Response to the Review of Environmental Governance in Northern Ireland Call for Evidence January 2025 from Dr Ciara Brennan,[1] Director of Environmental Justice Network Ireland.

This document should be considered EJNI's primary response to the Department of Agriculture, Environment and Rural Affairs (DAERA) Call for Evidence, supplemented by our responses to the online survey. We have provided a brief response to this consultation given the extensive body of evidence and analysis that already exists in relation to the issue of environmental governance in Northern Ireland, but are happy to respond to any specific questions relating to our submission should they arise. Please contact ciara@ejni.net with any questions.

Summary

1. Environmental governance reform in Northern Ireland is overdue and urgent, as evidenced in multiple research and scrutiny reports stretching back over 30 years.
2. An independent environmental protection agency (EPA) is the almost universally accepted vehicle for this much-needed governance reform and the case for this has already been established in previous governance reviews.
3. Developments in the last decade and since Brexit have reaffirmed and enhanced the case for an independent environmental protection agency.
4. Recent structural changes (i.e. the merging of the agriculture and environment portfolios into the Department of Agriculture, Environment and Rural Affairs, DAERA) have created additional conflicts of interest. To mitigate this, the degree of independence from any single government department for the new EPA should be maximised.
5. Although other options have merit, the optimal solution is that the new EPA should be in the form of a non-departmental public body (NDPB) either:

- Sponsored by the Executive Office (TEO) in recognition of the cross-cutting nature of environmental concerns, to ensure bi-partisan/cross-community environmental governance, and to mitigate against conflicts of interest created by the joint agri-environment portfolio, or;
- Sponsored by DAERA but with additional and robust oversight mechanisms to mitigate against real and perceived conflicts of interest (in particular with regards to budget and funding decisions).

6. The new EPA should also be informed by environmental justice considerations, have new and robust enforcement policies, inspection and enforcement powers (including the power to take its own prosecutions where serious and repeated non-compliance has occurred) to create a deterrent to non-compliance, and an internal legal team with expertise in environmental law.
7. Oversight and the accountability of the new governance arrangements will be crucial, and oversight roles should be considered on three levels: within the new environmental protection agency, at devolved level, and by oversight bodies external to Northern Ireland.
8. The new body should be established in a way that ensures formal cooperation with authorities in Ireland is built in from the outset to enhance all-island cooperation on shared environmental challenges.

[1] Dr Ciara Brennan is the Director of Environmental Justice Network Ireland (EJNI). Dr Brennan has extensive research experience and has a particular expertise in the area of environmental governance, regulatory enforcement and justice in Northern Ireland. A full list of Dr Brennan's publications is available in Appendix 1 – all of these are relevant to this consultation exercise.

Analysis

1. The justification for environmental governance reform

As has been highlighted by EJNI and others on multiple occasions, the problematic nature of environmental governance in Northern Ireland has been well documented over the last 30 years.[2]

- Official scrutiny bodies such as the House of Commons Environment Select Committee, Northern Ireland Audit Office (NIAO), the Northern Ireland Affairs Committee (NIAC), the Public Accounts Committee (PAC) and the Criminal Justice Inspectorate (CJI) have all published reports that have highlighted serious deficiencies both in how arrangements for environmental governance have been designed and how environmental regulation has been delivered.[3]
- There have also been high-level governance reviews (commissioned by both the environmental non-governmental organisation (ENGO) community and government) which have set out clear and achievable options for reform.[4]
- For almost twenty years Northern Ireland's ENGO community has campaigned without success for an independent environmental regulator to enhance the protection of the jurisdiction's natural resources. [5]
- Academic analysis has highlighted significant issues with Northern Irish environmental law and its implementation.[6]
- Even the existing environmental regulator (NIEA) has commissioned reports which have identified significant problems with its own performance, and perhaps the most damning indictments of the current governance systems have come from within government itself.[7] One former Environment Minister, Alex Attwood, described the structures of the NIEA in 2013 as not being fit for purpose.[8] Another former Environment Minister, Mark H Durkan, said in 2015 that the present environmental governance models were in need of radical review and needed to be replaced quickly.[9]

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[2] Ciara Brennan, Ray Purdy and Peter Hjerp, 'Political, Economic and Environmental Crisis in Northern Ireland: The True Cost of Environmental Governance Failures and Opportunities for Reform' (2017) Northern Ireland Legal Quarterly 68(2) 123-157. A peer-reviewed academic article documenting in detail the history of environmental governance in Northern Ireland: available here, full references for each of these reports are available at p. 124.

