

**Oversight and Performance Delivery Agreement
Between**

the Environmental Protection Agency

and the

**Department of the Environment, Climate and
Communications**

and the

Department of Housing, Local Government and Heritage

2024-2026

Table of Contents

1. Introduction	3
2. Legal Framework	3
3. Operational Environment of the Agency	3
4. Purpose and Responsibilities of the Agency	4
5. Compliance with the <i>Code of Practice for the Governance of State Bodies</i>	4
6. Performance Delivery Agreement	6
7. Arrangements for Oversight, Reporting and Monitoring	6
8. Mutual Commitments	8
9. Duration of Agreement	9
Appendix 1 Performance Delivery Agreement between the Environmental Protection Agency and the Department of the Environment, Climate and Communications and the Department of Housing, Local Government and Heritage for 2024	10

1. Introduction

In accordance with the *Corporate Governance Standard for the Civil Service*, the Department of the Environment, Climate and Communication (hereinafter referred to as DECC), as parent Department to the Environmental Protection Agency (hereinafter referred to as the Agency), must ensure that there are robust and effective governance arrangements in place in the Agency. In addition, the Department of Housing, Local Government and Heritage (hereinafter referred to as DHLGH) has responsibility for a number of areas of direct relevance to the Agency's remit.

This tripartite Oversight and Performance Delivery Agreement (hereinafter referred to as the Agreement) fulfils the requirements of Section 8.4 of the *Code of Practice for the Governance of State Bodies* and its associated Annexes (hereinafter referred to as the Code). This Agreement defines the Agency's relationship with DECC and with DHLGH. The relationships between the Agency and DECC and DHLGH are determined primarily by:

- the underpinning legislation establishing the Agency and assigning its statutory functions; and
- the requirements set out in the Code.

Engagement between the Agency, DECC and DHLGH will be based on a common understanding of the objectives of the Agency, having regard to its statutory functions and the actions through which it seeks to achieve its objectives.

2. Legal Framework

The Agency was established in 1993 under the Environmental Protection Agency Act 1992 (No. 7 of 1992), as amended (hereinafter referred to as the 1992 Act). On 1 August 2014, the Radiological Protection Institute of Ireland merged with the Agency.

The main legal instruments pertaining to the Agency are:

- Environmental Protection Agency Act 1992 (as amended);
- Waste Management Act 1996 (as amended);
- Protection of the Environment Act 2003 (as amended);
- Radiological Protection Acts 1991 to 2014 (as amended);
- Microbeads (Prohibition) Act 2019;
- Dumping at Sea Act 1996 (as amended); and
- Regulations made under the above Acts and under the European Communities Act.

3. Operational Environment of the Agency

The Agency's headquarters is based in Wexford and there are Regional Inspectorates in Dublin, Cork, Kilkenny, Castlebar and Monaghan, with a smaller Regional Office in Athlone.

The Agency operates as a non-commercial, regulatory body. It has independence in the performance of certain functions as set out in the 1992 Act, and other relevant legislation. It has responsibility for protecting and improving the environment as a valuable asset for the people of Ireland. In this context, the Agency is committed to protecting people and the environment from the harmful effects of radiation and pollution, and playing key roles in environmental regulation, provision of knowledge and advocacy for the environment.

The Agency is managed by a full time Executive Board (hereinafter referred to as the Board), appointed by Government, consisting of a Director General and five Directors. The Board fulfils both the governance and management roles in the organisation.

The Agency is assisted by a Government appointed Advisory Committee of twelve members who meet regularly to discuss issues of concern and provide advice to the Board on matters relating to the Agency's functions.

4. Purpose and Responsibilities of the Agency

The purpose of the Agency is to *protect, improve and restore our environment through regulation, scientific knowledge and working with others.*

The work of the Agency can be divided into three core roles:

- Environmental Regulation;
- Key source of trusted scientific evidence and knowledge; and
- Working with others to deliver better environmental outcomes.

The Agency's main responsibilities arising within these areas are:

- Licensing (such as waste facilities, large-scale industrial activities, intensive agriculture installations, large petrol storage facilities, waste-water discharges, dumping at sea activities, CO₂ emissions from large industrial facilities and the aviation sector);
- National environmental enforcement;
- Waste management;
- Water management;
- Climate science & Climate Action;
- Monitoring, Analysing and Reporting on the Environment;
- Environmental Research and Development;
- Strategic Environmental Assessment;
- Radiological Protection;
- Guidance, Accessible Information and Education; and
- Awareness Raising and Behavioural Change.

