

**REVIEW OF Environmental Governance WITHIN NORTHERN IRELAND – TERMS OF REFERENCE**

**Department of Agriculture, Environment and Rural Affairs Policy**

**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**

1. 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).
2. 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.
3. 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.
4. 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**

1. 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**

1. 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.
2. 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.
1. Appropriate Secretariat support will be provided by EGD within DAERA.

**Outputs and Timescale**

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. An interim report must be completed **spring 2025,** and the review must be completed in full by **summer 2025.**
7. Any variation to agreed costs or timelines for the review and report must be agreed in advance with the Department.
8. 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.
9. 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.