**Oral Ministerial Statement to the Northern Ireland Assembly**

**Environmental Governance in Northern Ireland**

**19 November 2024**

**STRICTLY EMBARGOED UNTIL DELIVERED IN THE CHAMBER ON TUESDAY 19 NOVEMBER 2024**

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**OPENING REMARKS**

1. Thank you, Mr Speaker, for this opportunity to make a statement to the Assembly on my plans to review environmental governance within Northern Ireland.
2. Environmental governance is about ensuring that the decisions we make about how we protect and enhance our natural and marine environment are effective. They could be decisions on policy, on regulation or on resourcing.
3. Crucially, it is also about accountability – making sure that there is proper scrutiny and oversight of those decisions and accountability for the outcomes achieved as a result of their implementation.
4. I am very conscious of the level of interest from Members, and from the wider public in how we address the increasing environmental challenges we face. People care deeply about our natural environment; they worry about the degradation of sites of environmental significance and about biodiversity loss; and they want to see greater protection for our environment and greater accountability too.
5. The blue green algal blooms that appeared this summer and last summer on Lough Neagh generated very real concern and have had a real impact, including on those who live along, or earn their livelihood on, the lough and its connected waterways. They have also been a wake up call for all of us – a realisation that, for generations, we have not been good custodians of our environment and a realisation that this needs to change.
6. The environmental challenges we face are complex and cannot be addressed in isolation by any one organisation. That is why we are absolutely committed to working with a wide range of voluntary, advocate groups and industries’ representatives to address these challenges and ensure that we protect the environment for everyone who lives here.
7. The implementation of the now agreed Environmental Improvement Plan and Lough Neagh Action plan and the other policies my Department is taking forward will make a difference – but there are no quick fixes. Undoubtedly too, more could be done with more resources and I will continue to make the case for investment in our environment.
8. Today however is about oversight and accountability – about the steps I am taking to highlight the need for tighter governance and to ensure that we understand the best model by which this can be secured. Mr Speaker, strengthening environmental governance has been, and continues to be a **key priority** of mine, since taking on this Ministerial role within DAERA.
9. But like Lough Neagh **this is a complex issue that will not be fixed overnight.** Optimal structures and processes need to be in place to enable positive environmental outcomes to be achieved.

**Changed landscape following our exit from the EU**

1. Prior to the UK leaving the EU, the majority of environmental policy development and implementation within DAERA was linked to transposing a wide range of EU Directives into domestic legislation.

1. The Environment Act 2021 brought in a range of environmental measures, including a new legal framework for environmental governance and accountability. These include the Office of Environmental Protection functioning here, preparing and publishing a statement on Environmental Principles and the obligation to produce an Environmental Improvement Plan.
2. Any proposals to improve environmental governance therefore need to be set in the context of this changed regulatory landscape. I will say a little shortly about the component parts of the current landscape but first I want to say something about the Northern Ireland Environment Agency - NIEA.

**Northern Ireland Environment Agency**

1. NIEA is an agency of my Department. It has its own chief executive and accounting officer, and it has operational flexibility to operate within the legislative and policy parameters that exist, but it is certainly not independent. In fact, it has no separate legislative status and the powers and functions it carries are carried in the name of the Department.
2. That is a reality – not a criticism – and it is really important that I make clear that the many calls for a different environmental governance regime and indeed my own desire to see one are absolutely no reflection of the dedication and commitment I see every day in the staff of NIEA. These are public servants who continue to work tirelessly to protect and enhance our natural environment, whilst regulating the activities that can adversely affect it.
3. NIEA staff are firmly at the front-line of many current high profile environmental issues, working to address the ongoing threats to nature and water quality from a range of factors including climate change, pollution of our freshwater environment, and the continued decline of our biodiversity. Their jobs are demanding, often challenging and frequently involve working out of hours and in difficult and sometimes dangerous situations. Whatever changes we might in time decide to introduce to strengthen environmental governance will build on the foundations laid by NIEA staff and I would like to record my thanks to them for their commitment and dedication to our environment.

**Office of Environmental Protection**

1. From 2022, we have also seen the extension of the role of the Office for Environmental Protection – the OEP – to include Northern Ireland.
2. As members will know, the OEP provides an environmental oversight function previously undertaken by the European Commission and is tasked with holding government to account for the proper implementation of environmental law and they have issued a number of reports recently to do exactly that.
3. However, it is important to recognise that taking action against individuals or private businesses remains the responsibility of NIEA and other enforcement agencies.

**NI Climate Commissioner**

1. Section 50 of the Climate Change Act (NI) 2022 requires The Executive Office (TEO) to establish an independent office to be known as the **“Northern Ireland Climate Commissioner”** (NICC). The functions of the Commissioner are to oversee and report on the operations of the Act. When the Commissioner’s office is established, we will need to work with it to understand the governance role it might play in our environment and how it will interact with the work of the OEP.