The key regulatory tasks of the Agency including its role as competent authority, enforcement authority, licensing authority or otherwise under the various legal instruments are outlined on the Agency's website, www.epa.ie.

5. Compliance with the Code of Practice for the Governance of State Bodies

The Agency is subject to a range of statutory and corporate governance obligations, including the Code. These include the Infrastructure Guidelines; Circular 13/2014 on the Management and Accountability of Exchequer funding; the Public Financial Procedures; the requirements of the delegated sanction for filling vacancies up to the level of Principal Officer or equivalent; risk management; and internal audit.

The Agency is obliged to comply with all aspects of the Code's requirements and there are no expected derogations from the provisions of the Code. The Agency will report compliance with the Code by

submitting an agreed governance checklist to DECC annually. In addition, the audited Annual Report and Accounts will be submitted, in accordance with the 1992 Act, to the Minister for the Environment, Climate and Communications for presentation to Government and laying before the Houses of the Oireachtas.

In accordance with Business and Financial Reporting Requirements of the Code, the Annual Report will, inter alia, include:

- a note addressing the Agency's level of compliance with the overall requirements of the Code;
- confirmation of an appropriate assessment of the Agency's risks, including a description of these risks where appropriate, and associated mitigation measures or strategies; and
- confirmation that the Agency is adhering to relevant aspects of the Infrastructure Guidelines.

Roles of Accountability - DECC

In accordance with the Code, the Accounting Officer of DECC (the Secretary General) is required to be satisfied that the requirements of the Code are being properly implemented and observed. The DECC's Secretary General, as accounting officer, also has responsibility for the safeguarding of public funds expended from the Department's Vote. The responsibilities of the Secretary General in this regard, and the role and responsibilities of the other members of DECC's management team are set out in DECC's Corporate Governance Framework, available from DECC.

Roles of Accountability - Agency

The Director General is the Chair of the Board. The Director General is also the operational Chief Executive of the Agency, serving both governance and management roles, and is responsible for running the Agency. In accordance with the 1992 Act, it is the function of the Director General to ensure the efficient discharge of the business of the Agency, and to arrange the distribution of the business of the Agency among its Directors. For the purposes of appearing before the Public Accounts Committee, the Director General is the person "accountable" to that Committee.

Executive Board - Agency

The Board fulfils both governance and management roles.

In addition to the special Board responsibilities set out in the Code of Practice for the Governance of State Bodies 2016 and in the EPA Act, the EPA's Board holds specific governance and management responsibilities as the Board of a State body which include:

- to ensure that the body carries out its responsibilities as set out by statute or by ministerial order;
- to provide leadership, vision and direction for the body;
- to define the mission of the body, decide its strategic goals and develop the policies required to achieve those goals;
- to ensure good management, to monitor the achievements of management and to ensure that a proper balance is achieved between the respective roles of board and management;
- to set performance targets, including key financial targets and, in particular, to agree and closely monitor the budget;
- to ensure that the body behaves ethically and in a manner that accords with the core values of the body; and
- to define and promote the body's role in the community by developing mechanisms for gathering the views of customers and stakeholders and by keeping people informed in an open, accountable and responsible way.

Risk Factors

The Agency is responsible for reviewing and adopting its risk management policy, and this includes having regard to strategic risks outlined in Ireland's *National Risk Assessment*. The Agency's Audit and Risk Committee assists the Board in the effective discharge of its responsibilities for organisation-wide risk management. This risk management policy is reviewed regularly and is designed to meet the risk management requirements of the Code. The Agency's Risk Register is updated on an ongoing basis and in accordance with Department of Public Expenditure, National Development Plan Delivery and Reform guidelines.

6. Performance Delivery Agreement

The Oversight Agreement clearly defines the terms of the Ministers' relationship with the Agency whereas the Performance Delivery Agreement formalises the agreed level of service.

The Performance Delivery Agreement focuses on the key priorities and objectives of the Agency and clarifies the link between the purpose and strategic priorities of the Agency and the high-level goals of DECC and DHLGH. The Agency's Strategic Plan sets out its purpose, and outlines its strategic outcomes and priorities. The Statements of Strategy for both DECC and DHLGH outline their respective high-level goals.

