

ANNEX B

Timeline of some key Environmental Governance events in NI – based on EcoCentric report ‘Environmental Governance in NI : Identifying the Drivers for Change and Considering Solutions’ (2016) (Ray Purdy was one of the authors)

- 1961 Abercorn report urged Stormont to create an independent body to help protect the environment.
- 1990 House of Commons (Rossi) Report - Concern about environmental governance (particularly the non-transposition and implementation of EU legislation) in Northern Ireland was first highlighted in a report by the House of Commons Environment Select Committee. The Committee recommended that an independent regulatory environmental agency should be established in Northern Ireland.
- 1998 Devolution - Under the Northern Ireland Act 1998, practically all responsibility for environmental protection was devolved to the Northern Ireland Assembly.
- 1994 Establishment of Environment and Heritage Service as an Executive Agency within Department
- 1998 Northern Ireland Audit Office (NIAO) Report on River Pollution
- 2001 Public Accounts Committee Report on River Pollution described “a worrying lack of cohesion”, and recommended that current organisational structures on this be included in a review of public administration.
- 2003 NIAO Report on Areas of Special Scientific Interest - reported that delays in designating ASSI’s, risked non-compliance with EU Directives, and potentially irreversible, damage to sites not yet protected by designation. The NIAO gave Lough Neagh, as an example.
- 2004 UK Environmental Law Association (UKELA) Discussion Paper which sought to raise awareness of the 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.
- 2004 Macrory Review - Richard Macrory’s independent report, commissioned by Northern Irish environmental NGOs
- 2005 House of Commons Report on Waste Management in Northern Ireland - The Committee was critical of Northern Ireland’s progress in implementing a number of key elements in its Waste Management Strategy
- 2005 NIAO Report on Waste Strategy found that Northern Ireland’s waste management performance ranked poorly in comparison with other countries
- 2006 Rooker Commission’s Independent Review of Environmental Governance. The background to this was the Government’s recognition that pressures on the region’s environment were intensifying significantly and that there were widespread doubts as to whether the current arrangements for environmental governance in Northern Ireland could deliver. This resulted in ...
- 2007’s Bell, Burke and Turner - Foundations for the Future Report, which 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. The report contained thirty-seven recommendations for reform.

- 2007 Criminal Justice Inspection (CJI) Northern Ireland Report calling on the DOE to get tougher on hard core offenders involved in environmental crime and breaches of the planning regulations.
- 2008 The Environment Minister, Arlene Foster, responded to the recommendations contained in the Bell, Burke and Turner report. The Government decided that after scrutinising the DOE’s performance that many of the problems were down to direct rule and that new arrangements (around devolution) for accountability would be more effective. A key decision was 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, an Executive Agency within the Department of the Environment, was launched on 1 July 2008
- 2010 Public Accounts Committee Report found that the planning applications system used by the Northern Ireland Planning Service was “not fit for purpose”
- 2011 DOE Synopsis of Responses to 2011 Discussion Paper ‘Environmental Governance in Northern Ireland’, which received 54 responses, with only two wanting to maintain the status quo
- 2011. Public Accounts Committee Report on River Pollution found that progress in tackling water pollution had been extraordinarily slow.
- 2011 Proposal for Assembly Motion on Planning Enforcement.²⁷⁹ The MLA, Jim Wells, described the enforcement of planning policy in Northern Ireland as "a farce". Proposing an assembly motion for a review of the system, he said he felt there had been no improvement in thirty years.
- 2011 CJI Follow-up Report assessed the level of progress made by the DOE in relation to the twelve recommendations made by CJI in its 2007 report. The report concluded that only 3.5 recommendations were achieved
- 2011 NIAO Report on Reducing Water Pollution from Agricultural Sources expressed concern with the increasing trend in the number of breaches detected under the Nitrates Action Programme.
- 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 Review - 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. The review was triggered by the Mobuoy dump. Mills roundly criticised the DOE for its policy of after-the-event regularisation of unauthorised mineral

extraction (where waste was often subsequently dumped) and called for a change in enforcement policy.

- 2013 Brennan Thesis 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.
- 2013 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 supported an independent environment agency.
- 2015 NIAO Report on Protecting Strangford Lough found that Government departments were too slow to react to the risks to the ecology of the Lough, and to public finances (from infraction proceedings), resulting from the deteriorating condition of the Modiolus reefs.
- 2015 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.”
- 2015 CJI Report on the NIEA Environmental Crime Unit concluded that the NIEA needed to deal more rigorously with offenders and apply a much more robust and rigorous approach to enforcement.
- 2015 NIAO Enquiry into Unregulated Sand Extraction from Lough Neagh.
- 2015 Consultation on an Independent Environmental Protection Agency by Minister Durkan; findings were never taken forward due to end of mandate, and creation of new Department of DAERA (amalgamating Depts of Agriculture and Environment).
- 2016 EcoCentric report commissioned by eNGOs, addressed a range of issues including waste, biodiversity, environmental regulation, environmental crime and sentencing, inter agency co-operation, training, EU directives and education and raising awareness. It made 73 recommendations, and provided a range of options for future structures of environmental governance.
- 2016 UK votes to exit the EU
- 2020 New Decade New Approach – agreement which all parties agreed to, and which ended a period of Assembly suspension, noted that ‘the Executive would establish an Independent Environmental Protection Agency
- 2022 NIAO report on planning, reviewed the planning system post 2015 restructuring, and noted that it was ‘not working efficiently and, in many aspects, is failing to deliver for the economy, communities or the environment’.
- 2023 NIAO report on water quality predicted that the 2027 target for good ecological status would not be met
- 2024 NIAO report on funding NI’s water infrastructure noting that the system lacked capacity and funding arrangements were inadequate
- 2024 NIAO report on waste noted the lack of long term planning to reduce waste

- 2024 NIAO report on misrepresented soil samples, noting around 3,500 false samples, impacting 9 of 11 councils, and 108 agri planning applications
- Summer 2023 and 2024 Lough Neagh algae blooms
- 2024 Following range of protests, debates and calls for independent EPA from range of organisations including local government; NI Assembly agrees opposition motion to support an IEPA
- Nov 2024 Minister Muir initiates current review of environmental governance