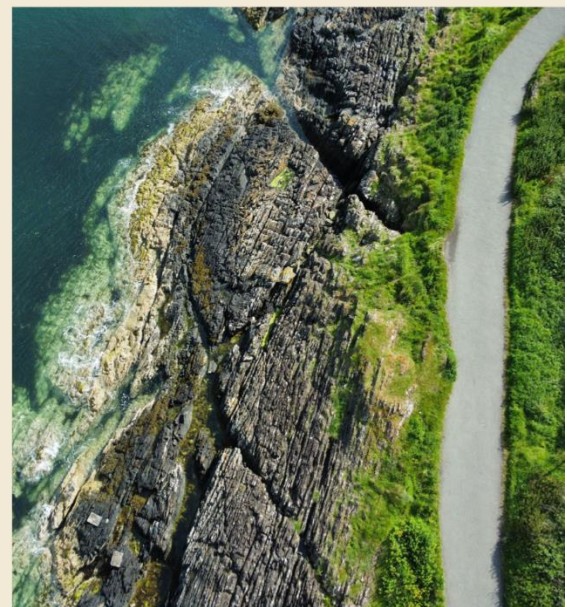
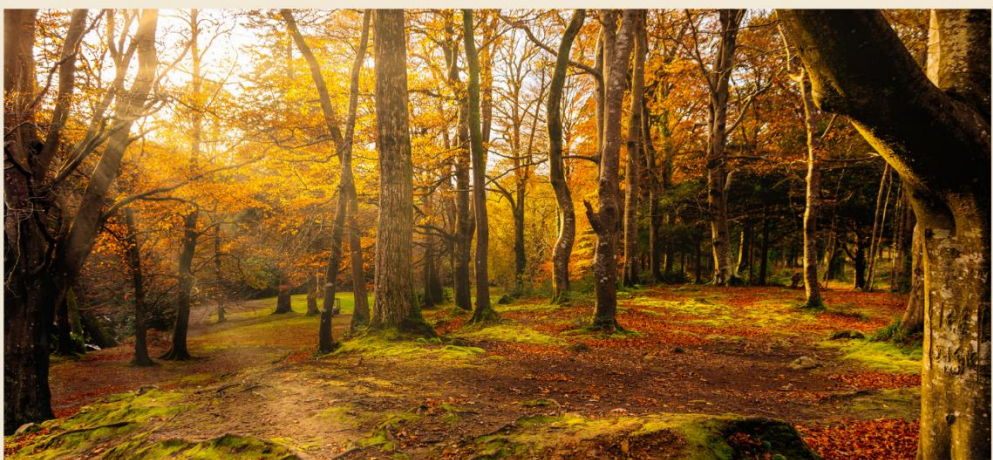

INDEPENDENT REVIEW OF
ENVIRONMENTAL
GOVERNANCE
IN NORTHERN IRELAND



Executive Summary

Independent Review of Environmental Governance in Northern Ireland

**Executive Summary
October 2025**

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Executive Summary

Introduction

This Independent Review of Environmental Governance is published at a time when evidence is all around us that Northern Ireland's environment is under mounting stress. From nature in decline to issues with air and water quality, combined with the challenges of our changing climate, the signals cannot be ignored. Nowhere is this more visible than in Lough Neagh, where repeated, extensive, blooms of blue-green algae have provided a stark message that the pressures on our environment are unsustainable. Lough Neagh has also amplified growing public concern about the environment and a strong desire for action, alongside frustration and a loss of confidence and trust in the current governance arrangements.

The crisis in our environment is also a governance crisis, and thus governance reform is a critical part of the solution. We cannot continue with the status quo and expect different or better outcomes.

We believe that **now is the time for meaningful change** – we heard this repeatedly from members of the public, those in regulated industries and others with expertise in environmental governance across these islands. While change can be difficult scientific evidence now shows that the cost of addressing climate and biodiversity breakdown is dwarfed by the cost of inaction. The large, estimated cost of addressing environmental damage caused by the illegal Mobuoy dump and the cost and time for recovery in Lough Neagh, mean society is already paying the price for past inaction.

