**36.36%** did)
- **58.8%** respondents did not think NIEA’s current powers were adequate (**31.4%** did)
- **62.81%** respondents called for a change in how NIEA would be funded (**24%** supported the current model).



Hence for example, when it comes to scope, campaign emails and some environmental groups were keen to expand the scope of a new Environmental Protection Agency to the marine environment and built heritage and remove from its scope the management of protected sites. While CfE respondents also mentioned expansion to marine, built heritage was much less a priority there. When it comes to budget, some respondents were keen for fines to be kept within the department to support environmental improvement work – others worried that this could create perverse incentives.

### Meaningful but careful change

While the CfE results and a range of stakeholders identified a strong case for change, our discussions with stakeholders, regulators and in our public meetings underline that necessary change needs to be delivered in a careful, meaningful way. As such this section sets out a series of concerns that need to be kept in mind when deciding on ways forward for environmental governance in Northern Ireland.

**Northern Ireland faces a capability/expectation gap** when it comes to environmental governance. Growing interest in environmental action and expectation and concern about the state of the environment among the general public, and young people in particular, will not overnight redress the negative impact of decades of under-investment. **Resources, both financial and human, remain a critical limiting factor on any efforts to improve environmental governance in Northern Ireland.** Environmental action has been chronically underfunded – this has been amply reported from the 1990s onwards but remains an issue to this day.<sup>10</sup> A legacy of underfunding means major investments (across water and waste infrastructure as well as for protected sites) have not been made – see for example last year's NI Audit Office report which concluded that **"Inadequate investment in water infrastructure has been identified as a long-term issue in Northern Ireland"** and that despite increased investment in recent years **"NI Water's capital and resource funding allocations in 2023-24 and 2024-25 are significantly below the level**

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<sup>10</sup> Steven Yearley, 'UK Environmental Policy and the Politics of the Environment in Northern Ireland in the 1990s', in *UK Environmental Policy in the 1990s* (Palgrave, 1995), pp. 85–100.

**indicated by NI Water as being required to deliver on planned objectives.”<sup>11</sup>**

This makes any improvement an uphill battle (as many systems are at breaking point) and means that improvements will take years to properly manifest. With growing ambition on addressing climate change with the NI Climate Change Act, this gap is likely to severely worsen unless and until the decision is taken to seriously resource environmental action in Northern Ireland.

**Greater independence is not a silver bullet** – while it is a necessary condition to improve governance in NI (and will contribute to rebuilding trust and public confidence in the system) on its own it will not be sufficient. Other changes are needed, and those changes are not just limited to NIEA – **bringing greater transparency and accountability will require changes to other parts of the environmental governance system** and more generally more clarity of purpose for each component of the system.

**Independence is a practice which needs to be sustained over time lest it wither.** It requires effective leadership and changes to organisational culture and practice. While there is a frequent use of Non-Departmental Public Bodies for bodies such as NIEA, their degree of independence differs – and has changed over time – as evidenced by the example of Natural England discussed below (see ‘Independent Enough’).<sup>12</sup> From our discussions with various stakeholders, it is clear that how arms-length bodies’ relationships with their parent department are managed can be quite different. They are often marked by a mix of formal and informal mechanisms – hence the OECD report on the Irish EPA remarked that it was “often relying on the strength of relationships with policy makers rather than on formal structures.”<sup>13</sup> – and these relationships can be good or can become difficult. These possible tensions have been made evident in England in recent months, with departments being

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<sup>11</sup> Northern Ireland Audit Office, *Funding Water Infrastructure in Northern Ireland*, 2024, p. 61 (p. 9,10) <<https://www.niauditoffice.gov.uk/publications/html-document/funding-water-infrastructure-northern-ireland>>.

<sup>12</sup> Environment, Food and Rural Affairs Committee, ‘Oral Evidence: Chair of Natural England, HC 1728’ (House of Commons, 2018) <<https://committees.parliament.uk/oralevidence/8648/html/>>.

<sup>13</sup> OECD, *Driving Performance at Ireland’s Environmental Protection Agency*, The Governance of Regulators (OECD, 2020), doi:10.1787/009a0785-en.

required to justify the existence of their NDPBs, and the government writing to regulators to ensure they prioritise growth.<sup>14,15</sup>

### **Changes to NIEA will be highly disruptive to current NIEA staff and operation.**

We found that key stakeholders and also CFE responses to open questions repeatedly mentioned the impossible tasks currently asked of NIEA staff, with too few resources to properly enforce environmental law and, when enforcement occurs, the low level of fines that can be pursued in courts. As such, any change needs to be carefully thought through and practical improvement to the operation of NIEA or transition to any potential new body needs to be prioritised to support staff morale and retention of expertise. NIEA remains drastically understaffed and filling those gaps should be a priority, ensuring that recruitment processes, in particular for specialist roles, are as effective and efficient as possible.

### **Changes to NIEA risk undermining improved relations with the farming community.**

NIEA's role in environmental cross compliance inspections comes with a large financial risk for farmers found to be in breach of their obligations – these penalties are often much larger than fines for pollution, as cross compliance penalties are expressed as a percentage of farm support payments. This creates a very different relationship between regulator and regulated parties than what we find in water, waste or even planning – where for example the waste industry is clamouring for *more* enforcement to weed out illegal waste operation.<sup>16</sup> These different relations also help explain the highly diverging views of NIEA as either 'toothless' or 'all-powerful', that emerged from our CFE and discussions in our public meetings. Greater clarity around who decides the rules versus who simply enforces them may help this transition – as would a clear, published and consulted upon, enforcement strategy for a potential new regulatory body.

The above points are factors which need to be carefully considered when implementing changes to governance. However, they should not be seen as barriers

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<sup>14</sup> Shosha Adie, 'DEFRA Told to "Justify the Existence of Its Quangos" by Cabinet Office', *ENDS Report*, 2025 <<https://www.endsreport.com/article/1913229/defra-told-justify-existence-its-quangos-cabinet-office?>>.

<sup>15</sup> Pippa Neil, 'Environment Agency Told to Remove Barriers to Growth in Christmas Eve Note', *ENDS Report*, 2025 <<https://www.endsreport.com/article/1900953/environment-agency-told-remove-barriers-growth-christmas-eve-note>>.

<sup>16</sup> See CIWM submission to CFE and also Nayak Nivedita, '"Waste Cowboy" Operators to Face Longer Prison Sentences', *ENDS Report*, 2025 <<https://www.endsreport.com/article/1915985/waste-cowboy-operators-face-longer-prison-sentences>>.

to change or reasons to maintain the status quo, given the evidence and the clear case for change we have heard.

## Section Three: Ways Forward

The following section sets out our initial set of recommendations for improving environmental governance in Northern Ireland. These will be further discussed (together with areas for further investigation – see next section) with key stakeholders (including our Stakeholder Reference Group) ahead of the final version of our report. Our recommendations build on three complementary ways forward:

- Clarity of purpose
- Rebuilding credibility
- Updating laws and filling gaps

The final part of this section presents an overview of the recommendations, split between focus (Policy and Delivery or Governance Reform) and expected timeline (changes which can be implemented in the short term, and those for which preparatory work should begin as soon as possible but which will require a longer timeframe to implement.)

### Clarity of purpose

A recurring theme identified through our engagement with the public and stakeholders was a lack of clarity about who is responsible for what, what we can and should expect from environmental regulators, and what role and powers they have.<sup>17</sup>In its submission to the Review, the Office for Environmental Protection reflected on key attributes for good environmental regulation. Attribute 2, **“Environmental regulation should allocate clear and appropriate roles and responsibilities”**, contends that **“Clarity of roles and responsibilities is important to ensure accountability for the regulator and regulated parties, and to support coherence and avoid ambiguity or overlap across different regulators and regulations.”**<sup>18</sup>

With the establishment of new bodies stemming from the NI Climate Change Act and the potential for reform coming from our review, there is an opportunity for better communication about the different components of the environmental governance landscape. This needs to set out clearly what are the different responsibilities of

<sup>17</sup> OECD, *Driving Performance at Ireland’s Environmental Protection Agency*.

<sup>18</sup> Office for Environmental Protection, ‘OEP Submission to Panel Review of Environmental Governance’, 2025.



Councils, Regulators, and various Government Departments and make it much easier for members of the public and elected representatives to identify to whom queries or concerns should be addressed.

### **Recommendation 1 – DAERA should publish a clear map of environmental governance in Northern Ireland, identifying who is responsible for what.**

This map should be developed to make sense of the current system and then updated once any reform happens.

### **Independent enough**

In its 2016 report *Being an Independent Regulator*, the OECD<sup>19</sup> sets out a comprehensive view of regulators' independence:

**“What makes an independent regulator is not simply institutional design. Moreover, independence does not imply that regulators are anonymous, silent, or above and beyond the policy arena. Regulators interact with ministers and their Departments, who are ultimately responsible for developing the policies for the regulated sector; with parliaments, who approve those policies and often evaluate their implementation; with the regulated industry, which needs to comply with the decisions of the regulator; and with citizens, who are the ultimate beneficiaries of the actions of governments and regulators. These interactions are inevitable and desirable. The balance between the appropriate and undue influence that can be exercised through these interactions is at the core of the discussion on the independence of regulators.”**

Whether NI's environmental regulator should be more independent has been a long-standing debate in Northern Ireland. Results from our call for evidence show there is a clear consensus to move away from the current Executive Agency status towards more independence. But which of the two broad independence options, a Non-Departmental Public Body or a Parliamentary Body strike the better balance between

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<sup>19</sup> OECD, *Being an Independent Regulator*, The Governance of Regulators (OECD, 2016), doi:10.1787/9789264255401-en.

‘appropriate and undue influence’ for the Executive, Assembly, regulated industries and the wider public?

Here it is important to note the groundswell of support through the targeted campaign for the CfE for Parliamentary Body. A Parliamentary Body has a number of clear advantages: by not being linked to a specific department it would more easily work across the whole environmental sector, irrespective of departmental structure. It would also allow the body to focus on delivering its mission with much less political guidance as to what to prioritise and give a greater role to the Assembly which could mainstream environmental action. However, there are also number of concerns about what would be required to deliver a Parliamentary Body (a rare form of body which would put the environmental regulator on an even footing with the NI Audit Office): what happens if there is no sitting Assembly, concerns about funding, concerns about managing accountability, and the balance between independence and coherence of governmental action.

A key issue is that of parity of status between regulators and the new environmental bodies emerging in Northern Ireland (the new Just Transition Commission and Climate Commissioner will both be NDPB). Indeed, the body which currently oversees NIEA, and which would oversee the work of a new environmental regulator for NI, the OEP, is itself a NDPB.<sup>20</sup> **We favour the NDPB option** allowing for greater independence and accountability, and clarity about responsibilities. The NDPB would need to be carefully designed so there is both **practical independence** and **greater accountability** (see Rebuilding Credibility below). We believe that an NDPB provides the most appropriate balance between too much and too little independence, affording a greater degree of political neutrality. This status would provide the regulator with greater operational flexibility, greater ability for long term planning and delivery (which responding to climate change and nature recovery clearly demand) and significantly improved separation between policy and regulatory powers.