The Performance Delivery Agreement supports the achievement of the relevant high-level goals of DECC and DHLGH, and the strategic priorities of the Agency. The Performance Delivery Agreement assists in achieving the strategic outcomes of the Agency.

Appendix 1 specifies the level of service to be delivered by the Agency as agreed by DECC, DHLGH and the Agency. This Appendix outlines the inputs (financial and staffing resources) and the outputs/targets on which performance will be measured.

The monitoring and review of the Performance Delivery Agreement is set out below in section 7 of this Agreement which will facilitate a level of flexibility and amendment of the outputs/targets, where necessary.

Reporting on the Agency's performance of its functions will be through the publication of its Annual Report and Accounts, in accordance with the 1992 Act.

Memoranda of Funding Agreements

The Performance Delivery Agreement is amplified by a number of Memoranda of Funding Agreements (MoFAs) which are being entered into by DHLGH and the Agency on an annual basis. These MoFAs are to be considered a component of this Performance Delivery Agreement and an element of the governance framework envisaged by the Code. As such, the MoFAs are also subject to the obligations arising under this Agreement including those relating to oversight, monitoring and reporting. These MoFAs provide detailed information on the planned disbursement of funding provided by DHLGH to the Agency and the service delivery requirements for the Agency which relate to the implementation of the Water Framework Directive and associated water work including the National Agriculture Inspection Programme.

7. Arrangements for Oversight, Reporting and Monitoring

In the exercise of the Director General's responsibilities for corporate governance and resourcing of the Agency, the Director General shall at all times keep the Minister for the Environment, Climate and Communications promptly and fully informed of the conduct of business or affairs of the Agency, and of any circumstances material to or likely to be material to the business of the Agency. The Director General commits to informing DECC and/or DHLGH, as appropriate, on matters arising which may impact upon the successful delivery of outputs/targets.

Annual Report and Accounts

Financial and business reporting will be done through the Annual Report and Accounts, and through any other form agreed by DECC and the Agency. The Annual Report and Accounts are and will continue to be audited by the Officer of the Comptroller and Auditor General.

As provided for in Section 1.9 of the Business and Financial Reporting Requirements of the Code, the Director General will furnish a Chairperson's Comprehensive Report to the Minister for the Environment, Climate and Communications each year in conjunction with the Annual Report and Financial Statements.

The Agency undertakes to provide a report on the attribution of Exchequer and Environment Fund funding and to include an appropriate summary note in the Annual Report and Financial Statements.

Information relating to the Agency's risks and risk management policy and details about the Audit and Risk Committee will be outlined in the Annual Report in accordance with the Code.

The Agency undertakes to provide relevant, timely and appropriately detailed performance information to enable monitoring of this Agreement.

Structured Arrangements

Some structured arrangements are already in place and these are set out below. The Agency meets with both DECC and DHLGH outside of these arrangements as the need arises.

Annual Meetings with the Agency

The Secretary General of DECC and the Director General of the Agency will hold an annual meeting to continue to strengthen the relationship between the two organisations, and to discuss current and emerging issues of common concern.

The Secretary General of DHLGH and the Director General of the Agency will hold an annual meeting to continue to strengthen the relationship between the two organisations, and to discuss current and emerging issues of common concern.

On an annual basis, or as requested in line with the Revised Estimates Volume (REV) preparation and other Department of Public Expenditure, National Development Plan Delivery and Reform requests, the key high-level metrics and indicators will be updated and reported on by the Agency. While these tables will be reviewed on an annual basis, subsets of these tables may be required by either Department for quarterly or half yearly meetings at Senior Official Level.

The annual meeting will review the Oversight Agreement and the Performance Delivery Agreement as

well as the Memoranda of Funding Agreements, as appropriate. Separate meetings may also be necessary to ensure the overall value for money and cost effectiveness of the Agency's programme, and to plan for the following year's agreements.

Quarterly Management to Management Meetings with the Agency

In accordance with DECC policy on the monitoring of governance arrangements of aegis bodies, the Agency will meet quarterly with relevant DECC officials to provide updates on governance, compliance with the Code, performance delivery and any other relevant matters.

The Agency will meet quarterly with relevant DHLGH officials on water related matters and such meetings will also consider updates on the Memoranda of Funding Agreements agreed between the two organisations. Performance delivery any other relevant matters will be considered at these meetings. The meetings will be attended by the relevant Programme Managers in the Agency and senior management in the Water Division of DHLGH.