There is hope, though, and our recommendations chart a **positive, practical and achievable way forward**. One of our key recommendations is that the environmental regulator for Northern Ireland should be independent of government - this being one of the hallmarks of good governance. However, while we are certain independence is a necessary condition for improvement, it must be accompanied by many other changes. Consequently, our recommendations cover four key and inter-related themes:

- Clarity and coherence
- Meaningful independence
- Better compliance
- Transparency and accountability.

Our recommendations range from short-term wins to long term systemic change. Taken together and progressed with urgency they will deliver greater public trust and better outcomes for the environment and for society.

Changing context

Our review is the latest in a series of reviews commissioned variously by Westminster, Stormont and the voluntary sector. In each review, familiar themes emerge: a sharp lack of resources, a lack of independence, and Northern Ireland

lagging behind in practical environmental action and compliance with legislation. We find the same issues, yet our context in 2025 is significantly different. Post-Brexit we can no longer rely on the EU for environmental regulation, nor do we have the threat of enforcement action from the European Commission to drive compliance.

This makes responding to this review even more urgent – limited responses to previous reviews have contributed to the challenges we face today.

Other recent changes in context include a commitment in the New Decade New Approach agreement (January 2020) to establishing an independent Environmental Protection Agency; an Assembly Climate Emergency motion (February 2020) which endorsed an independent EPA; and the passing of the 2021 UK Environment Act committing Northern Ireland to develop an Environmental Improvement Plan (agreed by the Executive in September 2024). The creation of the Office for Environmental Protection, active in NI since February 2022, provides oversight of DAERA and monitors the implementation of the EIP.

The case for change

Our recommendations are informed by documentary analysis, input from our Stakeholder Reference Group, a Call for Evidence and public meetings, and in-depth interviews with regulators and interested parties across the UK and Ireland. Our findings demonstrate **a clear case for meaningful and careful change to a new model of environmental governance**. Key findings from our CfE responses include that most respondents do not believe the current environmental governance arrangements in Northern Ireland are effective (91%), and there is overwhelming support for more independence (72% across two ‘independent options’).

We heard that the key issues to factor in to reforming governance include:

- Resources remain a critical limiting factor on any efforts to improve environmental governance.
- Greater independence is not a silver bullet, but a necessary condition which must be accompanied by greater transparency and accountability.
- Greater clarity of purpose is required for each component of governance alongside clearer means of co-operation between them.
- Independence is a practice which must be sustained over time, demanding effective leadership and an organisational culture of pro-activity and collaboration.
- An independent body must have a clear purpose and mission and must be more vocal and more accessible to the public.
- A new body offers the opportunity to learn from and exchange best practices with other regulators, rebuild relationships with regulated industries, driving compliance with environmental law, and improving environmental outcomes.

Way forward and summary of our recommendations

Our recommendations fall into four key themes, which, taken together, aim to rebuild credibility, transparency, and trust across the environmental governance system.

Theme 1: Clarity and coherence

In our engagement with the public, we frequently heard how complex our environmental governance system is. There is little clarity about who is responsible for what, what roles they play, to whom concerns should be addressed and what outcomes can be expected. In its submission to the Review, the Office for Environmental Protection reflected on key attributes for good environmental regulation, stating: *“Clarity of roles and responsibilities is important to ensure accountability ... to support coherence and avoid ambiguity or overlap across different regulators and regulations.”*¹

This is starkly lacking in Northern Ireland. This complexity hampers decision-making and blurs lines of accountability. At worst it makes it possible to pass responsibility for decisive action from one Department or body to another. This, combined with the difficulties of navigating the system, undermines trust and confidence.

Sources of environmental law in Northern Ireland are complex, more so since Brexit, leading to lack of clarity about the legal standards to which regulated parties are being held.

Given that regulators operate at the interface between government, regulated industries and the public,² the effectiveness of their relationships with others is crucial. In the environmental sphere, there are both overlaps and gaps in the responsibilities of different bodies, not only between regulators but also with and between Government Departments and Councils. Furthermore, other public bodies tend to assume that matters to do with nature, air and water – despite these being the elements which underpin the wellbeing of all of society – are the sole responsibility of DAERA. This is not the case, and all other Departments must meet their environmental responsibilities.