[3] Ibid.

[4] See appendix 2, but notably Tom Burke, Gordon Bell and Sharon Turner, Foundations for the Future: The Review of Environmental Governance (2007).

[5] For a detailed discussion of this campaign, see Sharon Turner and Ciara Brennan, 'Modernising Environmental Regulation in Northern Ireland: A Case Study in Devolved Decision Making' (2012) 63 Northern Ireland Legal Quarterly 509.

[6] e.g. Sharon Turner, 'Transforming Environmental Governance in Northern Ireland: Part One: The Process of Policy Renewal' (2006a) 18 Journal of Environmental Law 55; Sharon Turner, 'Transforming Environmental Governance in Northern Ireland Part Two: The Case of Environmental Regulation' (2006b) 18 Journal of Environmental Law 245; Sharon Turner, 'The Review of Environmental Governance in Northern Ireland' (2009) 2 Environmental Law Review 10–16; Sharon Turner and Ciara Brennan, 'Modernising Environmental Regulation in Northern Ireland: A Case Study in Devolved Decision Making' (2012) 63 Northern Ireland Legal Quarterly 509; Ciara Brennan, The Enforcement of Environmental Regulation in Northern Ireland: A Story of Politics, Penalties and Paradigm Shifts? (PhD thesis, Queen's University Belfast 2013); Ciara Brennan, 'The Enforcement of Waste Regulation in Northern Ireland: Deterrence, Dumping and the Dynamics of Devolution' (2016) 28(3) Journal of Environmental Law 471–96.

[7] Christopher Mills, A Review of Waste Disposal at the Mobuoy Site and the Lessons Learnt for the Future Regulation of the Waste Industry in Northern Ireland (Mills Report, DOE 2013).

[8] Northern Ireland Assembly, Private Members Business, 21 January 2013 http://www.theyworkforyou.com/ni/?id=2013-01-21.7.1

[9] See e.g. Ciara Brennan, Mary Dobbs, Viviane Gravey 'Out of the frying pan, into the fire? Environmental governance vulnerabilities in post-Brexit Northern Ireland' (2019) *Environmental Law Review* 21(2), 84-110. A peer-reviewed academic article considering potential environmental governance problems in Northern Ireland post-Brexit: available here; Ciara Brennan and Mary Dobbs, 'Reality bites: The implications of scrutiny-free environmental law reform in Northern Ireland after Brexit' (March, 2019). A blog post on the lack of scrutiny of proposed environmental law reforms post-Brexit in Northern Ireland: available here; Ciara Brennan, Finbarr Brereton, Mary Dobbs, Viviane Gravey, Hannah Gould, Alison Hough & Lisa

- Post Brexit analyses have highlighted the need for urgency in delivering governance reform.[10]
- Political commitment to an independent EPA amongst almost all political parties has been consistent, and this commitment was made explicitly in the New Decade , New Approach political agreement in 2020.[11]
- The ecological collapse at Lough Neagh crisis, discovery of the Mobuoy 'super dump' and declining condition of the environment across almost all indicators is further tangible evidence of regulatory failure.[12]

This compelling body of evidence cannot be ignored. Environmental governance reform is necessary, overdue and urgent. The cost of doing nothing is extreme and extends beyond environmental degradation to economic and societal impacts. These costs have also been explored in depth.[13]

2. The most commonly recurring feature of this required governance reform is the externalisation of environmental regulation to an independent environmental protection agency.

For over thirty years, the establishment of an independent environmental protection agency for Northern Ireland has been a recurrent recommendation from scrutiny bodies, external and independent panels, academic analysis and from within government itself. In addition, the NI assembly has endorsed the establishment of an IEPA and, as highlighted above a firm political commitment to establish an IEPA was included in the 2020 'New Decade New Approach' political agreement.[14] A detailed inventory of these developments is contained in Appendix 2. The detailed justification for an independent environmental regulator is also made in significant detail throughout this pre-existing literature. Further debate on the justification for an independent EPA is therefore not required because there is already an extensive evidence base exploring both the justification for, as well as the structure and institutional set up of an independent EPA.

3. Developments in the last decade and since Brexit have reaffirmed and enhanced the case for an independent environmental protection agency.

