

Northern Ireland Office for Environmental Protection

Background

One of the key provisions of the of the UK Environment Bill that extends to Northern Ireland is the proposed creation of an Office for Environmental Protection (OEP). Having left the EU, the role of the OEP is to provide domestic replacement for the scrutiny of the European Commission and European Environment Agency and oversee performance against environmental improvement plans. However, delays to the UK Environment Bill's progress means that the Office for Environmental Protection will not be functional by 1 January 2021 and so interim arrangements are required.

Note: The OEP only has powers to investigate complaints/breaches of environmental law by public bodies and its role function and powers are very different to those provided by any proposed independent environmental protection agency.

Interim Arrangements

The current assumption is that Royal Assent of the UK Bill will occur Spring 2021 and become operational in England from July 2021. However, once the UK Bill has been passed at Westminster, no NI provisions can be brought into operation until NI Assembly debate and approval. Given the delay, DEFRA and DAERA officials are working on interim arrangements to handle environmental complaints. To this end an Interim Environmental Governance Secretariat (IEGS) will be created to receive and process complaints from England and Northern Ireland.

Environmental Governance Secretariat (IEGS)

The IEGS will comprise of 18 staff drawn from DEFRA (and the Natural Capital Secretariat) and will focus on monitoring progress of the UK Government's 25-year plan for the environment. Eight staff will be dedicated to casework management (complaints) and DAERA (NIEA) will be contributing staff resource (the equivalent of less than 1 full-time staff member) plus a small amount of legal support. The IEGS will report to the Chair Designate on matters such as the subject area and number of complaints received. The IEGS will have a standalone website to be launched on 4 January 2021 with DEFRA and DAERA branding on the site. As well as outlining the role of the IEGS, the site was also host an online complaint form to allow members of the public to lodge complaints against a public body.

However, because IEGS is an interim non-statutory body they cannot take legal action but will have a "preparatory" function for the Office for Environmental Protection until it (the OEP) is established. As well as making a complaint to the IEGS/OEP, environmental complaints can still be raised through Departmental processes, the Northern Ireland Public Services Ombudsman or via the judicial review process.

Following release of the DAERA Public Discussion Document: [Environmental Plans, Principles and Governance for Northern Ireland](#), stakeholders are invited to submit their views on the proposed introduction of the Office for Environmental Protection in NI as well as on the suitability of the interim arrangements. The Consultation runs until **5 February 2021**