It is essential to create a culture in which all parties work towards better environmental outcomes through collaboration, skills exchange and sharing information and best practice. There is room for significant improvement here, along with some formalising of arrangements – including on a North/South, East-West basis.

Our recommendations for greater **clarity and coherence** aim to ensure roles and responsibilities are clear, leading to consistent decision-making and action, with all parties working towards shared outcomes.

Recommendation 1 – DAERA should publish a clear map of environmental governance in Northern Ireland, identifying who is responsible for what and signposting to key points of contact.

¹ Office for Environmental Protection, ‘OEP Submission to Panel Review of Environmental Governance’, personal communication, 2025.

² OECD, *Being an Independent Regulator*, The Governance of Regulators (OECD, 2016), doi:10.1787/9789264255401-en.

Recommendation 2 – The DAERA website should offer a clear list of environmental legislation in force in Northern Ireland, including whether it has been commenced or not.

Recommendation 3 – A series of Memorandums of Understanding (or alternative agreements) should be established between relevant regulators within Northern Ireland as well as cross-border when appropriate to share best practice and foster collaboration.

Recommendation 4 – All public authorities in Northern Ireland should have a ‘duty to co-operate’ with the environmental regulator for Northern Ireland to reflect their environmental responsibilities and facilitate the exchange of information. This duty should be included in the enabling legislation introducing any new regulator, for all public authorities in Northern Ireland, in order to smooth exchange of information.

Recommendation 5 – DAERA should investigate the practicalities of appointing one lead department and/or lead regulator when there is overlap or shared interest in projects.

Theme 2: Meaningful independence

Separating policy and regulation

There has been debate about whether Northern Ireland’s environmental regulator should be more independent for decades. Successive reviews since the Rossi Report of 1990 have concluded that greater independence is a key element to securing consistently better outcomes.

Based on our Call for Evidence, discussions with regulators and other experts, and our analysis of best practice, **we too recommend that Northern Ireland’s environmental regulator should be independent of government.** We believe a Non-Departmental Public Body, sponsored by DAERA, provides the most appropriate balance between too much and too little independence. It affords a greater degree of political neutrality and allows more operational flexibility and better long-term planning. Crucially, this model ensures a much clearer separation between policy making (remaining within a Government Department) and regulatory responsibilities (vested in a new NDPB.)

The new independent regulator should oversee, as far as possible, the whole of the environment in Northern Ireland – air and water quality, waste management, nature and the marine environment – to foster systemic, coherent responses to the significant challenges NI faces. But this wide scope should be balanced with a focus on a small number of specific functions. Thus DAERA, and other Departments where appropriate, should be responsible for the development of policy, while the NDPB should focus on advice, monitoring and enforcement.

This separation of policy-making and regulatory roles – a hallmark of good governance – is missing at present. An audit of the range of functions currently undertaken between DAERA, NIEA and other bodies is essential to allocate roles effectively in future.

We recognise that such functional separation may not be entirely feasible given Northern Ireland's small size. There is a strong case for a body that covers both the marine and terrestrial environment. However, we do not think that oversight of the historic environment should move from Department for Communities.

From a nature perspective, it is an anomaly that management of Country Parks rests with NIEA. This should be reviewed to identify the best long-term arrangement, on a fully costed basis. The new regulator should be freed up, and better resourced, to focus on leading for nature recovery through co-ordinating, monitoring and where necessary enforcement. Where NIEA currently directly manages protected sites, these should be managed by a third party, to avoid conflict of interest of being both regulator and regulated.

Our first suite of recommendations for meaningful independence with a clear separation of policy-making and regulatory responsibilities are:

Recommendation 6 – The environmental regulator for Northern Ireland should be a Non-Departmental Public Body. Its sponsor department should be DAERA.

Recommendation 7 – The environmental regulator for Northern Ireland should have oversight of air and water quality, waste management, nature and biodiversity and the marine environment to foster a coherent approach to complex environmental challenges.

Recommendation 8 – DAERA (and where appropriate, other departments) should be responsible for all policy development. The environmental regulator for Northern Ireland should focus on regulatory, monitoring and advice functions.