Brexit has changed the legal and regulatory landscape,[15] and as the review panel correctly highlight, this has created a new regulatory context.[16] However, amidst concerns about regulatory divergence[17] and with other concerns remaining about ongoing deficits in environmental regulation which were subject to EU infraction process before being dropped post-Brexit,[18] the need for robust and independent environmental regulation is all the more urgent. In other words, this changed context does not alter the

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Whitten (2023) 'Linking the Irish Environment: Final Report' Environmental Justice Network Ireland Research Report, June 2023, available here.

[10] Northern Ireland Executive, 'Durkan Opens Debate for an Independent Environment Protection Agency' (Press Release, 22 September 2015) . https://ciwm-journal.co.uk/ni-proposes-independent-environmentprotection-agency/

[11] https://assets.publishing.service.gov.uk/media/5e178b56ed915d3b06f2b795/2020-01-08_a_new_decade__a_new_approach.pdf, p. 44.

[12] See e.g. Brona McNeill and Ciara Brennan, 'Lough Neagh: A case study in environmental injustice',(2023) EJNI Research Report, available here.

[13] Brennan, Purdy and Hjerp, note 2.

[14] See note 11.

[15] Ciara Brennan, Mary Dobbs, Viviane Gravey 'Out of the frying pan, into the fire? Environmental governance vulnerabilities in post-Brexit Northern Ireland' (2019) *Environmental Law Review* 21(2), 84-110.

[16] Review of Environmental Governance Call for evidence, available here.

[17] Investigations into the implications of post-brexit regulatory divergence are ongoing from bodies such as the Northern Ireland Human Rights Commission (forthcoming mid-2025) and Office of Environmental Protection.

[18] For example, a letter from the EU Commission to the River Faughan Anglers in January 2022 explained that EU Pilot investigation (2015)7640 (regarding enforcement of EU environmental law in Northern Ireland) which was commenced in June 2015 was being closed. The Commission explained that 'Given the United Kingdom's departure from the European Union, the Commission uses its discretionary power to pursue only complaints that point to a serious breach of EU law by the United Kingdom that could jeopardise specific EU interests, notably in connection with the interpretation and application of the Withdrawal Agreement.'

need for externalisation of environmental regulation and if anything creates an even stronger case for this to happen as a matter of urgency.

Furthermore, the Review of Environmental Governance Call for Evidence notes that new governance structures such as the Office of Environmental Protection have altered oversight arrangements.[19] However, it is important to make the distinction between regulation and oversight. The Office of Environmental Protection is not a regulator. It is an oversight body designed to replace to role of the EU Commission. Its creation does not in any way impact the need for externalisation of environmental regulation in Northern Ireland, although it will play an important role in ensuring that a new IEPA is doing its job correctly (see point 7 below).

4. **Recent structural changes (i.e. the merging of the agriculture and environment portfolios into the Department of Agriculture, Environment and Rural Affairs) have created additional conflicts of interest and to mitigate this the degree of independence from any single government department for the new EPA should be maximised.**

The merging of the DOE (Department of the Environment) with DARD (Department of Agriculture and rural development) has created an inherent conflict of interest because the same minister is now responsible for protecting the environment and protecting agricultural interests.[20] This is a significant problem when agriculture represents one of the most polluting industries in Northern Ireland and creates a 'no win' scenario for any Minister who is trying to balance agricultural (and therefore both economic and political) interests against environmental protection.

5. **Although other options have merit, the optimal and most realistic solution is that the new EPA should be in the form of a non-departmental public body (NDPB)**.

There are a number of options for which department would 'sponsor' the new EPA. Although a partnership agreement between the sponsoring department and the new EPA would ultimately dictate exactly how this would work, two obvious options would be for the new EPA to be:

a. Sponsored by the Executive Office in recognition of the cross-cutting nature of environmental concerns, to ensure bi-partisan/cross-community environmental governance and to mitigate against conflicts of interest created by the joint agri-environment portfolio, or;
b. Sponsored by DAERA with additional and robust oversight mechanisms to mitigate conflicts of interest (in particular with regards to budget and funding decisions).

In terms of delivering independence in practice, the online consultation states (on page 5) that 'In addition to legal status, independence can also be exercised in practice such as through control of communications.' It is important to clarify that although communications are important, this should in no way be considered a replacement for legal and structural reform.