However, while NDPB’s are the more common option and may prove at first a better balance between bodies making policy and enforcing policy, their closer relationship to government opens them to specific challenges. NDPB’s independence can

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<sup>20</sup> the OEP is a NDPB of Defra, with DAERA contributing about 15% of its budget

atrophy over-time: thus, on stepping down as Chair of Natural England, Andrew Sells<sup>21</sup> explained how a series of practical, incremental cost-saving measures had eroded Natural England's voice:

**“Running Natural England now is a very different thing from running it five years ago, because I do not have a head of comms to talk to about who we should get to this event or that, or how to get our stories out. I can give you a quote from a local area manager in a moment. If I want financial information, I have to turn to somebody in Defra (...). I have had advice on the HR issues that, if you are an employee of Natural England and you want to go and complain about some bullying, for example, you should go and see the head of HR in Natural England, but he or she does not exist. It is a person in Defra. The parallel drawn with me is saying that an officer in the Met has a complaint and he has to go into the Home Office. In employment law, this is not terribly clever.**

**What started as cost savings has run over into something that feels more like less freedom, frankly. (...) The pendulum, quite frankly, needs to swing back. (...) Yes, in truth we have lost a great deal of independence.”**

Thus, it is essential that, in the design and implementation of any potential new NDPB, lessons must be learnt from the experiences in other jurisdictions to sustain the appropriate and consistent balance of independence in the long term.

**Recommendation 2 – The environmental regulator for Northern Ireland should be a non-departmental public body.**

### **Functional scope**

As set out above, a common concern we heard is how complex NI's environmental governance system is, and how hard it is to know 'who does what'. This hampers accountability. One way to clarify the environmental governance landscape is to change the scope of powers given to the regulator. Some respondents suggested, as with England and Ireland, to have two environmental bodies, one focused on regulation, the other on nature. A second way to clarify the landscape is to design

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<sup>21</sup> Environment, Food and Rural Affairs Committee, 'Oral Evidence: Chair of Natural England, HC 1728'.

the scope of the new body based on functions, not environmental issues. This is the option we favour as it provides the greatest clarity in terms of separating and distinguishing between a) who makes policy and b) who enforces it on the ground.

We also do not think that adding yet another body at a time where environmental governance is already crowded would be useful. From our initial discussions, there appear to be areas of functional overlap between NIEA and other parts of DAERA (e.g. on cross-compliance where NIEA's current remit expands beyond enforcement, or in marine where DAERA's Marine and Fisheries Division is responsible for both policy development and regulation). Such overlap goes against internationally recognised best practice of separating policymaking from enforcement duties.<sup>22</sup>

Some current tasks of NIEA that are focused on policy development and implementation should be returned to the core of DAERA, and vice-versa, regulatory functions held in DAERA may be best delivered by the potential new body alongside NIEA's existing regulatory functions.

Consideration should further be given to transferring direct management of Country Parks from NIEA, to DAERA core, or to local authorities or other suitable bodies.

Likewise, where NIEA currently directly manages protected sites, it would be more appropriate for these to be managed by a suitable third party, to avoid conflict of interest of being both regulator and regulated.

**Recommendation 3 – An audit of different functions (regulatory, advice, policy development) between DAERA and NIEA should be conducted to identify areas of functional overlap.**

**Recommendation 4 – The environmental regulator for Northern Ireland should focus on regulatory and, if appropriate, advice functions. DAERA should be responsible for all policy development.**

This renewed focus will free up time for the environmental regulator to focus on enforcement, and potentially advisory functions, and this will have a direct impact on the quality of the environment in Northern Ireland.

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<sup>22</sup> OECD, *Being an Independent Regulator*.

### Coherent mission

Environmental governance in Northern Ireland is changing – while key regulatory functions rely on (very) old legislation, a number of new laws, in both Stormont and Westminster, as well as UK-EU agreements, are making a complex system even harder to navigate. This is compounded by the abundance of strategies (in DAERA and across the Executive) and uncertainties about how they fit with each other and which takes precedence. In establishing a potential new environmental regulatory body attention needs to be paid to what the OECD calls ‘role clarity’, a major component of best practice for the governance of regulators.<sup>23</sup>

We note that the Corry report,<sup>24</sup> the new independent review of Defra’s regulatory landscape makes the following recommendation: **“Introduce and publish a refreshed set of outcomes for regulators, linked to the Environmental Improvement Plan, with a clear accountability framework involving measurable outcomes that are monitored regularly by the department and reported on to Ministers and the public.”** This echoes recommendations from the OEP to centre Environmental Improvement Plans in the strategy of regulators in England.

We recommend a similar approach for Northern Ireland with two caveats. First, in line with OEP advice on the NI EIP, an update to the EIP with clear, measurable targets are essential. Second, the importance of the NI Climate Change Act 2022 is clear – and it may be appropriate to also refer to the delivery of Climate Action Programmes in the mission statement.

**Recommendation 5 - Align mission of the environmental regulator for Northern Ireland to Northern Ireland’s Environmental Improvement Plan and make this clear through a revamped mission statement.**

### A body that works well with others

A regulator operates at the interface between government, regulated industries and the general public<sup>25</sup> – its relationships with others will determine whether it can fulfil

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<sup>23</sup> OECD, *Driving Performance at Ireland’s Environmental Protection Agency*.

<sup>24</sup> Corry, *Delivering Economic Growth and Nature Recovery: An Independent Review of Defra’s Regulatory Landscape*.

<sup>25</sup> OECD, *Being an Independent Regulator*.



its mission. This is even more true for a regulator in Northern Ireland – as a small jurisdiction with, in part, shared but also diverging rules from the rest of the UK and also shared environmental challenges on the island of Ireland.

The following recommendations aim to ensure efficient and effective collaboration, to foster a culture of working towards shared environmental outcomes, information and skills exchange, and sharing best practice.

**Recommendation 6 – A series of Memorandums of Understanding (or alternative agreements) should be established between environmental regulators within Northern Ireland as well as cross-border when appropriate to share best practice and foster collaboration.**

**Recommendation 7 – The environmental regulator for Northern Ireland should develop its own regulatory and enforcement strategy, independent from DAERA's. This should be open for consultation. Once in place, the regulator should report on a yearly basis on delivery of the strategy and use of its functions.**

**Recommendation 8 – Considering the resource pressures on public authorities, DAERA should consider whether formalising a 'duty to co-operate' with the environmental regulator for Northern Ireland, for all public authorities in Northern Ireland, may smooth exchange of information. (This is in line with the duty which exists for the OEP.)**

The Corry report<sup>26</sup> further called on Defra to “**support better cooperation between regulators and appoint a lead regulator for all major projects in which multiple regulators have an interest.**” While there are comparatively fewer regulators in NI than England, MoUs recommended above could be used to map such potential project-specific overlaps. Furthermore, these overlaps or conversely gaps between the responsibilities of different bodies are not just a matter for regulators but also departments – for example in CfE open responses and engagement with stakeholders we were told coastline management issues often faced lack of clear policy ownership.

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<sup>26</sup> Corry, *Delivering Economic Growth and Nature Recovery: An Independent Review of Defra's Regulatory Landscape*.

**Recommendation 9 – DAERA should investigate practicalities of appointing one lead department and/or lead regulator when there is overlap or shared interest in projects.**

### **Rebuilding credibility: transparency and accountability**

While most environmental regulators in Ireland and the UK are non-departmental public bodies, how they are set up, how they communicate and how they are held accountable varies greatly. As Northern Ireland would be coming late to this arrangement, we can learn from what works and does not work as well in other jurisdictions. From our in-depth discussions with regulators and stakeholders across the UK and Ireland we are keen to provide the tools for a potential new environmental regulator to be meaningfully independent and for this new independence to be used to rebuild public trust and greater accountability.

#### **A more visible, accessible body**

Currently NIEA, as with Natural England and the Environment Agency, are the only regulators whose communications are subsumed within their parent department's own communication channels. This arrangement blurs the distinction between the responsibilities of the department and those of the regulator. In Northern Ireland, this issue is further exacerbated by more limited public access to environmental information. NIEA receives over 50% of all Environmental Information Regulations (EIR) and Freedom of Information (FOI) requests submitted to the Department, placing a disproportionate burden on its already limited resources. This creates a situation that satisfies no one: members of the public seeking specific information often feel compelled to submit formal requests, and responding to these diverts critical capacity within NIEA away from its core regulatory functions.

In order to demonstrate independence in practice, the environmental regulator requires its own communication channels (website, press releases, social media) – this would also make it easier to present what the regulator does in an accessible way to the public. This website should also be used to make environmental information easier to access for the public.

**Recommendation 10 – The environmental regulator for Northern Ireland should have its own website and communication channels, with clear information on its role/go to place for questions regarding planning/water/waste/protected sites/compliance etc.**

The current burden of enabling access to environmental information through responding to FOIs/EIRs needs to diminish without reducing – indeed while increasing – public access to environmental information (a right guaranteed under the UNECE 1998 Aarhus Convention of which the UK is a signatory). Publishing environmental information should become the norm not the exception, with priority given to publishing information relating to areas which are currently most targeted by FOIs.

**Recommendation 11 – Sharing environmental information with the public in an easy to access manner should become the default option.**

The environmental regulator for Northern Ireland should be well placed to respond to consultations on environmental policy development or on policies with an environmental impact. In order to demonstrate its independence, such responses to consultations should also be made public.

**Recommendation 12 – The environmental regulator for Northern Ireland should have the power to respond to government consultations on policy developments affecting its remit, and for those responses to be made public.**

### **A new standard for accountability in the Assembly**

Environmental action has been chronically underfunded in Northern Ireland, as evidenced by the previous reviews from the 1990 Rossi report onwards.<sup>27</sup> This makes the delivery of strategies and targets difficult – if not impossible – for both departments and regulators, with difficult choices of prioritisation of certain environmental challenges over others despite the reality that all need to be addressed if ongoing decline and degradation is to be halted and reversed. Delivering on the twin climate and biodiversity emergencies will require a step change in how Northern Ireland addresses environmental challenges – but this can

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<sup>27</sup> Environment Committee, *Environmental Issues in Northern Ireland* (House of Commons, 1990), p. 254.

only occur with public buy-in and clear lines of accountability going back to the Assembly.

This is now set in a post Brexit context with the challenges and opportunities which that brings. The challenges are that Northern Ireland does not have an outside body deciding policy options on the environment, so herein lies the opportunity. The Assembly now has the power to decide and legislate on its own policy options. The Assembly has passed the Climate Change Act in 2022 creating two new bodies, the Climate Change Commissioner and the Just Transition Commission. Although neither are fully operational yet, the Assembly has the power to hold Ministers, Departments, regulators and others to account on their delivery.

The somewhat silo-ed nature of environmental governance in Northern Ireland, split between Department for Infrastructure, DAERA, The Executive Office, Department for Communities and local councils makes accountability highly difficult as the various Assembly committees hold their individual Departments and remit to account. We believe this gives too narrow, too silo-ed a view, and does not provide the level of scrutiny and accountability that the public and MLAs expect and demand.

All of the work involving a potential new environmental regulator, the Just Transition Commission, the Climate Change Commissioner and the Office of Environmental Protection would be in addition to all of the current scrutiny and advice to Ministers role that the Assembly's Committees already carry out. We believe too much would be placed mainly but not exclusively on the AERA committee with limited time for the level of scrutiny required. Of equal importance there is the huge risk of the accountability process being too fragmented and ultimately ineffective: 'If everyone one is responsible for it, nobody is responsible for it'.

Looking at best practices in other jurisdictions, we think a different model of accountability, in addition to the AERA committee, is needed. We recommend the establishment of a new Environmental Audit Committee in the Assembly, with all the powers of an Assembly committee to call people and papers. This would create a committee whose sole focus is holding to account those bodies charged with delivering for our environment.