Recommendation 9 – An audit of different functions (regulatory, advice, policy development) between DAERA and NIEA should be conducted to identify areas of functional overlap and ensure appropriate separation of responsibilities in setting up the environmental regulator.

Recommendation 10 – The management of Country Parks should not remain with the environmental regulator in the long term. Further analysis of appropriate management models should be undertaken in consultation with NILGA and other interested bodies.

Recommendation 11 – The environmental regulator should not directly manage protected sites, in order to avoid conflict of interest of being both regulator and regulated. Such sites should be managed by a suitable third party.

A coherent mission

According to best practice, the environmental regulator, those being regulated and the public, should all be clear about the regulator's role and mission. The regulator in Northern Ireland should be accountable for measurable environmental outcomes, which should be monitored and reported to Ministers and the public. These outcomes should be reflected in the body's mission statement. Ideally this should align with the NI Environmental Improvement Plan, but only when this is updated to include measurable targets.

We noted significant staffing gaps in NIEA, limiting the Agency's ability to deliver its mission. This points to challenges with recruitment processes which must be addressed, prioritising appointments to specialist roles. Longer-term, the new NDPB should be free to undertake its own recruitment. In addition, strong leadership and an organisational culture of collaboration and ambitious commitment to the mission are necessary to signal a fresh start for a new NDPB.

An effective Board is key to success and credibility: one with the expertise to bring strategic leadership, governance and oversight of the regulator and to fiercely protect its independence. Its members should be appointed through the public appointments process, by the DAERA minister, and where appropriate, other ministers, and provide expertise from across the full range of knowledge and skills required, from water and waste to farming and marine.

We recommend setting up a separate advisory committee to ensure the NDPB has access to a range of interests, expertise and skills from across civic society. This will provide a very useful forum to represent sectoral interests, knowledge exchange with a broad range of experience. We suggest a hybrid appointment system, of both nominated representatives from key sectoral bodies and secondly appointments by the Board following an open competition.

We do not under-estimate the upheaval organisational change would present for existing staff. Issues including pay, conditions and pension arrangements have previously been cited as barriers to creating an NDPB. However, in discussions with other NDPBs it is clear there is no 'one size fits all' approach, and there are models which would allow these concerns to be addressed.

Funding for the new NDPB will require careful planning. We contend that the need for additional costs must be balanced against the significant costs of inaction. Furthermore, Northern Ireland's environment has suffered from long-term under-investment, making the task ahead ever more challenging. To set it up for success, the new NDPB must have the financial and human resources to achieve its mission.

There is evidence that regulators become less independent over time, and they can be at risk of reduced funding from their sponsor department. The enabling legislation to establish the NDPB should protect against these risks, as is the case with other recent legislation, including the UK Environment Act 2021.

NI needs an adequately resourced independent regulator with the right mission, culture, leadership and staff. Our recommendations to achieve meaningful independence are:

Recommendation 12 – The mission, and accompanying mission statement, of the environmental regulator should be aligned to clear and measurable environmental outcomes. These should align with Northern Ireland’s Environmental Improvement Plan once that Plan has measurable targets included.

Recommendation 13 – Ensure efficient and effective recruitment processes, and in the short term prioritise filling specialist staffing gaps in NIEA/regulators. The new environmental regulator should be empowered to conduct its own human resources and hiring processes, separate from the current centralised NICS system.

Recommendation 14 – The Board of the new environmental regulator should reflect a broad range of specialisms and expertise within and beyond DAERA. All Board members should be appointed through an open competition via the public appointments process and appointed by the relevant Minister.

Recommendation 15 – In addition to the Board, the environmental regulator should also be supported by an Advisory Committee drawing representation from a wide range of sectors and interest groups across civic society.

Recommendation 16 – Enabling legislation for the environmental regulator should include protection for its funding and independence, building on the experience of UK Environment Act 2021, the Scottish Continuity Act 2021 and the NI Climate Act 2022.

Recommendation 17 – Roles, responsibilities and scope of the environmental regulator should be clearly laid out in the enabling legislation, as should its relationship with its sponsoring Department and the Assembly.