It is also critical that the public is consulted on the final form of the proposed EPA, in a meaningful way and when all options are open. The current consultation does not provide enough information for the public or stakeholders to properly engage with the complex governance issues at hand and more background, as well as accessible, objective and evidence-based explainers identifying the pros and cons of the various options being considered should accompany any consultation on the final form of the new EPA. The online consultation (page 10) asks 'How can future governance structures better engage stakeholders in the development and implementation of environmental policies?' The straightforward answer to this is that all engagement with stakeholders and the public should be undertaken in line with

[19] Review of Environmental Governance Call for evidence, available here.
[20] The Departments Act (Northern Ireland) 2016 reduced the number of government departments from 12 to 9. See Ray McCaffery, 'The Executive Departments (NI) Bill,' (NI Assembly Research and Information Service Bill Paper, Paper 134/15, December 2015) <https://niopa.qub.ac.uk/bitstream/NIOPA/3647/1/13415.pdf> accessed 2nd May 2024.

best practice and legal obligations established under the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,.[21]

6. **The new EPA should also be informed by environmental justice considerations, have new and robust enforcement policies, inspection and enforcement powers (including the power to take its own prosecutions where serious and repeated non-compliance has occurred) to create a deterrent to non-compliance, and an internal legal team with expertise in environmental law.**

All of these issues have been previously explored in detail in the vast body of literature relating to environmental governance in Northern Ireland.[22]

7. **Oversight and the accountability of the new governance arrangements will be crucial, and oversight roles should be considered on three levels: within the new environmental protection agency, at devolved level, and also by oversight bodies external to Northern Ireland.**

Three levels of oversight should be considered. Internally the new EPA should have a new board/advisory group comprised of a range of stakeholders including those from regulated communities (e.g. agriculture, transport, the waste sector), academics, the legal profession and civil society (both environmental and social justice organisations). At devolved level, there will be some oversight from the sponsoring department (although if this is DAERA this oversight role should be carefully constructed to ensure mitigation of conflicts of interest) as well as existing scrutiny bodies such as the Northern Ireland Audit Ofiice, the Criminal Justice Inspectorate etc. The new climate commissioner (when appointed) should also have an oversight role. Externally, the UK Office of Environmental Protection will play a key role in ensuring robust regulation is being delivered.

It is also worth noting, particularly in the context of the repeated reviews of environmental governance that have occurred in recent decades, that a persistent problem seems to be the 'failure to implement any kind of meaningful reform of environmental governance in practice and the resistance, or lethargy, with which government has responded to reports that have criticised its performance. This demonstrates not only antipathy towards environmental protection, but also blatant disregard for the scrutiny bodies established to audit and monitor regulatory performance.'[23] That the same recommendations have been made and ignored on multiple occasions over three decades by an extensive range of independent bodies and commentators is a pattern that must be halted through the urgent establishment of an independent EPA which is truly independent and which has robust enforcement powers to ensure it can do its job. This body should be a champion for environmental justice in Northern Ireland and should be established as soon as possible and certainly within the lifespan of the current government.

8. **The new body should be established in a way that ensures formal cooperation with authorities in Ireland is built in from the outset to enhance all-island cooperation on shared environmental challenges.**

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[21] Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,

[22] See in particular: Ciara Brennan, The Enforcement of Environmental Regulation in Northern Ireland: A Story of Politics, Penalties and Paradigm Shifts? (PhD thesis, Queen's University Belfast 2013); Ciara Brennan, 'The Enforcement of Waste Regulation in Northern Ireland: Deterrence, Dumping and the Dynamics of Devolution' (2016) 28(3) Journal of Environmental Law 471–96 and Ray Purdy and Peter Hjerp (2027), available here.

[23] Ciara Brennan, Ray Purdy and Peter Hjerp, 'Political, Economic and Environmental Crisis in Northern Ireland: The True Cost of Environmental Governance Failures and Opportunities for Reform' (2017) Northern Ireland Legal Quarterly 68(2) 123-157. A peer-reviewed academic article documenting in detail the history of environmental governance in Northern Ireland: available here

The online consultation (Question 29, Page 10) asks about whether 'co-operation between public bodies (across the UK and island of Ireland) on environmental related issues is effective.' The answer to this is emphatically 'no'. There are significant advances in cooperation on shared environmental challenges (as envisaged by the 1998 Agreement and subsequent political agreements) that can and should be made. The barriers to these and suggested reforms are explored in detail in the 2019 report on by Alison Hough[24] and the 2023 Linking the Irish Environment (LIE) report from EJNI.[25] It is worth noting that the LIE report (following recommendations in previous reviews of environmental governance) also recommended that an independent environmental protection agency should be established as this would provide an anchor for future environmental cooperation on an all-island basis.[26]