While this independent report has been commissioned by the DAERA Minister, we recognise that this recommendation is not within the gift of the Minister alone, or

indeed the Executive, but would be a decision for the wider Assembly and its members. Given the wide-reaching significance of environmental governance, the policy agenda and the regulatory framework, we believe this recommendation stands on its own merit, to make a vital contribution to scrutiny and accountability in the public interest, while also rebuilding public confidence. We hope the Assembly will give this recommendation their serious consideration.

### **Recommendation 13 – Establish an Environmental Audit Committee for the NI Assembly.**

## **Updating laws and filling gaps**

Designing a new regulator for the environment in Northern Ireland will require legislation. While this may prove onerous and time consuming, it is also an opportunity to address broader weaknesses in NI environmental governance. Based on our discussions with stakeholders, the CfE and our analysis of regulatory systems in the rest of the UK and Ireland, we make the following recommendations.

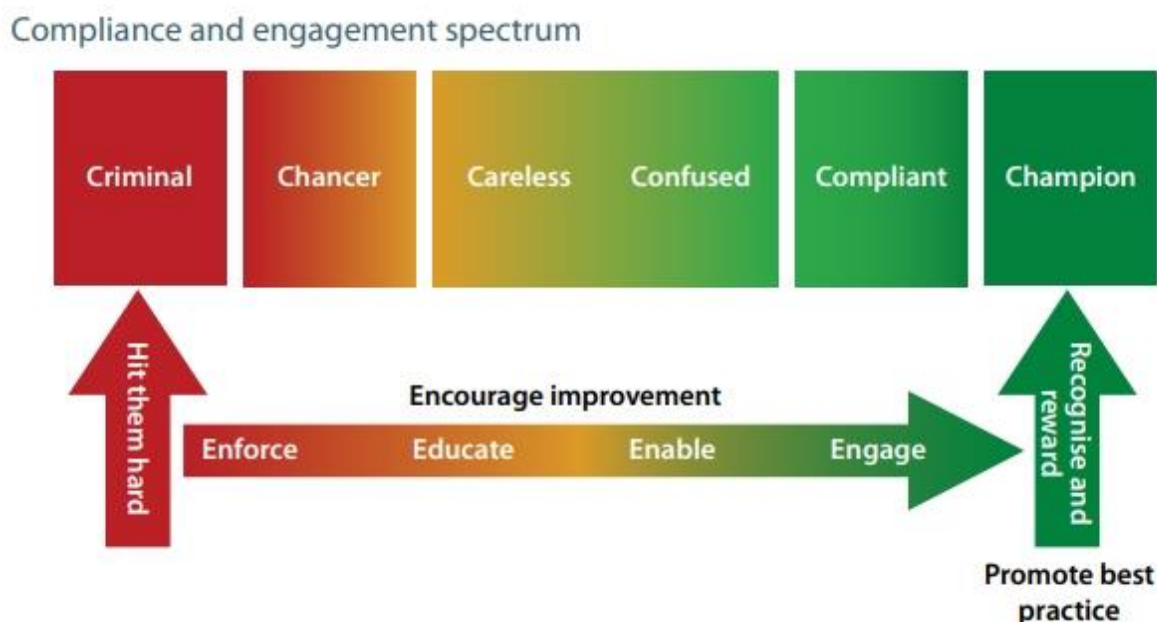
### **Considering new and updated powers**

A former regulatory strategy from the Scottish Environment Protection Agency<sup>28</sup> highlights the range of tools required by an environmental regulator to drive behaviour change and environmental improvement, ranging from enforcement to education, support, engagement and rewards (**Figure 1**). As a panel we considered whether (a) environmental regulators in NI have sufficient tools (in terms of both variety and effectiveness) to cover this whole spectrum and whether (b) the same body should be responsible for the enforcement and support side of this spectrum.

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<sup>28</sup> SEPA, 'Better Environmental Regulation: SEPA's Change Proposals', 2010  
<<https://www.sepa.org.uk/media/117142/better-environmental-regulation-consultation-document.pdf>>.





**Figure 1. Former SEPA Compliance and Engagement spectrum (2010)**

A recurrent theme in our discussions has been the limitations of environmental fines in Northern Ireland. Despite efforts of investigators on the ground across Northern Ireland in many cases environmental crime still pays. Regulatory divergences between parts of NI such as areas overseen by the Loughs Agency (which operates under different legislation) or those by NIEA further mean that the same breaches of environmental rules face different potential fines, which raise concerns of fairness.

Addressing the low level of fines in Northern Ireland is not simply a matter for the regulator – it is also about updating environmental law to increase the level of penalties (especially with respect to water pollution/planning) – on this point we note that the Minister, working with the Department of Justice will carry out an independent review (including consultation) of the penalties and fines for environmental crimes, and identify improvements that can be made to ensure a streamlined and more effective penalty regime.

**Recommendation 14 - Fines available to Loughs Agency and the environmental regulator for Northern Ireland for water pollution incidents should be homogenised and increased where possible.**

In our stock take of regulatory powers and fines across the UK, we have further noted that there is appetite, in England ([recent consultation](#)) for higher waste operator permits to fund a greater level of waste crime investigation – a similar

option could be pursued in Northern Ireland, where waste crime remains a key concern.

Addressing fines and penalties is also about using and adding to a wider range of options to address pollution/infringements and about ensuring Public Prosecution Services and the Judiciary continue to develop environmental expertise to adequately respond to the growing public outcry over environmental crime.

Some of these considerations fall outside the scope of this review. While many CfE respondents suggested giving any potential new body powers to prosecute directly (without PPS), we consider that recent UK history of agencies and public bodies having independent prosecution powers (e.g. Post-Office scandal) supports instead leaving such prosecutions with PPS. However, environmental awareness and understanding of the gravity and societal impacts of environmental crime needs to be enhanced within PPS.

From our engagements with key stakeholders and from our CfE, it is clear that SORPI arrangements between NIEA and NI Water are not working as they were designed to – they were intended to offer flexibility for NI Water to invest to address the sources of non-compliance. Instead, the lack/low level of penalties for wastewater pollution has weakened the case for sufficient investment (giving the impression that the current situation is acceptable) and creates a negative feedback loop, with NI Water prioritising investment in drinking water over wastewater as it faces a sharper regulatory edge there (as the Drinking Water Regulator has already exited SORPI arrangements).<sup>29</sup> We note that the DAERA Minister has stated publicly that the current arrangement is not fit for purpose.

### **Recommendation 15 – The environmental regulator for Northern Ireland should exit SORPI arrangement with NI Water.**

Finally, the recent OEP report on protected sites highlighted a key gap in NIEA's toolkit. In this regard when it comes to breaches, NIEA has only two options – a strongly worded letter or a prosecution. Conversely its equivalent body in England, Natural England, can take civil sanctions to enforce protected sites law. Civil sanctions, alongside third-party undertakings (where polluters set out a plan to

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<sup>29</sup> Northern Ireland Audit Office, *Funding Water Infrastructure in Northern Ireland*.

remedy a problem, pay regulators' costs etc.) are frequently used by the Environment Agency as well as Natural England. They provide a less cumbersome yet effective solution – and both regulators are expected to report yearly on their use of these powers.

**Recommendation 16 – The environmental regulator for Northern Ireland should make greater use of civil sanctions in areas where legislation already exists (e.g. UK Environment Act 2021 for hazardous waste). DAERA should consider adopting civil sanctions and/or third-party undertakings for other environmental areas to broaden the toolkit available to the regulator.**

In its submission to the Review, the OEP explained how the environmental governance framework in the 2021 Environment Act relied on four pillars, each reinforcing the others: **“When you take the governance aspects of the Environment Act in the round, there is a clear logic to the structure. The targets should set clear and specific goals, which the EIP delivers through setting out the specific steps and actions. The Environmental Principles Policy Statement (EPPS) then provides the guidance to policymakers across Government.”**<sup>30</sup> Critically in Northern Ireland, that first step – targets – are missing, while that last step – the EPPS – has been delayed. As Wales is also considering adopting new biodiversity targets, and Ireland has new ones with the 2024 Nature Restoration Directive, the gap in protection for NI protected sites and broader biodiversity vis-à-vis their counterparts in the rest of the UK and Ireland risks widening.

**Recommendation 17 – Adopt statutory targets for nature recovery to ensure protected sites and biodiversity are given the attention and resources they require.**

### **Empowering staff and investigations**

The environmental challenges Northern Ireland faces are daunting. As discussed above, the capability/expectation gap we are currently experiencing is putting front line civil servants under a lot of pressure. Recurrent staffing gaps in NIEA are limiting the agency's ability to deliver on its mission and placing an unsustainable burden on existing, dedicated and committed staff. These staffing gaps remain despite recent

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<sup>30</sup> Office for Environmental Protection, 'OEP Submission to Panel Review of Environmental Governance'.

efforts to address them which appear to indicate broader issues about recruitment processes in NICS, especially for specialists. As of 13 December 2024, NIEA had approximately 200 vacancies.

**Recommendation 18 – Ensure efficient and effective recruitment processes, and in the short term prioritise staffing gaps in NIEA/regulators. If this is not possible within the current centralised HR system, consider empowering the environmental regulator in Northern Ireland to conduct its own human resources and hiring processes.**

**Recommendation 19 – Support sharing of best practices (including the use of new technology) for investigations among and between environmental regulators in terms of use of different powers and successful prosecutions.**

**Recommendation 20 – Nurture local technical expertise – in addition to focusing on retaining existing specialist knowledge, strengthen partnerships with NI higher education institutions including CAFRE, to increase opportunities for internships/apprenticeships to allow students to apply their technical and scientific skills to current problems, and showcase careers in environmental enforcement/investigations.**

## Overview and timeline for recommendations

The following recommendations can be addressed in the short term:

Policy and Delivery Change	Governance Reform
<p><b>Recommendation 1</b> – DAERA should publish a clear map of environmental governance in Northern Ireland, identifying who is responsible for what.</p> <p><b>Recommendation 10</b> – The environmental regulator for Northern Ireland should have its own website and communication channels, with clear information on its role/go to place for questions regarding planning/water/waste/protected sites compliance etc.</p> <p><b>Recommendation 11</b> – Sharing environmental information with the public in an easy to access manner should become the default option.</p> <p><b>Recommendation 15</b> – The environmental regulator for Northern Ireland should exit SORPI arrangement with NI Water.</p> <p><b>Recommendation 16 (Part 1)</b> – The environmental regulator for Northern Ireland should make greater use of civil sanctions in areas where legislation already exists (e.g. UK Environment Act 2021 for hazardous waste).</p> <p><b>Recommendation 18</b> – Ensure efficient and effective recruitment processes, and in the short term prioritise staffing gaps in NIEA/regulators. If this is not possible within the current centralised HR system, consider empowering the environmental regulator in Northern Ireland to conduct its own human resources and hiring processes.</p>	<p><b>Recommendation 5</b> - Align mission of the environmental regulator for Northern Ireland (NIEA and subsequently any new body) to Northern Ireland's Environmental Improvement Plan and make this clear through a revamped mission statement.</p> <p><b>Recommendation 7</b> – The environmental regulator for Northern Ireland should develop its own regulatory and enforcement strategy, independent from DAERA's. This should be open for consultation. Once in place, the regulator should report on a yearly basis on delivery of the strategy and use of its functions.</p> <p><b>Recommendation 9</b> – DAERA should investigate practicalities of appointing one lead department and/or lead regulator when there is overlap or shared interest in projects.</p>

While preparatory work should begin as soon as possible the following recommendations will require a longer timeframe to implement:

Policy and Delivery Change	Governance Reform
<p><b>Recommendation 14</b> - Fines available to Loughs Agency and the environmental regulator for Northern Ireland, for water pollution incidents, should be homogenised and increased where possible.</p> <p><b>Recommendation 16 (Part 2)</b> – DAERA should consider adopting civil sanctions and/or third-party undertakings for other environmental areas to broaden the toolkit available to the regulator.</p> <p><b>Recommendation 17</b> – Adopt statutory targets for nature recovery to ensure protected sites and biodiversity are given the attention and resources they require.</p> <p><b>Recommendation 19</b> – Support sharing of best practices (including the use of new technology) for investigations among and between environmental regulators in terms of use of different powers and successful prosecutions.</p> <p><b>Recommendation 20</b> – Nurture local technical expertise – in addition to focusing on retaining existing specialist knowledge, strengthen partnerships with NI higher education institutions including CAFRE, to increase opportunities for internships/apprenticeships to allow students to apply their technical and scientific skills to current problems, and showcase careers in environmental enforcement/investigations.</p>	<p><b>Recommendation 2</b> – The environmental regulator for Northern Ireland should be a non-departmental public body.</p> <p><b>Recommendation 3</b> – An audit of different functions (regulatory, advice, policy development) between DAERA and NIEA should be conducted to identify areas of functional overlap</p> <p><b>Recommendation 4</b> – The environmental regulator for Northern Ireland should focus on regulatory and, if appropriate, advice functions. DAERA should be responsible for all policy development.</p> <p><b>Recommendation 6</b> – A series of Memorandums of Understanding (or alternative agreements) should be established between environmental regulators within Northern Ireland as well as cross-border when appropriate to share best practice and foster collaboration</p> <p><b>Recommendation 8</b> – Considering the resource pressures on public authorities, DAERA should consider whether formalising a ‘duty to co-operate’ with the environmental regulator for Northern Ireland, for all public authorities in Northern Ireland, may smooth exchange of information. (This is in line with the duty which exists for the OEP).</p> <p><b>Recommendation 12</b> – The environmental regulator for Northern Ireland should have the power to respond to government consultations on policy developments affecting its remit, and for those responses to be made public.</p> <p><b>Recommendation 13</b> – Establish an Environmental Audit Committee for the NI Assembly.</p>

As indicated in the tables above, a number of our recommendations can – and we believe should – be addressed in the short term. This should happen in parallel with the process of bringing forward the necessary legislative changes required for longer-term governance changes, including the creation of an NDPB. While introducing short term changes will bring some early and incremental benefits for environmental outcomes, the greatest impact will only be realised if and when the full range of recommendations are implemented.



## Section Four: Areas for Further Consideration to Inform Final Report

Our Terms of References require that the final report

**“Should include consideration of the potential models to improve environmental governance and make recommendations on the way forward. These could include the establishment of an Independent Environmental Protection Agency in Northern Ireland, including proposals for the potential shape, policy and legal responsibility of such an organisation. In doing so, the estimated costs, deliverability and timeframes for implementation of each the options should be considered.”**

In addition to discussion with our Stakeholder Reference Group regarding our initial set of recommendations, we will now turn to greater engagement with NIEA and DAERA and others where appropriate to further detail and test our recommendations. In particular further work is needed in the following areas:

### **Fleshing out our proposal for a new non-departmental public body**

- Consider the structure, board and governance of the body, including format of guidance to be provided by Department to a new arm's length body.
- Consider staffing implications of move to a NDPB.
- Consider further what functions currently delivered by NIEA and DAERA may be best delivered by a new NDPB, and which ones should be delivered by other bodies (DAERA, Councils, etc.).

### **Reflect on the shared responsibilities for improving environmental governance in Northern Ireland**

- Consider further whether there are any additional roles for Councils to deliver improved environmental governance
- Understand interactions between the environmental regulator and the planning system and identify any recommendations for improvement
- Further consideration of how best the environmental regulator and PPS/judiciary can optimise deterrents to environmental crime.

As a panel we will continue our work over the coming months, with a view to providing our final report and recommendations to the DAERA Minister by the end of summer 2025.

## Appendices

### Appendix A – CfE response overview

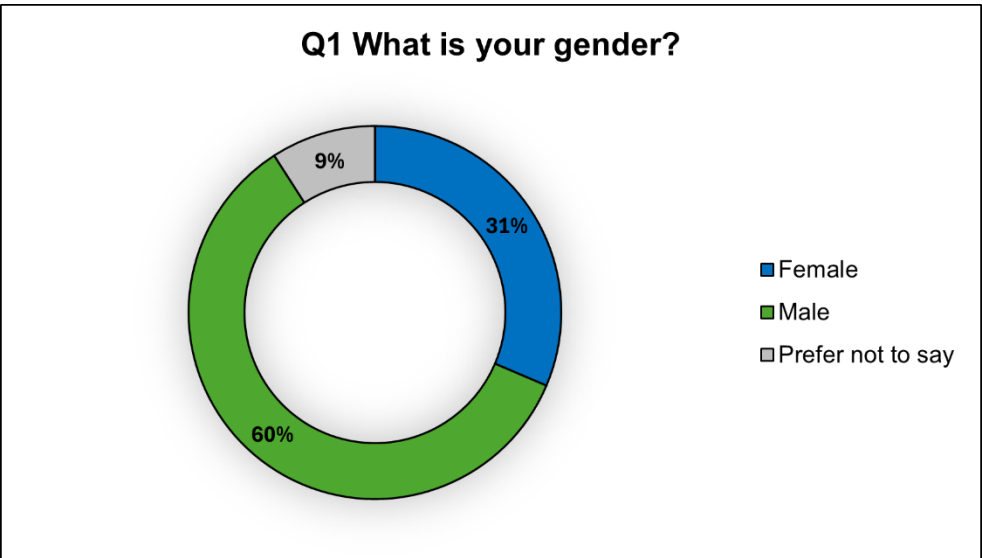
#### Background

This document presents the results of the call for evidence on environmental governance, which opened on 31 January 2025 and closed on 14 March 2025. The analysis specifically pertains to the **121 responses** received through Citizen Space. It does not include the **451 email responses** from Friends of the Earth, or the 18 emailed written submissions from various individuals/organisations. The call for evidence is structured around six themes, which are intended to guide the review process.

#### General Information

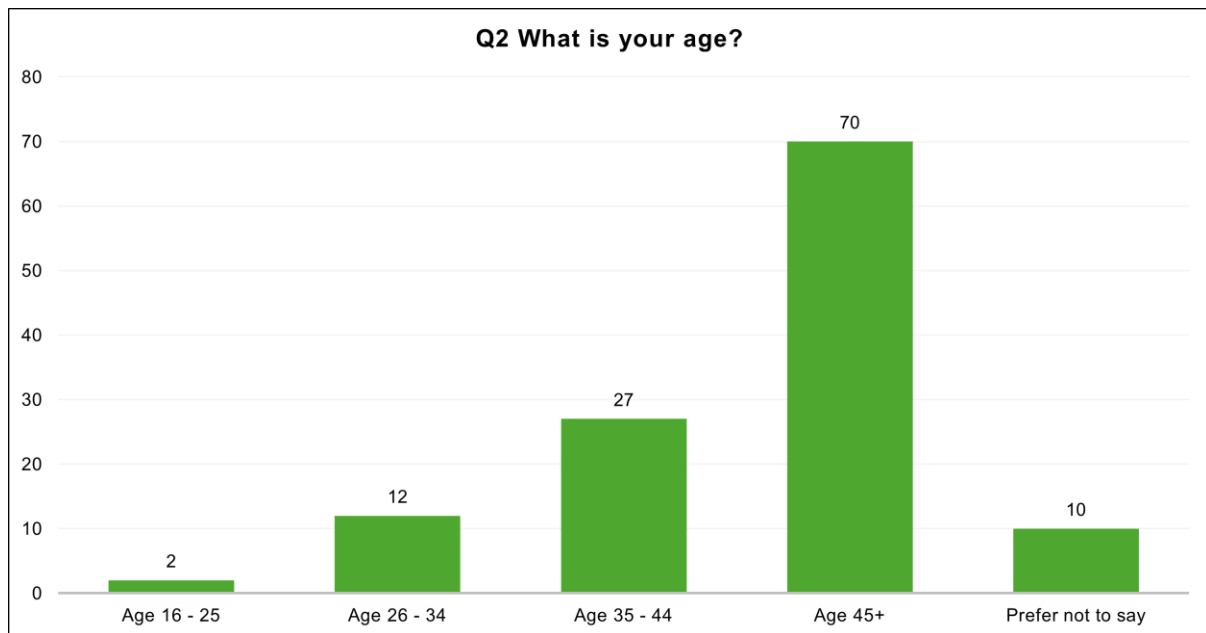
Q1. What is your gender?

Option	Total	Percent
Male	72	59.50%
Female	38	31.40%
Prefer not to say	11	9.09%
Not Answered	0	0.00%



## Q2. What is your age?

Option	Total	Percent
Age 16 - 25	2	1.65%
Age 26 - 34	12	9.92%
Age 35 - 44	27	22.31%
Age 45+	70	57.85%
Prefer not to say	10	8.26%
Not Answered	0	0.00%

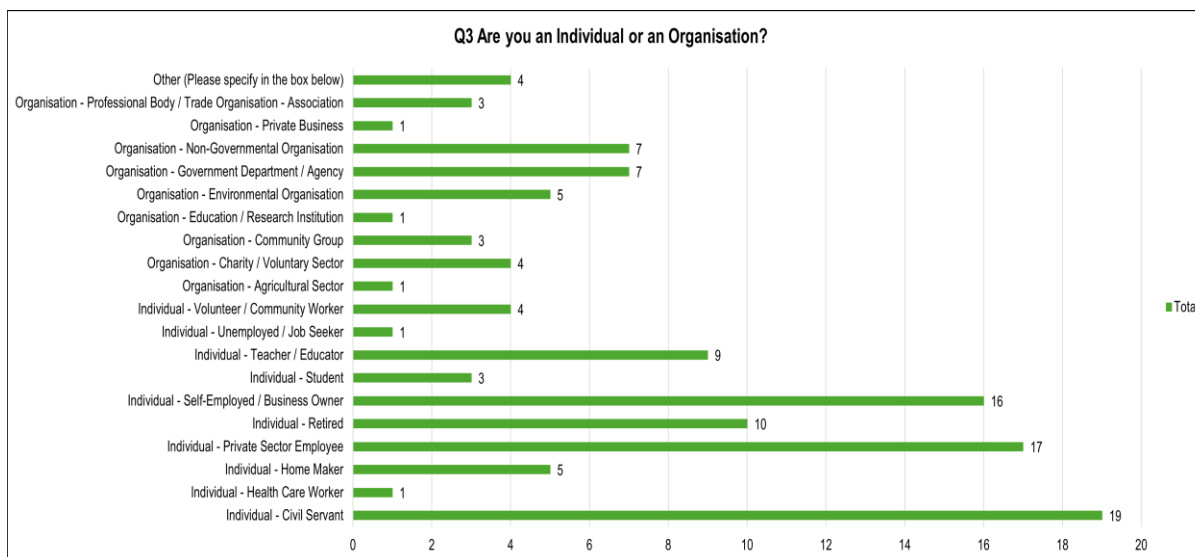


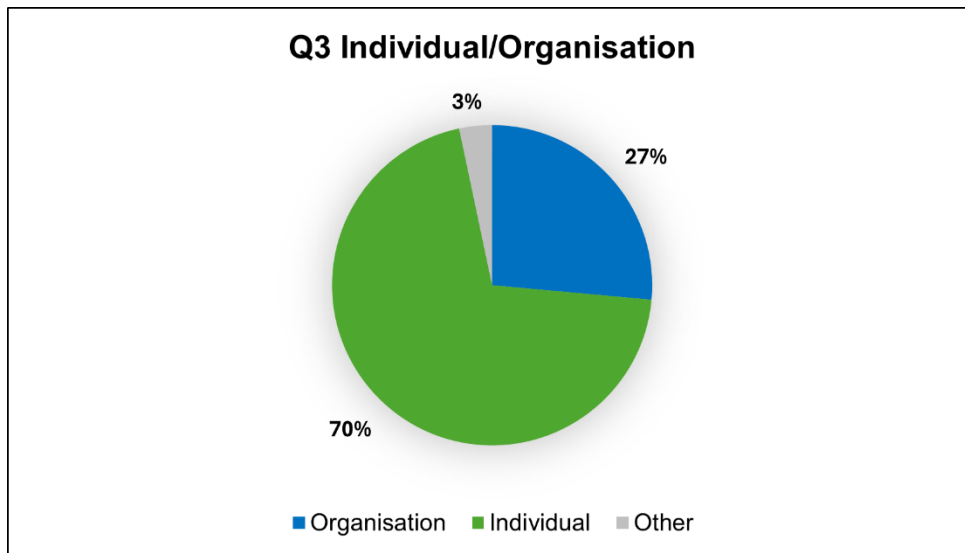
## Q3. Are you an Individual or an Organisation?

