

Ms Katrina Godfrey  
Permanent Secretary  
Department for Agriculture, Environment and Rural Affairs  
Klondyke Building, Cormac Avenue  
Gasworks Business Park,  
Malone Lower, Belfast,  
BT7 2JA

**By email only**

26 July 2023

Dear Ms Godfrey,

### **Environmental Improvement Plan for Northern Ireland**

I am writing to you in relation to the recent failure to lay an Environmental Improvement Plan (EIP) for Northern Ireland (NI) before the Assembly by the 25 July, as required by the Environment Act 2021<sup>1</sup>.

Statutory deadlines are important. They are a core component of how laws must be implemented. Such laws have been put in place purposefully to support delivery of the environmental commitments and ambitions which are so needed to protect and improve the environment of NI.

You will recall that we wrote to your department in September last year in response to your request for advice in respect of the suitability of the Northern Ireland (NI) Environment Strategy as an Environmental Improvement Plan (EIP) for NI.

We considered that the Environment Strategy would be a good basis for developing an EIP for NI and welcomed it as a step towards improving the environment of NI. We advised that the Strategy could be strengthened, including through prioritising, re-balancing, and setting out greater clarity in respect of targets, accountability, and evaluation. We also urged for parity alongside other major plans and programmes.

I am aware of the current political situation resulting from the ongoing lack of an Executive in NI, and the impact this has had on publication of the EIP, and the potential implications for meeting other legal obligations.

We recognise the difficulty of legislation placing an obligation on DAERA to produce such a plan when there is no Minister or Executive in place to confirm it with democratic legitimacy. In that

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<sup>1</sup> s.48 and paragraph 1 of schedule 2 to the Environment Act 2021

context, whilst failure to comply with the statutory deadline for the publication of the EIP is deeply regrettable, we also understand the reason behind it.

However, in acknowledging the practical reality of the situation, I would also stress that every effort should be made to ensure that any delay is as short and timebound as possible, and with transparency around the plan to deliver the EIP and other legal requirements.

To expedite delivery, I understand DAERA is already well underway with the work required to ensure the EIP can be finalised and published as soon as possible after the NI Executive resumes. As a means of minimising any period of non-compliance, this is a welcome and necessary approach.

It is also vital that any delays resulting from political uncertainty do not affect the ambition and content of the plan. The opportunity created should be maximised to ensure that the plan is robust, evidence-based, and takes account of our earlier advice<sup>2</sup>. It will be important for the plan to show coherence with other strategic plans and programmes, in particular the Climate Action Plan, as it incorporates a number of environmental targets and measures and will be a key consideration in achieving ambitions around green growth.

We would welcome continuation of the constructive engagement we have had to date, and ask that you provide an update as to your plan for the production and publication of the EIP.

I am also conscious that DAERA is required to review the Nutrient Action Programme (NAP) within six months of the end of the last programme.<sup>[1]</sup> As you will be aware, the current NAP came to an end on the 11<sup>th</sup> of April 2023, meaning a new NAP is required by 11<sup>th</sup> October 2023. I would therefore also welcome details as to your plan for this programme, given its importance as a delivery mechanism against key aspects of the draft Environment Strategy, in particular its relevance to water quality.

As the political uncertainty persists in NI, the need for transparency around key environmental plans and programmes is more important than ever. Whilst I would urge that these are delivered as soon as possible, focus should not shift from the ambition that is needed to generate improvements to the environment in NI that are so urgently needed.

Yours sincerely



Natalie Prosser  
Chief Executive Officer of the Office for Environmental Protection



[www.theoep.org.uk](http://www.theoep.org.uk)

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<sup>2</sup> [OEP supports adoption of NI EIP but identifies areas for improvement | Office for Environmental Protection \(theoep.org.uk\)](https://www.theoep.org.uk/news/2023/04/11/041123-01)