[24] See Hough, A. (2019). The Potential of the Good Friday Agreement to Enhance post-Brexit Environmental Governance on the island of Ireland. Irish Planning and Environmental Law Journal(2), 55-65 and Hough, A. (2019a). Brexit, the Good Friday/Belfast Agreement and the Environment: Issues arising and possible solutions. Environmental Pillar & NIEL, from https://environmentalpillar.ie/report-on-the-belfast-good-friday-agreement-brexit-theenvironment/

[25] Ciara Brennan, Finbarr Brereton, Mary Dobbs, Viviane Gravey, Hannah Gould, Alison Hough & Lisa Whitten (2023) 'Linking the Irish Environment: Final Report' Environmental Justice Network Ireland Research Report, June 2023, available here.

[26] E.g. by the panel of the previous independent review panel, see Tom Burke, Gordon Bell and Sharon Turner, Foundations for the Future: The Review of Environmental Governance (2007).

Appendix 1

Selected publications:

Brona McNeill and Ciara Brennan, 'Lough Neagh: A case study in environmental injustice' (2025) Environmental Justice Research Report, available here.

Ciara Brennan, Finbarr Brereton, Mary Dobbs, Viviane Gravey, Hannah Gould, Alison Hough & Lisa Whitten (2023) 'Linking the Irish Environment: Final Report' Environmental Justice Network Ireland Research Report, June 2023, available here.

Ciara Brennan, Laura Neal, James Orr and Ekaterina Gladkova, 'Ammonia Pollution in Northern Ireland: Legal and Policy Considerations' (2020) EJNI Briefing Paper Series, No.4, available here.

Ciara Brennan, Mary Dobbs, Viviane Gravey 'Out of the frying pan, into the fire? Environmental governance vulnerabilities in post-Brexit Northern Ireland' (2019) *Environmental Law Review* 21(2), 84-110. A peer-reviewed academic article considering potential environmental governance problems in Northern Ireland post-Brexit: available here;

Ciara Brennan, Mary Dobbs, 'Reality bites: The implications of scrutiny-free environmental law reform in Northern Ireland after Brexit' (March, 2019). A blog post on the lack of scrutiny of proposed environmental law reforms post-Brexit in Northern Ireland: available here;

Ciara Brennan, Mary Dobbs, Viviane Gravey and Attracta Uí Bhroin, Policy Paper: 'The Future of Environmental Governance in Northern Ireland' (July, 2018). A policy paper on the future of environmental governance in Northern Ireland: available here;

Ciara Brennan, Ray Purdy and Peter Hjerp, 'Political, Economic and Environmental Crisis in Northern Ireland: The True Cost of Environmental Governance Failures and Opportunities for Reform' (2017) Northern Ireland Legal Quarterly 68(2) 123-157. A peer-reviewed academic article documenting in detail the history of environmental governance in Northern Ireland: available here;

Ciara Brennan, 'The Enforcement of Waste Regulation in Northern Ireland: Deterrence, Dumping and the Dynamics of Devolution' (2016) Journal of Environmental Law (28)3, 471-496. A peer-reviewed academic article chronicling the problems associated with the enforcement of waste law and regulation in Northern Ireland: available here;

Ciara Brennan, The Enforcement of Environmental Regulation in Northern Ireland: A Story of Politics, Penalties and Paradigm Shifts? (PhD thesis, Queen's University Belfast 2013);

Sharon Turner and Ciara Brennan 'Modernising environmental regulation in Northern Ireland: a case study in devolved decision-making' (2012) *Northern Ireland Legal Quarterly* 63 (4) 509-32. A peer-reviewed academic article examining the experience of devolved decision-making on the environment in Northern Ireland: available here.

Appendix 2

Key contributions to the environmental governance reform debate in Northern Ireland[27]

The purpose of this list is to demonstrate that there is an already compelling body of evidence supporting the need for environmental governance reform, but also to emphasise that the accepted vehicle for this reform is through an independent environmental protection agency that enjoys the maximum degree of independence to mitigate against conflicts of interest. *Full references/further references/further detail available on request.*

1990: House of Commons Select Committee on the Environment Report: The Committee recommended that an independent regulatory environmental agency should be established in Northern Ireland. It did not want Northern Ireland to lose out on developments in effective, independent environment agencies that had taken place in other parts of the UK, and envisaged an agency that would develop its own character and be a focus for local pride in the environment.