Option	Total	Percent
Organisation - Government Department / Agency	7	5.79%
Organisation - Local Council	0	0.00%
Organisation - Non-Governmental Organisation	7	5.79%
Organisation - Private Business	1	0.83%
Organisation - Education / Research Institution	1	0.83%
Organisation - Community Group	3	2.48%
Organisation - Charity / Voluntary Sector	4	3.31%
Organisation - Professional Body / Trade Organisation - Association	3	2.48%
Organisation - Environmental Organisation	5	4.13%
Organisation - Agricultural Sector	1	0.83%
Individual - Student	3	2.48%
Individual - Civil Servant	19	15.70%
Individual - Health Care Worker	1	0.83%
Individual - Teacher / Educator	9	7.44%
Individual - Private Sector Employee	17	14.05%
Individual - Self-Employed / Business Owner	16	13.22%
Individual - Retired	10	8.26%
Individual - Unemployed / Job Seeker	1	0.83%
Individual - Home Maker	5	4.13%
Individual - Volunteer / Community Worker	4	3.31%
Other (Please specify in the box below)	4	3.31%
Not Answered	0	0.00%

**Specified Other:**

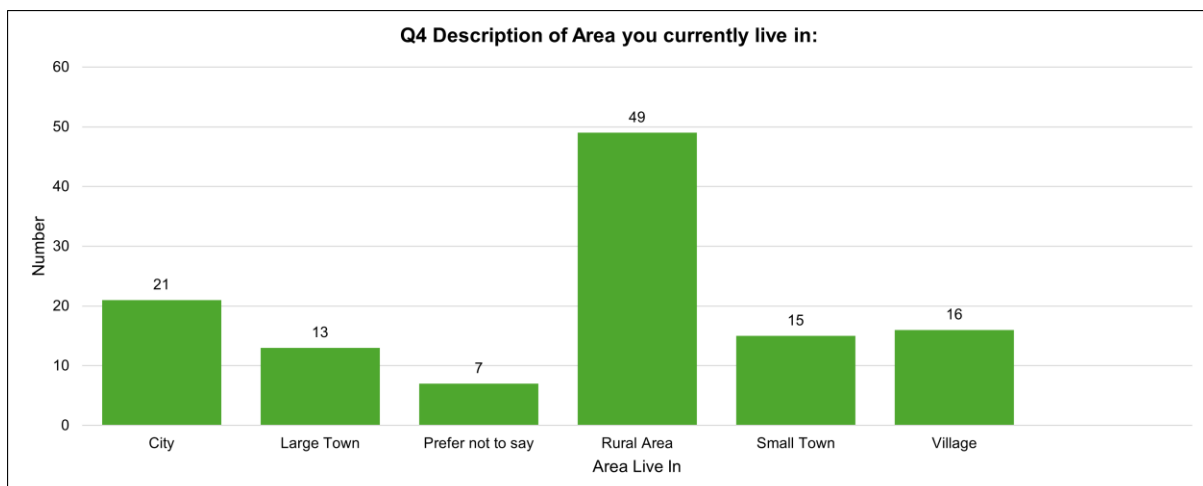
There were 12 responses to this part of the question.





Q4. Would you describe the area you live in as:

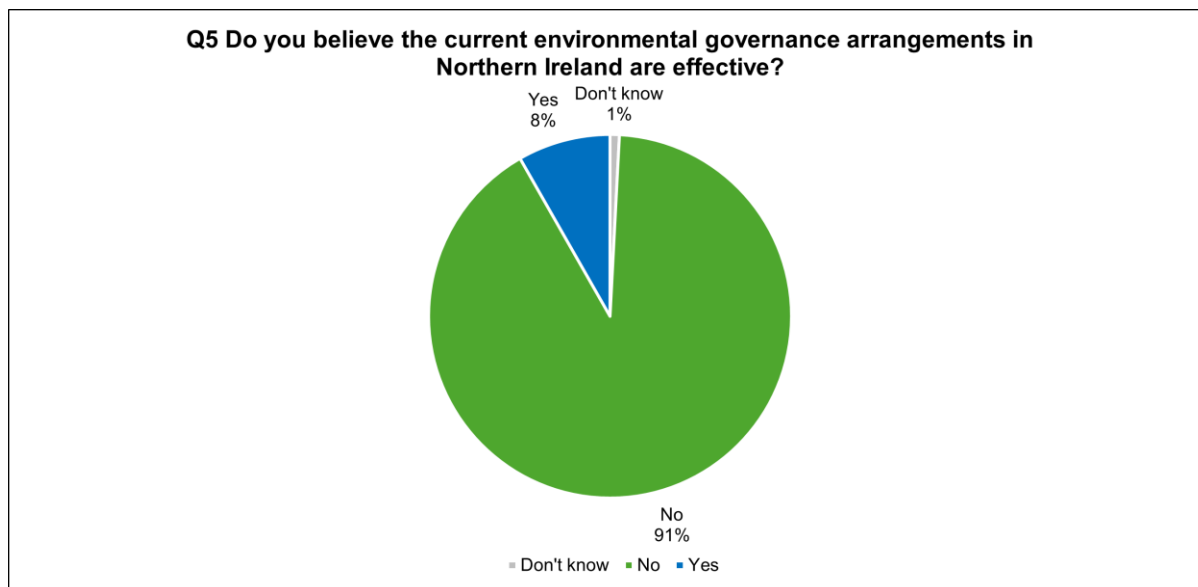
Option	Total	Percent
City	21	17.36%
Large Town	13	10.74%
Small Town	15	12.40%
Village	16	13.22%
Rural Area	49	40.50%
Prefer not to say	7	5.79%
Not Answered	0	0.00%



## Theme 1 Environmental Governance

Q5. Do you believe the current environmental governance arrangements in Northern Ireland are effective?

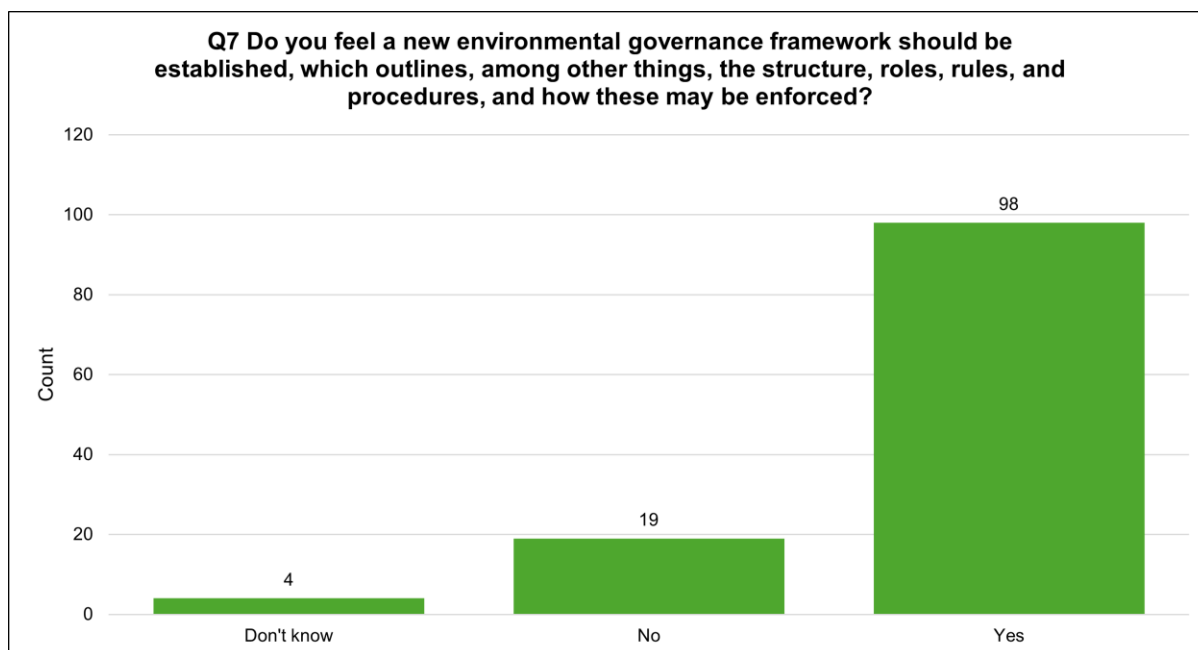
Option	Total	Percent
Yes	10	8.26%
No	110	90.91%
Don't know	1	0.83%
Not Answered	0	0.00%



Q7. 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?

