

**BRIEFING FOR AERA COMMITTEE FROM NORTHERN IRELAND ENVIRONMENT LINK (NIEL)
ON ENVIRONMENTAL PRIORITIES FOR DAERA IN 2024**

In summary, NIEL believes the environmental priorities for DAERA in 2024 relate to:

(1) Strategies and co-designing policy

DAERA should publish all due and/or overdue strategies including:

- an Environment Strategy (ES)/Environmental Improvement Plan (EIP);
- a Nutrient Action Programme (NAP);
- a Biodiversity Strategy;
- a Marine Plan;
- a Food Strategy
- a Waste Management Strategy
- a Land Use Strategy .

DAERA should commit to working with representatives from the environment sector to co-design environmental laws, policies and strategies, including a new long term plan to tackle freshwater pollution in NI which incorporates the use of nature based solutions.

DAERA should publish a Climate Action Plan and establishing a Just Transition Commission, as required by the Climate Change Act (Northern Ireland) 2022.

(2) Environmental governance

An independent Environmental Protection Agency (EPA) should be established.

(3) Legislation

DAERA must comply with its existing legal obligations.

DAERA should publish an Agriculture Act based on the principle of public money for public goods and Nature Friendly Farming.

(4) Funding

DAERA should ensure that those bodies with responsibility for environmental monitoring and regulation, including the Office for Environmental Protection (OEP) and NIEA are properly funded in the long term.

All strategies should have an accompanying funding strategy to ensure delivery of commitments.

BRIEFING FOR AERA COMMITTEE FROM NIEL, 21ST March 2024

NIEL is the networking and forum body for non-statutory organisations concerned with the natural and built environment of Northern Ireland. NIEL's 69 Full Members represent 190,000 individuals, 262 subsidiary groups, have an annual turnover of £70 million and manage over 314,000 acres of land. NIEL works closely with its sister links in England (Wildlife and Countryside Link), Scotland (Scottish Environment Link) and Wales (Wales Environment Link) as well as the Irish Environment Network (IEN) in the Republic of Ireland.

NIEL has a number of issue based working groups or coalitions in which NIEL members and non-members collaborate. At present NIEL's working groups include: the Climate Coalition NI (CCNI); the Freshwater Task Force (FWTF); Landscapes NI (which deals with designated sites); the NI Marine Task Force (NIMTF); the Nature and Environmental Protection (NEP) working group (which deals mainly with biodiversity related issues) and the Sustainable Agriculture Policy (SAP) group. Other issue specific working groups have been, and may be, established as appropriate, in response to the wishes of NIEL members. In the midst of the climate emergency and biodiversity crisis declared by the NI Assembly in February 2020¹, NIEL believes there are a number of priorities for DAERA in 2024.

(1) Strategies and co-designing policy

While the Assembly was suspended, a number of important environmental strategies and policies were delayed and some legal obligations not met. For example, a new Environment Strategy (ES), which will also act as NI's first Environmental Improvement Plan (EIP) was due to have been laid before the Assembly by 25th July 2023 but has still not been published. Whilst NIEL understands the challenges that the Department has faced due to a lack of Minister and budgetary pressures, we would agree with the assessment of the Office of Environmental Protection (OEP), the public body that protects and improves the environment by holding government and other public authorities to account², that this situation is "deeply regrettable".³ The publication of the ES/EIP should now be a priority for DAERA. However, NIEL did not consider the draft Environment Strategy sufficiently specific, ambitious, or cohesive and called on DAERA to significantly revise and enhance it, so the ES should not just be published as quickly as possible but published after being reviewed and improved. It seems that the Office for Environmental Protection (OEP) shares that view, as in a letter to the DAERA Permanent Secretary in July 2023⁴ it

"advised that the Strategy could be strengthened, including through prioritising, re-balancing, and setting out greater clarity in respect of targets, accountability, and evaluation."

The principle of co-design is key for NIEL and so this review of the ES should be done in conjunction with representatives from the environment sector. DEARA should also clarify whether the Environment Strategy will be first EIP for NI, or whether as happened with the 25 year Environment Programme in England, it will form the basis for first EIP.

Circumstances meant that DAERA also failed to publish the four yearly review of the Nutrients Action Programme (NAP) due on 11th October 2023, as required by the Nutrient Action Programme Regulations (Northern Ireland) 2019⁵, even as the calls for action to deal with the explosion of blue-green algal blooms in the summer of 2023 were being made.