1994 'Prior Options' study: In 1994 a 'prior options' study carried out by government considered the model of an independent environment agency in Northern Ireland, but rejected it in favour of establishing the Environment and Heritage Service as an Executive Agency within the Department. According to the NIAO, the main reasons given were that (i) an agency model would be more effective in regulating other government agencies such as the Water Service and (ii) it would be inappropriate for an independent agency to regulate agencies falling within government departments.

1998. Northern Ireland Audit Office (NIAO) **Report on River Pollution**.

2001. Public Accounts Committee Report on River Pollution: The Public Accounts Committee described the anti-pollution effort for river pollution in Northern Ireland as suggesting "a worrying lack of cohesion", and recommended that current organisational structures on this be included in a review of public administration. The Committee highlighted the need for clearly stated enforcement procedures, in respect of water pollution prevention requirements, that are applied fully and consistently.

2003. NIAO Report on Areas of Special Scientific Interest (ASSI).

2004. UK Environmental Law Association (UKELA) Discussion Paper. UKELA published a discussion paper which sought to raise awareness of the urgent need for reform of environmental regulation in Northern Ireland. The report stated Northern Ireland has been seen as the "dirty corner of the UK", it was playing catch up with other countries, and that reform was urgently needed because it had a uniquely serious problem of weak environmental regulation and enforcement. UKELA found that "a new sense of priority for the environment in Northern Ireland is urgently required and a new form of environmental governance must be devised." The paper suggested a package of changes to reform regulation in Northern Ireland – the main one being that an independent regulatory agency, on the model of the EA in England, or SEPA in Scotland, but tailored to Northern Ireland's circumstances was required to provide the best means of environmental regulation.

2004 Macrory Review: 'Transparency and Trust. Reshaping Environmental Governance in Northern Ireland.' The report examined a range of options for addressing reform of the regulatory role (such as

[27] This timeline is reproduced as an abridged, edited and updated version of one completed by Ray Purdy and Peter Hjerp in 2015, with additional information from Ciara Brennan, The Enforcement of Environmental Regulation in Northern Ireland: A Story of Politics, Penalties and Paradigm Shifts? (PhD thesis, Queen's University Belfast 2013); see https://ejni.net/wp-content/uploads/2020/07/Ecocentric-Report-Final-NI-26-1-2016.pdf.

maintaining the status quo, enhanced responsibility for local authorities, and the establishment of a new independent environmental agency) as well as looking at options to meet the need for external policy advice and auditing.

2005 House of Commons Report on Waste Management in Northern Ireland

2005: NIAO Report on Waste Strategy

2007 Criminal Justice Inspection (CJI) Northern Ireland Report : The CJI urged the adoption of a more direct, determined approach to enforcement as part of its regulatory responsibilities.

2007 Bell, Burke and Turner - Foundations for the Future Report: This report, addressed the focus, structure, roles and relationships between the various elements of the governance regime in Northern Ireland. The reports key conclusion was that "current arrangement of the assets for environmental governance in Northern Ireland are not capable either of resolving the environmental legacies of the past, or of responding to present and emerging environmental pressures. These include pressures on the quality and productivity of soils, water, air, loss of species, habitats, marine ecosystems, built and cultural heritage and landscape value. In addition there are the mounting risks posed by climate change. Nor can they deliver the high quality environmental outcomes necessary to underpin economic and social wellbeing and individual health. To postpone significant reform would expose Northern Ireland to serious financial and environmental risks and deny its people significant opportunities to achieve a high quality environment". The report contained thirty-seven recommendations for reform in the following areas: policymaking on the environment; environmental regulation; terrestrial and marine planning, strengthening accountability; cross cutting elements of environmental governance; and environmental justice.

2008 Foster Ministerial Decision: The Environment Minister, Arlene Foster decided that the existing Environmental and Heritage Service had the necessary expertise and capability to take responsibility for environmental regulation and that it would be retained and reorganised as a DOE executive agency, and launched as the 'Northern Ireland Environment Agency.'