Option	Total	Percent
Yes	98	80.99%
No	19	15.70%
Don't know	4	3.31%
Not Answered	0	0.00%

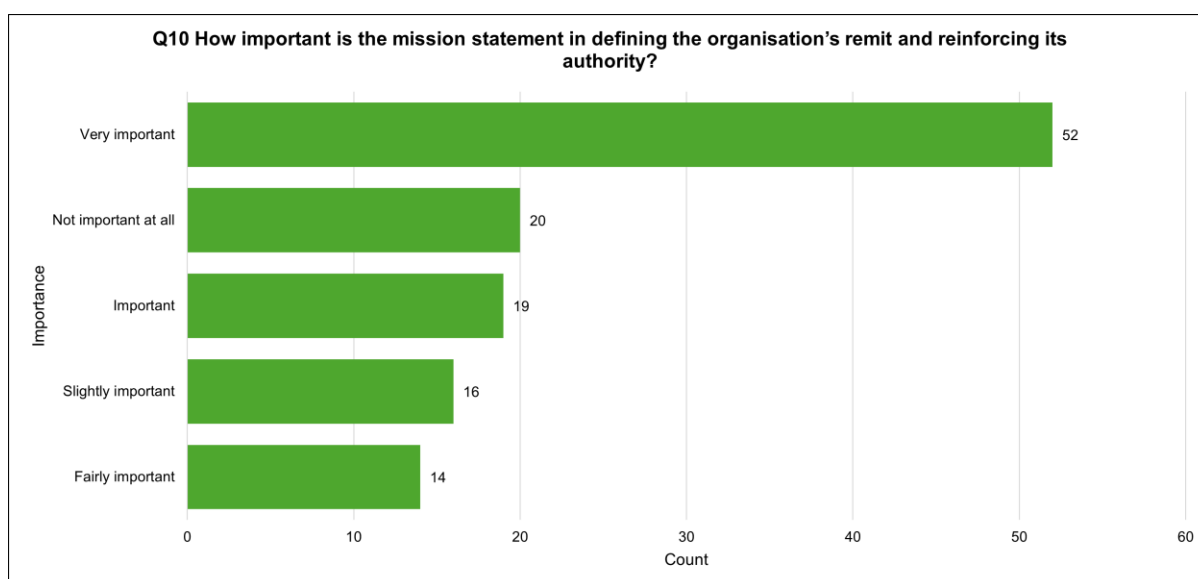




## Theme 2 Mission Statement

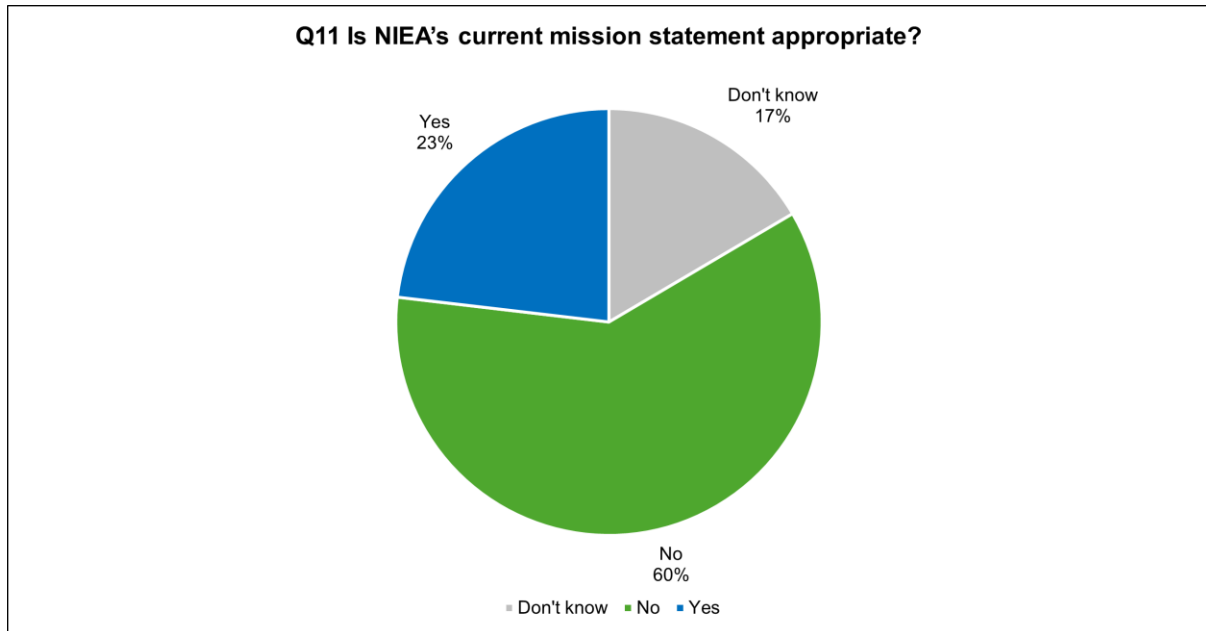
Q10. How important is the mission statement in defining the organisation's remit and reinforcing its authority?

Option	Total	Percent
Not important at all	20	16.53%
Slightly important	16	13.22%
Important	19	15.70%
Fairly important	14	11.57%
Very important	52	42.98%
Not Answered	0	0.00%



Q11. Is NIEA's current mission statement appropriate?

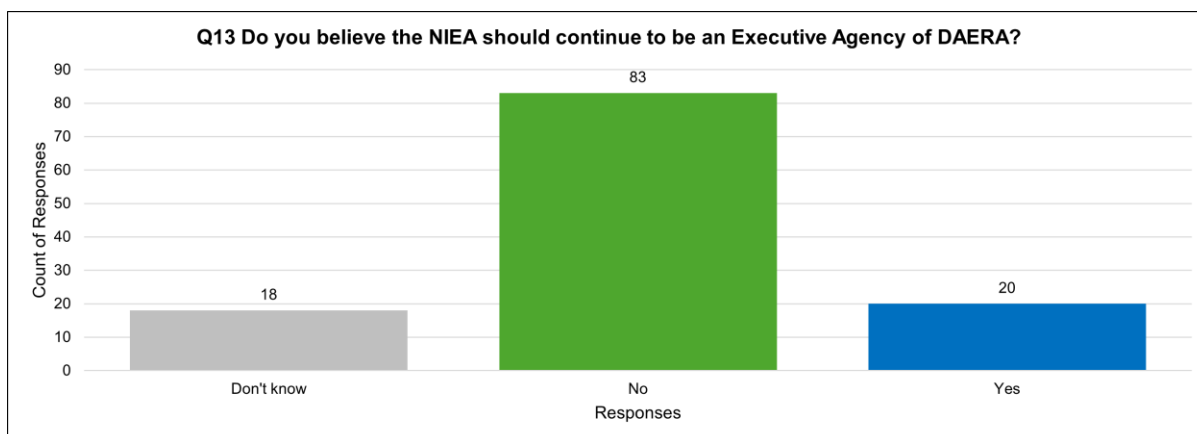
Option	Total	Percent
Yes	28	23.14%
No	73	60.33%
Don't know	20	16.53%
Not Answered	0	0.00%



## Theme 3 Degree of Independence

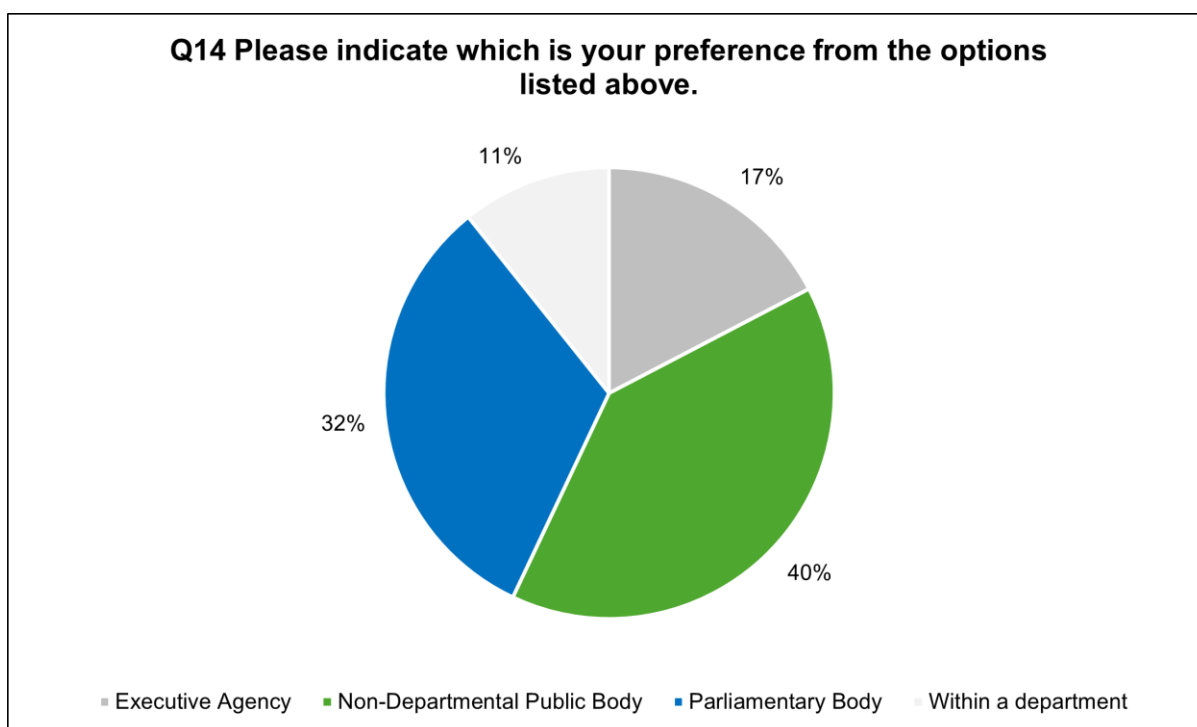
Q13. Do you believe the NIEA should continue to be an Executive Agency of DAERA?

Option	Total	Percent
Yes	20	16.53%
No	83	68.60%
Don't know	18	14.88%
Not Answered	0	0.00%



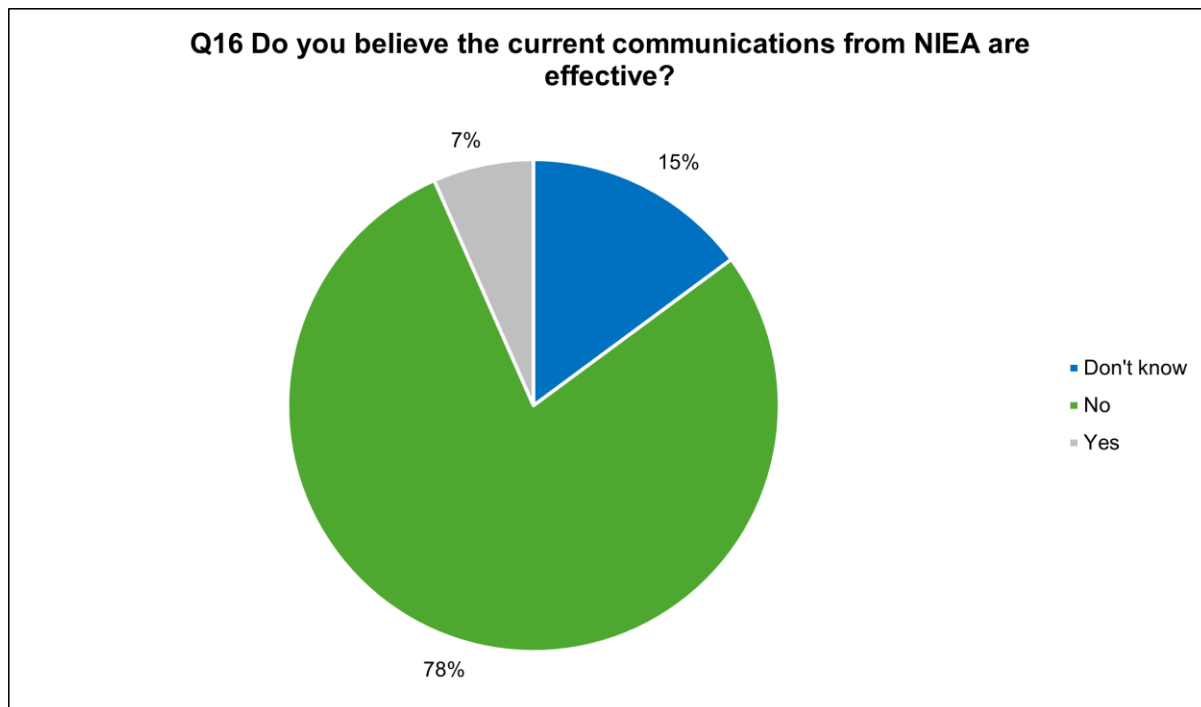
Q14. Please indicate which is your preference from the options listed above

Option	Total	Percent
Within a department	13	10.74%
Executive Agency	21	17.36%
Non-Departmental Public Body	48	39.67%
Parliamentary Body	39	32.23%
Not Answered	0	0.00%



Q16. Do you believe the current communications from NIEA are effective?