Theme 3: Better compliance

Consistent and fair enforcement

Throughout this review, the need and desire for better compliance with current and future laws and regulations became clear. Compliance is achieved through a full spectrum of activities, ranging from access to information to support ‘getting it right first time’ to enforcement action when significant or persistent failures occur.

No single agency, no matter how well funded or resourced, can do all this on its own. A new independent environmental regulator will need to work closely with other agencies, Councils and Departments while carefully maintaining its independence. This will require MOU’s or other partnership agreements to ensure clarity of roles and avoid duplication.

It is essential to build expertise through partnership with our Further and Higher Education Universities/Colleges, including CAFRE, and collaboration, e.g. offering apprenticeships with the regulator. This will help address the shortfall in specialist staffing and planning for the future. Equally important will be collaboration with other providers, to ensure consistent education and advice to current and future farmers, the water and waste industries and developers. In relation to development, the regulator must prioritise its statutory consultee role in planning, from initial application through to planning appeals.

The regulator must ensure its role in inspections and enforcement is well understood and seen to be consistent and fair. As an independent regulator it should develop, consult on, and report regularly on its own regulatory and enforcement strategy, independent of Government. Our recommendations to clarify roles and responsibilities are:

Recommendation 18 – The environmental regulator should pursue partnerships with a range of providers to ensure guidance, education and training resources are developed to support regulated industries to understand and achieve the standards expected of them.

Recommendation 19 – Nurture local technical expertise through stronger partnerships with NI higher education institutions, including CAFRE, and by enhancing opportunities for internships and apprenticeships in the environmental regulator.

Recommendation 20 – The environmental regulator for Northern Ireland should provide information, as appropriate, on policy development, to ensure that specialist expertise and the practical experience of frontline staff is taken into consideration.

Recommendation 21 – Statutory consultation (from initial contact with, e.g. planning authorities, all the way to appeals) should be a core mission for the environmental regulator for Northern Ireland, and resourced appropriately.

Recommendation 22 – 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 annually on delivery of the strategy and use of its functions.

Updating laws and filling gaps

Effective environmental governance requires a range of levers. We find that currently NIEA does not have as many 'tools in the toolbox' to ensure compliance as other regulators in the UK and Ireland. Our recommendations on fines, penalties and civil sanctions have several desired outcomes.

It is vital that fines reflect the severity of the environmental damage caused – we heard frequently that 'environmental crime pays'. Fines must be brought up to date,

as some fine levels are decades old. It is inconsistent and unfair that fines available to Loughs Agency and NIEA are different, and that NI Water, through its SORPI arrangement is treated differently from other regulated parties.

A broader range of civil sanctions, especially for nature protection, would add to options available to the new regulator, while ensuring redress for environmental damage done. Furthermore, statutory targets are a key driver for positive environmental outcomes. These are currently missing for nature recovery, and this must be addressed. Our recommendations to improve tools available to the regulator are:

Recommendation 23 – Fines available to Loughs Agency and the environmental regulator for Northern Ireland for water pollution incidents should be homogenised and increased where possible as part of a wider review of the level of environmental fines in Northern Ireland.

Recommendation 24 – DAERA should ensure commencement of currently unenacted clauses in the Better Regulation Act 2016, to increase the range of tools available to the regulator.

Recommendation 25 – DAERA should exit current SORPI arrangement with NI Water.

Recommendation 26 – 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). Furthermore, DAERA should adopt civil sanctions and/or third-party undertakings for other environmental areas to broaden the toolkit available to the regulator.

Recommendation 27 – DAERA should lay statutory targets for nature recovery in front of the Assembly, to ensure protected sites and biodiversity are given the attention and resources they require.

Theme 4: Transparency and accountability

A new NDPB needs to assert its independence and guard it from the outset. There are also aspects of the current arrangements that could be changed very quickly. We believe in the interim NIEA should have its own communications strategy, comms team and website. This would provide up to date and accessible information on its roles and outcomes, offering an important step towards greater transparency and accountability.

The regulator should have power to respond to Government consultations affecting its remit. While DAERA, other Government Departments and the Assembly will be the policy makers, it is appropriate that the environmental regulator publicly shares its advice to Government on its areas of expertise.