2008 Northern Ireland Environment Agency launched: The Northern Ireland Environment Agency, an Executive Agency within the Department of the Environment in Northern Ireland, was launched on 1 July 2008 as a result of the Foster Ministerial decision.

2010 Public Accounts Committee Report.

2011 DOE Synopsis of Responses to 2011 Discussion Paper. Fifty-four responses to the DOENI discussion paper 'Environmental Governance in Northern Ireland' were received in total from groups including: NGOs, non-departmental public bodies, local government, business & industry, and the public. Only two respondents wanted to maintain the status quo (Option A), or the status quo plus (Option B). The former was the Ulster Farmers Union, and the latter was a Borough Council. In total 83% of respondents showed support for the creation of an independent environment agency. This included bodies such as the Ulster Angling Federation, NI Housing Executive, The Consumer Council, Larne District Council, Institute of Environmental Management and Assessment, the Panel Members of the Review of Environmental Governance, United Kingdom Environmental Law Association, Environmental and Planning Law Association of Northern Ireland, NI PAK, Royal Institute of Chartered Surveyors, and Northern Ireland Council for Voluntary Action

2011 Public Accounts Committee Report on River Pollution:

2011 CJI Follow-up Report: The purpose of this follow-up review was to assess the level of progress made by the DOE in relation to the twelve recommendations made by CJI in it's 2007 report. The report concluded that only 3.5 recommendations were achieved, a further 5.5 were partly achieved, and the remainder were either not achieved or rejected by the DOE.

2011 NIAO Report on Reducing Water Pollution from Agricultural Sources

2012 Attwood Environmental Enforcement Summit. The Environment Minister, Alex Attwood convened an enforcement summit to tackle how best the protection of the environment could be enforced.

2013 Mills Waste Dumping Review: An independent report conducted by Chris Mills, the former Head of the Welsh Environment Agency, reported on the extent of criminal activity surrounding illegal waste disposal in Northern Ireland.

2013 Ciara Brennan Thesis: A Queens University Belfast PhD thesis by Ciara Brennan examined the experience of enforcing environmental law in Northern Ireland. The findings indicated that the deterrent created by efforts to enforce environmental law in this jurisdiction has been the subject of significant erosion due to a problematic approach to enforcement by the regulator and very low penalties imposed by the judiciary. This analysis concluded that significant reform to current enforcement practice was required to create a meaningful deterrent to non-compliance with environmental law in Northern Ireland.

2013 Attwood Statement: The Environment Minister, Alex Attwood, commented in the Assembly that he did not accept that the structures of the NIEA were "fit for purpose" and that he believed in an independent environment agency.

2015 NIAO Report on Protecting Strangford Lough.

2015 Durkan Statement on an Independent Environmental Protection Agency: The Environment Minister, Mark Durkan, commented that the proposed new department - DAERA would "create conflicts of priorities and responsibilities" and that "the present arrangements for environmental governance will become even more out of line with what is regarded as good practice in Ireland, Britain and elsewhere in Europe." He pointed out that most respondents to the 2011 Discussion Document expressed support for the creation of some form of agency or body within the public sector, but operating separately from central government, to undertake a range of environmental roles and responsibilities. He commented that "without sufficient support from other political parties, making such changes to our environmental governance arrangements could not be pursued at the time." The Minister thought that because other jurisdictions nearby already had an environmental protection agency, coupled with the significant changes to departmental structures being made, meant that the time was right time to revisit this debate. He commented that "I have reached the clear conclusion that our present governance models are in need of radical review and need to be replaced quickly. As a first step, I intend to open up a debate in the Assembly and Executive about an independent body so that this can be factored into restructuring plans that are under way. I will do everything that I can to deliver this quickly, but I also need other political parties to give their support and commitment to make this happen." The Minister also expressed his support for a potential all-Ireland independent environmental agency.

2015 CJI Report on the NIEA Environmental Crime Unit.

2015 Consultation on an Independent Environmental Protection Agency: The Environment Minister, Mark Durkan, circulated a new discussion paper, "Environmental Governance in Northern Ireland" to key stakeholders in Northern Ireland after a 'root and branch' review in 2014. This discussion paper outlines the drivers and options for the creation of an independent environmental protection agency for Northern Ireland.

2020 Commitment to an independent EPA in the New Decade New Approach political deal to restore devolution.

2023 Linking the Irish Environment report recommends establishment of independent EPA and better all-island cooperation on the environment.

2025 Current review of environmental governance launched.