While the new NAP should address many of the issues at the core of the freshwater pollution problems that led to the explosion of blue-green algal blooms that blighted Lough Neagh and other lakes in the summer of 2023, those blue-green algae blooms were symptoms of broader, long term, strategic problems, so a long term, strategic action plan is needed to address those issues and is a priority for NIEL. This long term, strategic plan for freshwater should include the use of nature based solutions, in line with Section 34 of the Climate change Act 2022 which states

“Proposals and policies under section 29 shall as far as is practicable, support nature based projects that enhance biodiversity, protect and restore ecosystems, and seek to reduce, or increase the removal of, greenhouse gas emissions or support climate resilience.”

Publishing these two strategies (the ES and NAP) should be a priority for DAERA not just because of the scale of the problems but because the legal deadline for publishing each strategy was missed.

Other overdue DAERA strategies include: a Biodiversity Strategy; a Marine Plan; a Food Strategy and a Waste Management Strategy. A Land Use Strategy is also needed. This is not an exhaustive list but is meant to illustrate some of the actions needed to meet existing obligations now that an Executive is back in place.

The previous Biodiversity Strategy covered the period up to 2020⁶. The NI Marine Plan was consulted on in 2018 but has not yet been published⁷. A food strategy was due to have been published in 2022⁸. The last Waste Management Strategy ended in 2020⁹. A Land Use strategy is needed to deliver a more strategic approach to land use decision making, along with the need for nature friendly farming to be prioritised and expanded by expediting the development and roll out of the Farming with Nature Scheme. A comprehensive and robust Landscape Strategy (as committed to in the draft Environment Strategy¹⁰), including appropriate legislation for landscape designations (currently AONBs) is also needed.

NIEL was disappointed that the AERA Minister confirmed that the Climate Action Plan will not now be published by the deadline of 6th June 2024¹¹ as required by Part 5¹² of the Climate Change Act (Northern Ireland) 2022. Again we recognize the challenges that have led to this delay and welcome the Minister’s commitment to the Act. This needs to be progressed and published as soon as possible, alongside the establishment of a Just Transition Commission, as required by Section 37¹³ of that act, which is also DAERA’s responsibility.

(2) Environmental Governance

NIEL believes that establishing an independent Environmental Protection Agency (EPA) should be a top priority for DAERA. The Assembly motion in February 2020 that declared a climate emergency¹⁴ called upon the Minister of Agriculture, Environment and Rural Affairs

“to begin immediately work to establish an independent environmental protection agency based on models of best practice, that will be appointed within 12 months.”

The establishment of an independent EPA was also committed to in New Decade New Approach¹⁵ where, it states, further to bringing forward a Climate Change Act,

“The Executive will establish an Independent Environmental Protection Agency”.

In addition, a commitment to the continued appropriate funding and support for the Office of Environmental Protection (OEP) and NIEA is essential to help those bodies with regulatory responsibilities to fulfil their statutory duties and to generate confidence in the regulatory and enforcement system which is currently lacking.

The illegal dumping of waste at the Mobuoy site in the North West is a very clear example of the failings of the current environmental enforcement, monitoring and regulatory system. More than a million tonnes of waste were illegally dumped at Mobuoy, which is close to the River Faughan¹⁶, which supplies 60% of Derry’s drinking water and is a Special Area of Conservation (SAC), designated under the Habitats Directive¹⁷ as an internationally important river for Atlantic salmon. The Mobuoy site has been described by journalists Dan Ashby and Lucy Taylor on BBC Radio 4’s series “Buried”¹⁸ (episode 1) as

“one of the biggest environment crimes in UK history” .

While there are many factors that contributed to the situation in Mobuoy, it serves as a stark illustration of previous failures in enforcement, monitoring and regulation and of the need for an independent EPA in NI to oversee and enforce all relevant environmental legislation in collaboration with corresponding bodies across the UK and the Republic of Ireland.

The DEARA Annual Report for 2023¹⁹ states that as regards the clean-up of the Mobuoy site

“The estimated costs of implementing the various options range from £17m to £700m, with the preferred option having an estimated cost of £107m. On that basis, £107m is deemed to be a reliable estimate of the potential costs of remediation”

While this is only an estimate for one site, and the costs may well rise, these costs are many times those of establishing a better system of governance in NI. In this context, investment in better regulation, which would hopefully prevent issues like Mobuoy from happening again, would appear to be a worthwhile investment.