Arrangements should be put in place for agencies to share information, especially to be able to report areas of concern or potential breaches with relevant agencies. This

could increase ‘boots on the ground’, possibly detecting issues at an earlier stage, where damage can be prevented.

We believe it is critically important to rebuild public trust and confidence in our governance arrangements. In a representative democracy one of the best places to achieve this is within our elected Assembly. Although not a decision within the Minister’s power, we recommend that the Assembly should establish an Environmental Audit Committee with powers to call people and papers to address issues. This would firmly bring the environment into the focus of MLAs and greatly enhance transparency and accountability.

Recommendation 28 - The environmental regulator for Northern Ireland should have its own website and communication channels, separate from those of its sponsor Department. This should provide clear information on its role and be the obvious source for questions regarding air and water quality, waste management, nature and biodiversity and the marine environment in Northern Ireland.

Recommendation 29 – Sharing environmental information with the public in an easy to access manner should become the default option. On-line tools, e.g. Living Map should contain information which is relevant and accessible to general as well as specialist audiences.

Recommendation 30 – MOUs and/or enabling legislation should facilitate exchange of information between regulators, including where appropriate sharing observation from site visits, priorities and best practice, and pooling training and resources.

Recommendation 31 – 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.

Recommendation 32 – The Assembly should establish an Environmental Audit Committee to ensure appropriate oversight and accountability in an area of significant public interest.

Conclusion

Our recommendations have been shaped by many people and organisations across Northern Ireland, Great Britain and Ireland. As an expert panel we have maintained our independence, while being very well supported by DAERA staff. Our full report was co-authored by all three of us and represents our common position. We believe our recommendations are a well-crafted package which, if acted on, will deliver better outcomes for our environment. We recognise that some recommendations can be delivered in the short-term while others will need more time and political buy-in.

This is the latest of several reports on environmental governance. It is our firm belief that **now is the time to establish an independent environmental regulator**, properly staffed and financially resourced to meet the many challenges it will face. Such a regulator, free to assert its independence and report its findings, is a vital element in tackling the environmental challenges we face as a society.

Throughout our engagements we heard recognition that the cost of inaction and the damage done to our environment from that inaction is already significant. We heard a clear call for meaningful change. Thus, we present our report as a ‘call to action’ on behalf of all those who want to see a flourishing environment and nature thriving in Northern Ireland.

Dr Viviane Gravey, Diane Ruddock, John McCallister

October 2025

Short & Medium Term Recommendations

	Short term	Medium term (will require enabling legislation or broader buy-in)
Policy and Delivery	Recommendation 18 – Education partnership Recommendation 19 – Internships Recommendation 20 – Information on policy development Recommendation 21 – Statutory consultation Recommendation 22 – Regulatory and enforcement strategy (just reporting) Recommendation 24 – Better regulation act Recommendation 25 – SORPI Recommendation 26 – Civil sanctions (using available) Recommendation 28 – Website Recommendation 29 – Environmental information sharing Recommendation 30 – Exchange of information between regulators (unless legislation needed)	Recommendation 22 – Regulatory and enforcement strategy (strategy + reporting) Recommendation 23 – Alignment of fines Recommendation 26 – Civil sanctions (adopt new ones) Recommendation 27 – Statutory targets Recommendation 31 – Respond to consultations Recommendations 32 – Environmental Audit Committee
Governance	Recommendation 1 – Maps Recommendation 2 – List of laws Recommendation 3 – MOUs Recommendation 4 – Duty to cooperate Recommendation 5 – Lead regulator Recommendation 9 – Audit of functions Recommendation 10 – Country parks Recommendation 11 – Protected sites Recommendation 13 – Recruitment	Recommendation 6 – NDPB Recommendation 7 – Broad environmental scope Recommendation 8 – Functional split Recommendation 12 – Mission statement Recommendation 13 – Recruitment Recommendation 14 – Board Recommendation 15 – Advisory committee Recommendation 16 – Protection of independence and funding Recommendation 17 – Enabling legislation (roles and responsibilities)

Table 5 – short v medium term recommendations, across Policy, Delivery and Governance