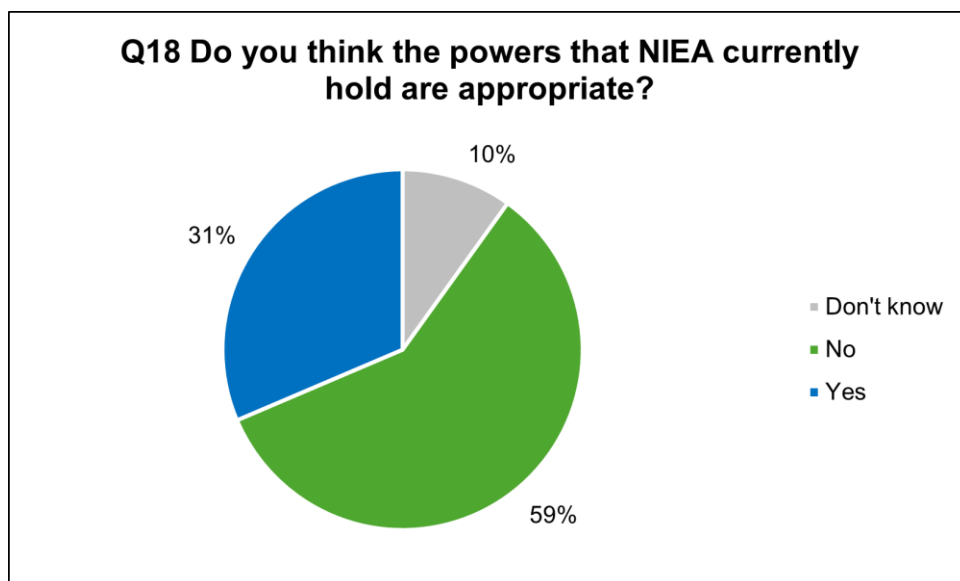
Option	Total	Percent
Yes	8	6.61%
No	95	78.51%
Don't know	18	14.88%
Not Answered	0	0.00%



## Theme 4 Powers and Functions

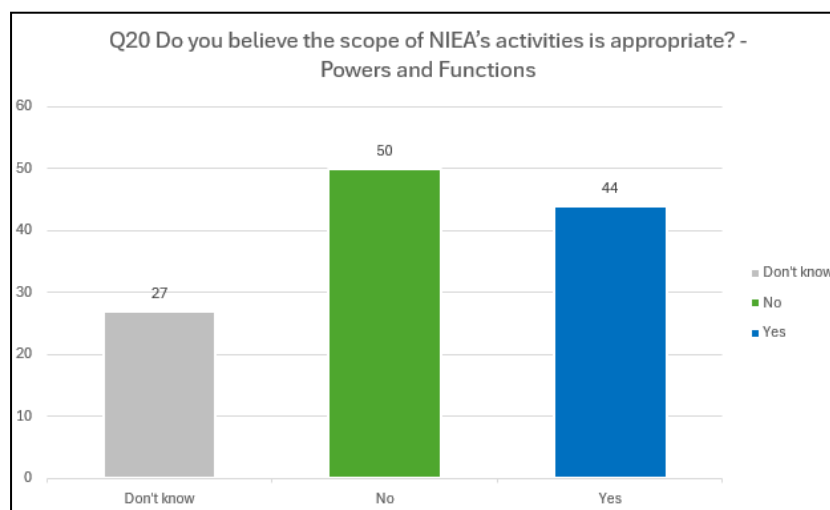
Q18. Do you think the powers the NIEA hold are appropriate?

Option	Total	Percent
Yes	38	31.40%
No	71	58.68%
Don't know	12	9.92%
Not Answered	0	0.00%



Q20. Do you believe the scope of NIEA's activities is appropriate?

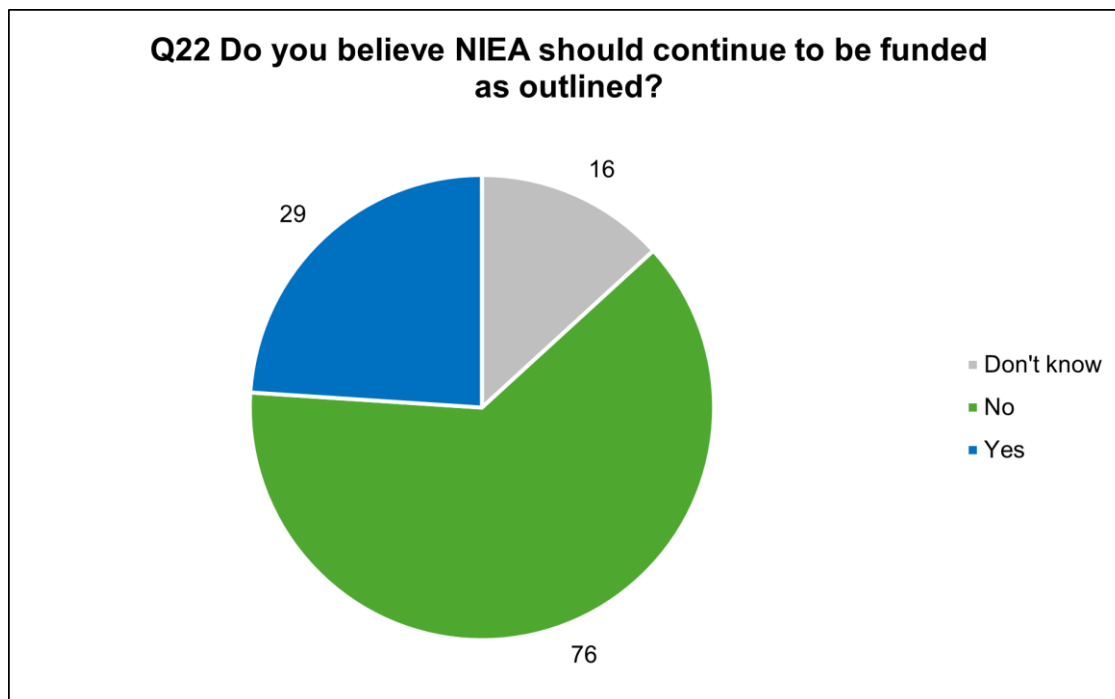
Option	Total	Percent
Yes	44	36.36%
No	50	41.32%
Don't know	27	22.31%
Not Answered	0	0.00%



## Theme 5 Resources

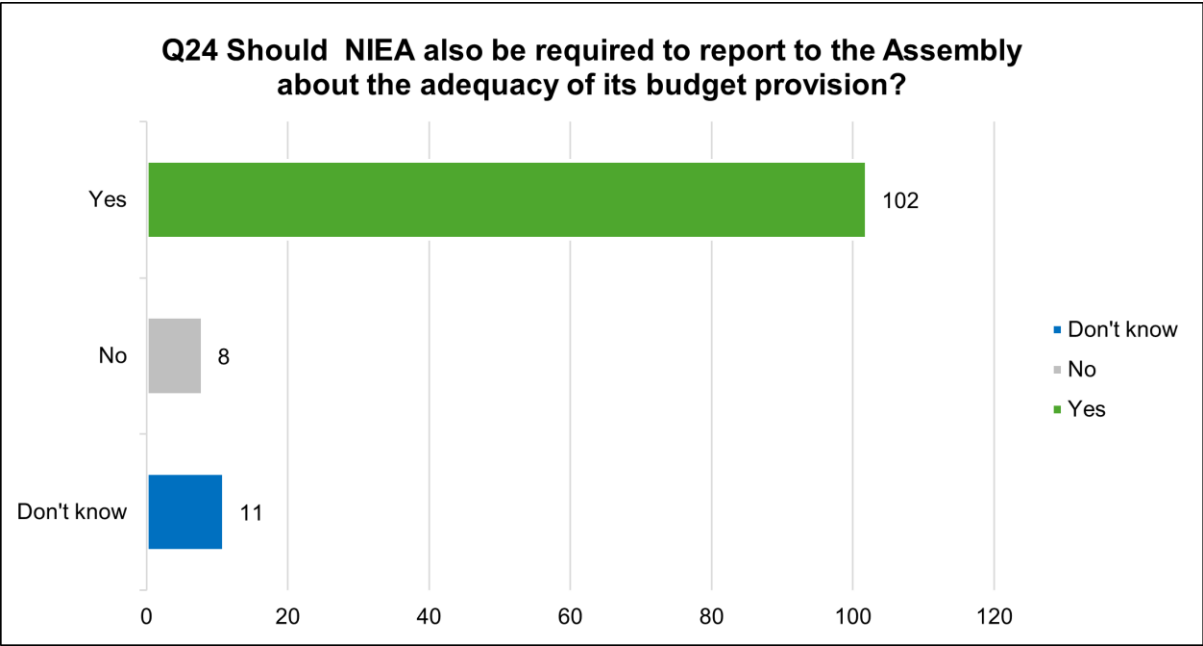
Question 22 : Do you believe NIEA should continue to be funded as outlined ?

Option	Total	Percent
Yes	29	23.97%
No	76	62.81%
Don't know	16	13.22%
Not Answered	0	0.00%



Q24. Should NIEA also be required to report to the Assembly about the adequacy of its budget provision?

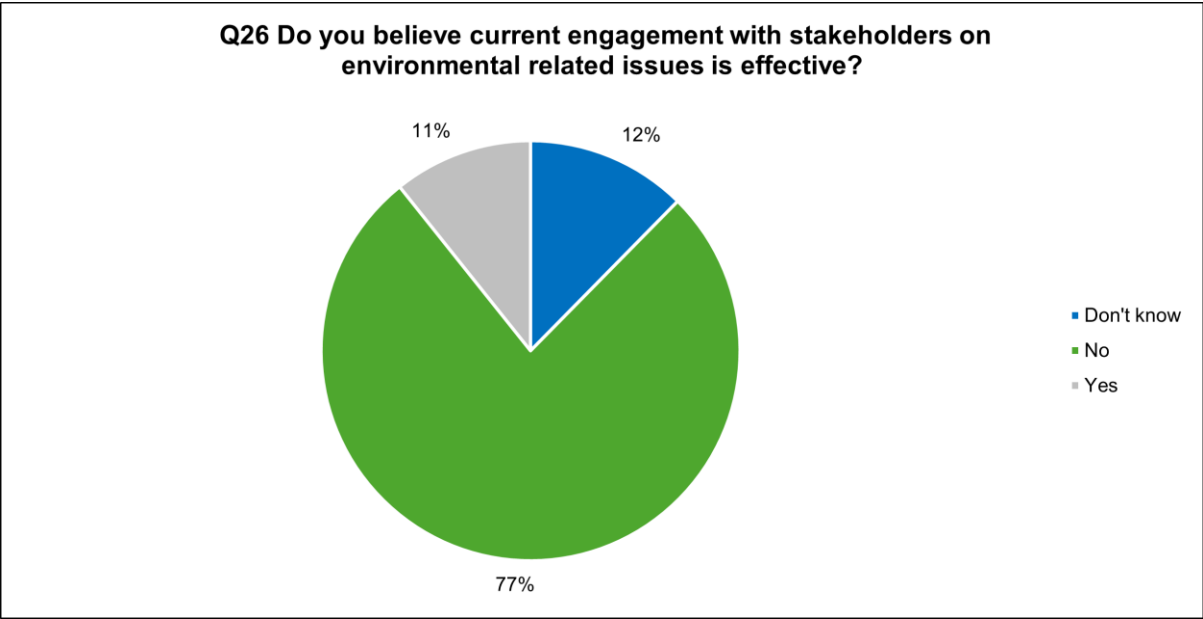
Option	Total	Percent
Yes	102	84.30%
No	8	6.61%
Don't know	11	9.09%
Not Answered	0	0.00%



**Theme 6 Working with Others**

Q26. Do you believe current engagement with stakeholders on environmental related issues is effective?