There will be a cost to establishing an EPA but the BBC²⁰ reported in March 2024 that of the £3.3 billion which was reallocated for the return of Stormont, £64.6 million was to be made available for New Decade, New Approach commitments, so there should be a means of accessing funding for an EPA.

Achieving good environmental governance is needed on the land and in the sea and is not just the responsibility of DAERA but will require cross departmental and Executive support and co-operation. For example, Section 50 of the Climate Change Act (Northern Ireland) 2022²¹ requires The Executive Office (TEO) to establish an independent office to be known as the Northern Ireland Climate Commissioner. The functions of the Commissioner are to oversee and report on the operations of the Act. This will be an essential component of NI's journey towards meeting the targets in that act and of NI's journey to badly needed improvements in environmental governance.

(3) Legislation

DAERA needs to ensure it meets all of its existing legal obligations. For example, DAERA should ensure the full and timely implementation of the Climate Change Act Northern Ireland 2022 and that there is urgent action on overdue commitments especially the Climate Action Plan.

DAERA should also prioritise publishing a new Agriculture Act based on the principle of 'public money for public goods' which will ensure the new agricultural policy proposals to support Nature Friendly Farming are developed and implemented.

(4) Funding

The importance of appropriate funding of DAERA and NIEA and their environmental and agricultural policies and actions is a recurring issue for NIEL and its members as funding cuts are having an impact on operations. For example, in 2022, NIEA informed all Environmental Farming Scheme (EFS) higher level planners that the Tier 3 additional land process was being paused at that time due to the level of resourcing in NIEA EFS and Evidence teams. Tier 3 land is priority habitat outside of protected sites, but in many instances it surrounds protected areas and helps create buffers and favourable management that can have a positive impact on neighbouring tier 1 and 2 habitats.

In our marine environment, there is a need for increased, long-term resourcing and funding for marine protection and restoration, including the release of Maritime Fisheries Funding.

All strategies should have an accompanying funding strategy to ensure delivery of commitments.

Malachy Campbell, Senior Policy Officer NIEL

¹ <https://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2020/02/03&docID=292480>

² <https://www.theoep.org.uk/office-environmental-protection>

³ <https://www.theoep.org.uk/report/failure-meet-ni-eip-deadline-deeply-regrettable>

⁴ <https://www.theoep.org.uk/report/failure-meet-ni-eip-deadline-deeply-regrettable>

⁵ <https://www.legislation.gov.uk/nisr/2019/81/contents/made>

⁶ <https://www.daera-ni.gov.uk/publications/biodiversity-strategy-northern-ireland-2020-0>

⁷ <https://www.daera-ni.gov.uk/articles/marine-plan-northern-ireland>

⁸ <https://www.daera-ni.gov.uk/consultations/northern-ireland-food-strategy-framework>

⁹ <https://www.daera-ni.gov.uk/articles/waste-management-strategy>

¹⁰ <https://www.daera->

[ni.gov.uk/sites/default/files/consultations/daera/Draft%20Environment%20Strategy.PDF](https://www.daera-ni.gov.uk/sites/default/files/consultations/daera/Draft%20Environment%20Strategy.PDF)

¹¹ <https://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=391171>

¹² <https://www.legislation.gov.uk/niu/2022/31/part/5/enacted>

¹³ <https://www.legislation.gov.uk/niu/2022/31/section/37/enacted>

¹⁴ <https://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2020/02/03&docID=292480>

¹⁵ <https://assets.publishing.service.gov.uk/media/5e178b56ed915d3b06f2b795/2020-01->

[08 a new decade a new approach.pdf](#), see page 44

¹⁶ <https://www.daera-ni.gov.uk/protected-areas/river-faughan-and-tributaries-sac>

¹⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01992L0043-20130701>

¹⁸ <https://www.bbc.co.uk/programmes/m001hf1w/episodes/player>

¹⁹ <https://www.daera->

[ni.gov.uk/sites/default/files/publications/daera/DAERA%20Annual%20Report%20%26%20Accounts%202022-](https://www.daera-ni.gov.uk/sites/default/files/publications/daera/DAERA%20Annual%20Report%20%26%20Accounts%202022-)

[23.PDF](#) see page 111

²⁰ <https://www.bbc.co.uk/news/uk-northern-ireland-68534943>

²¹ <https://www.legislation.gov.uk/niu/2022/31/contents/enacted>