**Background to an Independent Environmental Protection Agency**

1. The environmental governance landscape is already complex and there are a range of options available as to how it could be improved. This could include the creation of an Independent Environmental Protection Agency (IEPA).
2. Mr Speaker, members will be aware of a number of reviews that have been carried out in the past on the need for an IEPA. The most recent of these was the 2015 consultation led by the then Department of Environment (DOE) which sought views from the public and organisations.
3. The overall response rate (37) to the 2015 consultation was relatively low, however, 26 (70%) of respondents were in favour of an independent agency being created.
4. Much has changed since the 2015 consultation including the formation of DAERA on 08 May 2016, when DOE environmental functions were transferred into the Department.
5. More importantly perhaps, public understanding of and opinion on environmental issues has changed substantially as a result of increased concerns around environmental degradation and climate change.
6. For a variety of reasons, not least the absence of Ministers/Assembly, competing priorities and resourcing constraints, there has been little movement on establishing an IEPA and this has led to growing concerns and frustrations from a number of different groups that feel more needs to be done. I accept this.

**Next Steps for Environmental Governance in Northern Ireland**

1. I am therefore committed to bringing forward proposals for improving environmental governance within Northern Ireland. I am keen for such proposals to reflect a thorough exploration of models that would deliver improved and more independent environmental governance than that which is currently in place.
2. In order to improve both Members, and public confidence in our environmental governance arrangements, **I want to ensure this is done right**. I therefore do not plan to rush decisions on such an important and complex matter.
3. There is clearly a need to consider the substantive issues involved in moving to a more robust model of environmental governance and I am keen to obtain an independent view on this, to ensure the best possible outcomes can be identified.
4. I am therefore pleased to announce today that I have appointed an independent panel with appropriate experience and expertise, who will oversee a review of current environmental governance arrangements within Northern Ireland, and provide recommendations for improvement for my consideration, including how to enhance scrutiny, accountability and public confidence.
5. This may include proposals for establishing an IEPA in Northern Ireland, including the potential shape, policy and legal responsibility of such an organisation. The estimated costs, deliverability and timeframes for implementation of each of the options will also need to be considered.
6. The independent 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 and research, to inform its recommendations.
7. The panel will provide its independent recommendations to the Department based on its own assessment and findings and **I will not be seeking to influence these in any way.**
8. A Stakeholder Reference Group will be established to support the work of the panel and membership of this group will be confirmed in due course.
9. Members will want to know more about the membership of the panel.
* **Dr Viviane Gravey will chair the panel.** She is a senior lecturer in European Politics at Queens University and has considerable knowledge regarding environmental governance in post Brexit Northern Ireland.
* Dr Gravey will be assisted by **Diane Ruddock**, who has now retired from the National Trust as external affairs manager and **John McCallister**, who is a current member of the Ulster Farmers’ Union and provides a wealth of experience of the agricultural industry.
1. Together, they will use their experience and independent expertise to take forward a short, focused, review of environmental governance in Northern Ireland which will include:
* A brief review of current arrangements within Northern Ireland which will be supported by the Department’s initial scoping exercise regarding the environmental governance arrangements which are in place across the UK and Ireland so they can take lessons from the various approaches that have been adopted by others.
* Taking forward a call for evidence process and engaging with interested parties and stakeholders to understand views and opinions and identify best practice in related work areas from other parts of the UK, Ireland, or elsewhere.
* Exploring options to improve environmental governance and
* Consideration of the linkages and interdependencies between the environmental governance being considered and other functions and business needs within DAERA and other relevant organisations.
1. To deliver this will require the independent panel to engage with relevant key stakeholders, including of course the OEP, and the process for this will be confirmed in due course.
2. My officials will support the work of the panel in an administrative capacity. The terms of reference for the panel’s work and how people can engage with them will be published later today.
3. I have asked the panel to produce an **interim report by spring 2025** and the review itself will be completed by **summer 2025.**
4. Following my consideration of their recommendations, I intend to identify a preferred way forward, which I will take to the Executive so we can reach agreement on any proposed new arrangements before these are presented to the Assembly.
5. I am taking this forward mindful of the commitment contained within New Decade New Approach that: **“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.”**

**CLOSING REMARKS**

1. As I have said many times, Mr Speaker, there are **no quick fixes** to the significant environmental challenges we face today, and environmental governance is no different.
2. However, rest assured, Mr Speaker, **I am fully committed** to strengthening environmental governance in Northern Ireland and by doing so improving public confidence in our governance arrangements, and ultimately reducing our environmental degradation.
3. I hope this announcement will be welcomed by Members as it will provide up to date and robust evidence to support the preferred option. This will allow us to progress this work with credibility and confidence.
4. I will of course, Mr Speaker, update Members when the environmental governance review has concluded, and following Executive consideration.