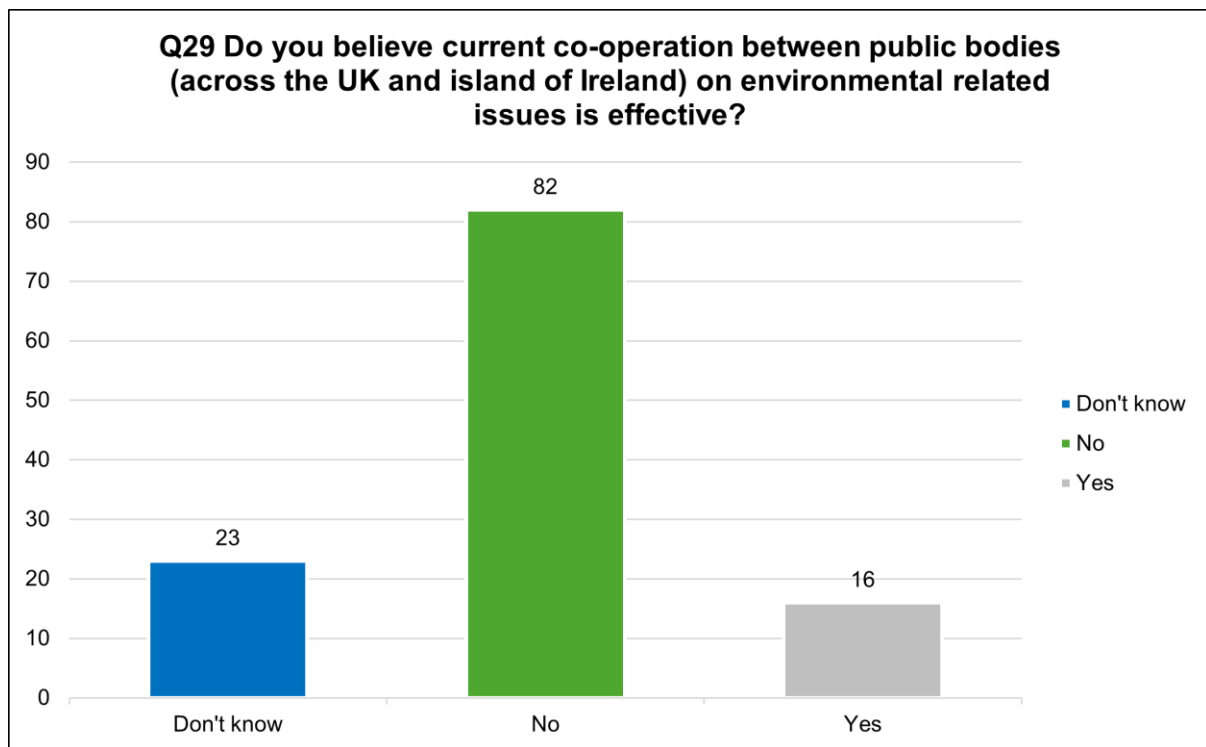
Option	Total	Percent
Yes	13	10.74%
No	93	76.86%
Don't know	15	12.40%
Not Answered	0	0.00%





Q29. Do you believe current co-operation between public bodies (across the UK and island of Ireland) on environmental related issues is effective?

Option	Total	Percent
Yes	16	13.22%
No	82	67.77%
Don't know	23	19.01%
Not Answered	0	0.00%



## Appendix B – Interviews Overview

### Meetings with Organisations

Organisation	Date	Format
NI Environment Agency	13.12.2024	In person
OEP – initial meeting	18.12.2024	Teams
Follow up call	17.02.2025	Teams
EPA Ireland	23.01.2025	Teams
Natural England	14.02.2025	Teams
Loughs Agency	24.02.2025	Teams
DAERA Cross-Compliance team	31.03.2025	Teams
Chartered Institute of Waste Management	31.03.2025	Teams
DAERA Climate teams and TEO	03.04.2025	Teams
DAERA Marine and Fisheries Division	04.04.2025	Teams
NI Water	10.04.2025	In person

### Public Meetings

Venue	Date
QUB	06.02.2025
Loughry	18.02.2025
Online	27.02.2025

**Meetings with Minister Muir**

<b>Purpose</b>	<b>Date</b>	<b>Venue</b>
Set up meeting	14.11.2024	Clare House
Interim update	03.02.2025	Stormont
Interim update	25.03.2025	Teams
Interim report progress	13.05.2025	Teams

## Appendix C – Stakeholder Reference Group

### Stakeholder Reference Group Meetings

Meeting	Date	Format
Meeting 1	14.01.2025	Teams
Meeting 2	24.03.2025	Teams
Meeting 3	17.06.2025	Teams

### Organisations Represented by the Stakeholder Reference Group

- Dairy Council
- Academia
- Green Alliance
- NI Environment Link
- NILGA
- BITCNI
- NFFN
- UFU

## Appendix D – Terms of Reference

<https://www.daera-ni.gov.uk/publications/environmental-governance-review-terms-reference-panel>

### Introduction

1. Appendix 2 of the New Decade ; New Approach (NDNA) deal of January 2020 supported the possible outline of a Programme for Government and recognised the need for ***“a coordinated and strategic approach to the challenge of climate change within the Programme for Government. Actions and interventions will be required across a wide range of areas in order to address the immediate and longer-term impacts of climate change in a fair and just way. To this end the Executive will establish an Independent Environmental Protection Agency to oversee this work and ensure targets are met”***.
2. The Minister for Agriculture, Environment and Rural Affairs is committed to bringing forward for Executive consideration and Assembly agreement proposals for improving environmental governance within Northern Ireland and is keen for such proposals to reflect a thorough exploration of models that would deliver greater independence and more enforcement than that which is currently in place.
3. There is a need to consider the substantive issues involved in moving to a more robust model of environmental governance and the Minister is keen to obtain an independent view on this, to ensure the best possible outcomes can be identified for Executive consideration. All sensible options to improve environmental governance will be considered at this stage.
4. The Minister has requested that an independent panel of three members, with appropriate expertise, will oversee the independent review of current environmental governance arrangements within Northern Ireland, initiate and

consider the responses to a call for evidence, and provide recommendations for his consideration.

5. To support this the Department has completed an initial scoping exercise to understand the current environmental governance landscape within Northern Ireland, Great Britain and Ireland, the findings of which will be shared with the panel to help inform its assessment.
6. Panel members will need to declare any conflicts of interest in respect of the Department of Agriculture, Environment and Rural Affairs (DAERA) including its agricultural or environmental functions, and these will need to be managed appropriately. The review must deliver value for money and will be governed by the Nolan Principles.
7. All DAERA staff engaged in this work will act in line with the Northern Ireland Civil Service Code of Ethics.

### Purpose and Scope

8. The panel will provide a robust and objective review of environmental governance within Northern Ireland and bring forward proposals for improving environmental governance (which may include proposals for establishing an Independent Environmental Protection Agency in Northern Ireland, including the potential shape, policy and legal responsibility of such an organisation).
9. The panel will lead a call for evidence on improving environmental governance within Northern Ireland and will use information gathered from this process, along with any other relevant factors such as resources (funding and people), environmental degradation and current deterrents, to inform its recommendations.
10. The panel will provide its independent recommendations to the Department based on its own assessment and findings and DAERA will not be seeking to influence these in any way.

11. A Stakeholder Reference Group will be established to support the work of the panel. Membership of this group is still to be confirmed.

### Aims and Objectives

12. DAERA envisages a short, focused, review of environmental governance in Northern Ireland which will, provide recommendations for improvement, including recommendations on potentially establishing an Independent Environmental Protection Agency in Northern Ireland. This work will include :

- A brief review of current environmental governance within Northern Ireland - this will be supported by the Department's own initial scoping exercise.
- A call for evidence.
- Engagement with interested parties / stakeholders to take views/opinions and identify best practice in related work areas from other parts of the UK, Ireland, or elsewhere.
- Exploring as many options as possible within the timeframe available to ensure that the recommended approach put forward has been given the appropriate consideration.
- Consideration of the linkages and interdependencies between the environmental governance being considered and other functions and business needs within DAERA and other relevant organisations.

### Approach and Secretariat Support

13. The review will be delivered on the basis of good project management and governance arrangements. Progress will be monitored by and reported to DAERA's Environmental Governance Division (EGD) which will provide regular updates to the Permanent Secretary and the Minister.
14. To deliver the above will require the independent chair/panel to engage with relevant key stakeholders at relevant stages of the review and where appropriate. This is likely to include, but is not limited to :
  - Minister and senior staff.



- Relevant DAERA management and staff, including in the NI Environment Agency and Forest Service.
- Relevant NICS departments.
- Relevant DAERA Arm's Length Bodies.
- Environmental stakeholders.
- Partner organisations such as, Environmental Protection Agency (Ireland), Environment Agency (England), Scottish Environment Protection Agency (Scotland), Natural Resources Wales (Wales), Council for Nature Conservation & The Countryside and Joint Nature Conservation Committee.
- Business organisations, farm businesses and their representatives.
- Rural communities.
- Office for Environmental Protection.
- NI Local Government Association.
- Food Standards Agency.
- NI Chamber of Commerce and Industry.
- Youth groups within Northern Ireland such as the Northern Ireland Youth Forum and Young Farmers' Clubs of Ulster.

15. Appropriate Secretariat support will be provided by EGD within DAERA.

### Outputs and Timescale

16. The chair/panel will be expected to prepare a detailed report which fully meets the aims and objectives outlined above, along with any supporting material and evidence provided as supplementary reading appended to the report. The report should include consideration of the potential models to improve environmental governance and make recommendations on the way forward. These could include the establishment of an Independent Environmental Protection Agency in Northern Ireland, including proposals for the potential shape, policy and legal responsibility of such an organisation. In doing so, the estimated costs, deliverability and timeframes for implementation of each the options should be considered.

17. In addition to the detailed report, a summary report and slide presentation, covering key messages must also be provided at the end of the review. The chair/panel may also be required to provide presentations of the key messages/findings and recommendations of the work to stakeholders. Depending on its scale, it may be necessary to provide an 'easy read' version of the report.
18. In addition, it is now an obligation that content on departmental websites meets accessibility standards. This report should be prepared in a way that meets those standards. Guidance will be provided in this regard.
19. On completion, the findings, recommendations and key paperwork associated with the review shall be provided to the DAERA Minister. The nature of the material to be provided will be agreed with the review team at the commencement of the assignment.
20. The chair/panel will provide regular updates to DAERA at times and in a manner to be agreed at the outset of the review. The findings/reports should be shared with DAERA first and publication of the report should be handled in discussion with DAERA.
21. An interim report must be completed **spring 2025**, and the review must be completed in full by **summer 2025**.
22. Any variation to agreed costs or timelines for the review and report must be agreed in advance with the Department.
23. The final report including findings and recommendations will be considered by the Department and following analysis, a set of proposals will be presented to the Minister for his consideration.
24. It is important to note that the Minister will consider the recommendations provided by the panel but will not be bound by them. A preferred approach will need to be agreed with the Executive and then the Assembly.

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