Timelines

ROBUST ENVIRONMENTAL GOVERNANCE IN NORTHERN IRELAND

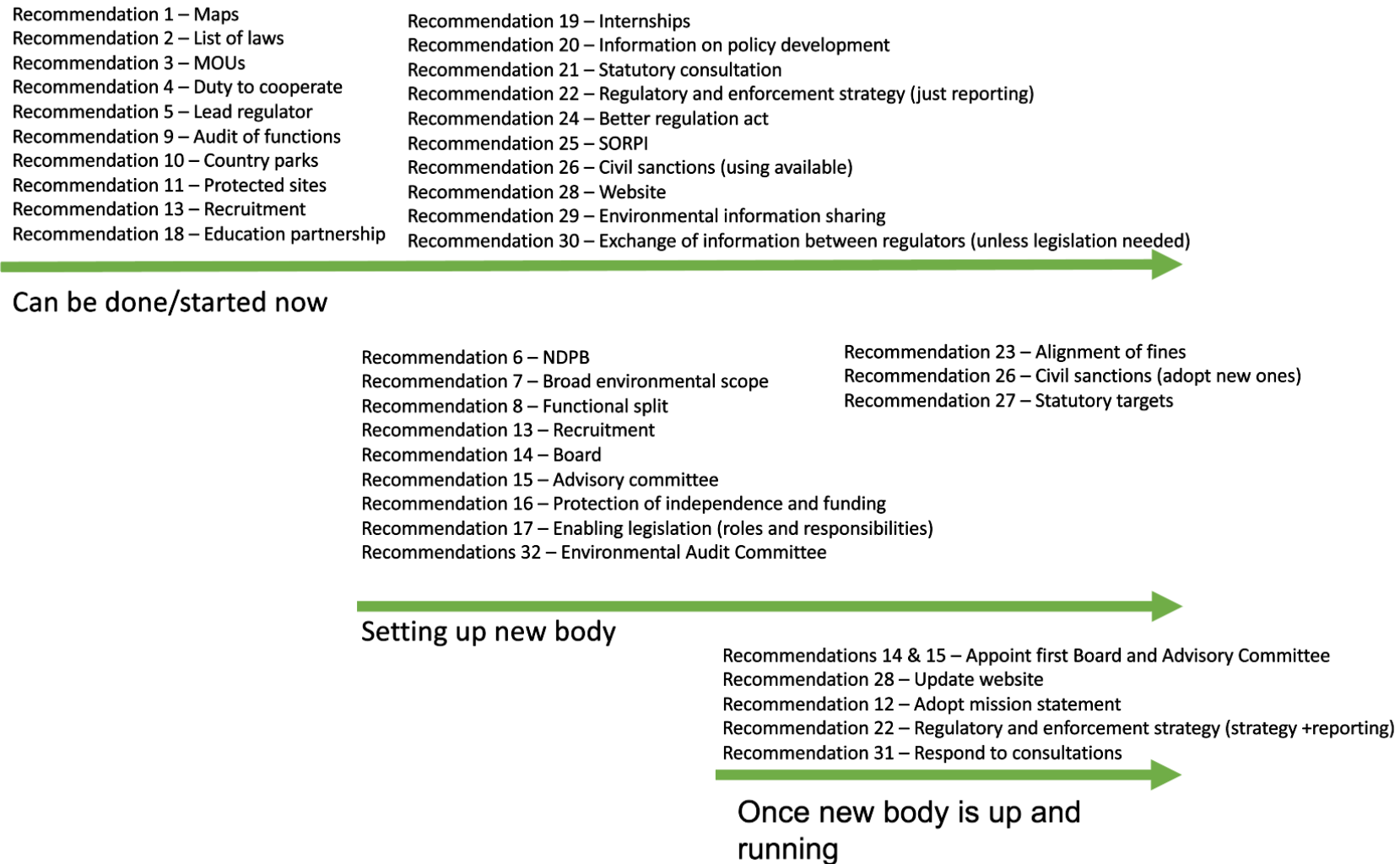


Figure 4 – Different timelines and the critical importance of enabling legislation to deliver robust environmental governance in Northern Ireland