8. Mutual Commitments

All parties agree to:

- adopt a 'no surprises' approach to areas of common concern;
- proactive and timely communications, cooperation and information provision on service delivery and other matters;
- support the effective achievement of agreed targets and the promotion of partnership, responsiveness and mutual cooperation in their ongoing interactions; and
- the realisation of this Agreement.

DECC agrees to:

- timely processing of requests and responses for consent;
- promptly inform the Agency of any material changes or issues that would affect the ability of the Agency to perform and resource its functions;
- consult the Agency in any activities related to the role that the Agency may be required to play within DECC;
- undertake early engagement with the Agency regarding any proposed legislative changes that will impact the role of the Agency;
- DECC maintain oversight of, and liaise as appropriate with, the Agency on any new proposals, from any Government Department, regarding the expansion of the role of the Agency;
- liaise with the Department of Public Expenditure, National Development Plan Delivery and Reform, following consultation with DHLGH as appropriate, to ensure as far as possible, timely sanction for expenditure and staffing in line with Public Financial Procedures and Public Service Numbers policy;
- provide updates and guidance, as appropriate on Public Financial Procedures, Civil Service HR Policy Guidelines, Government Accounting and Governance, and Public Sector Reform and Civil Service Renewal Programmes;
- ensure that appointments to the Agency are made in accordance with legislative provisions and in a timely manner; and
- timely submission of Annual Reports and Accounts to Government and laying before the Houses

of the Oireachtas.

DHLGH agrees to:

- consult the Agency in any activities related to the role that the Agency may be required to play within DHLGH;
- timely processing of requests and responses for consent; and
- promptly inform the Agency of any material changes or issues that would affect the ability of the Agency to perform and resource its functions.

The Agency agrees to:

- keep both the Minister for the Environment, Climate and Communications and the Minister for Housing, Local Government and Heritage, where appropriate informed of the conduct of business affairs of the Agency and of any material circumstances affecting the business of the Agency; and
- acknowledge Government funding in all relevant documentation available to the public, in line with Government branding requirements.

9 Duration of Agreement

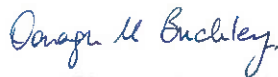
This Agreement will apply with effect from the date signed hereunder until 31 December 2026. While this Agreement shall cover a 3 year period, the parties shall in accordance with the Code review it every 12 months and update it as may be necessary. In particular, the Performance Delivery Agreement as outlined in section 6 above and in Appendix 1 will be updated annually along with the Memorandum of Funding Agreements. The Departments and the Agency will engage to agree on any amendments.

The undersigned agree to the arrangements as set out in this Agreement:



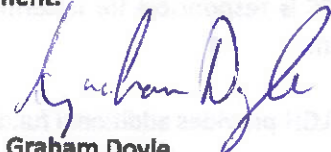
Laura Burke,
Director General,
Environmental Protection
Agency

Date: 19/11/2024



Oonagh Buckley,
Secretary General
Department of the
Environment, Climate and
Communications

Date: 09/12/2024



Graham Doyle,
Secretary General,
Department of Housing, Local
Government and Heritage

Date: 18.12.2024

Appendix 1

Performance Delivery Agreement between the Environmental Protection Agency and the Department of Environment, Climate and Communications and the Department of Housing, Local Government and Heritage for 2024

This Performance Delivery Agreement specifies the level of service to be delivered by the Environmental Protection Agency as agreed by the Department of Environment, Climate and Communications (DECC), the Department of Housing, Local Government and Heritage (DHLGH) and the Environmental Protection Agency (EPA / the Agency). It outlines the inputs (financial and staffing resources) and the outputs/targets on which performance will be measured.

The monitoring and review of the Performance Delivery Agreement is set out in section 7 of the Oversight Agreement which will facilitate a level of flexibility and amendment of the targets, where necessary.

The Agency will also be guided by the views of its Advisory Committee as established under Section 27 of the Environmental Protection Agency Act 1992 (as amended). It will also be guided by its Audit & Risk Committee, the Comptroller and Auditor-General's audit findings and other relevant committees.

1. Inputs - Financial Inputs and Staffing Resources

1.1 Financial Inputs for 2024

DECC is responsible for determining the overall allocation of funding to the Agency i.e. the annual grant.

DHLGH provides additional funding to the Agency for specific programmes.

The Agency is responsible for the allocation of its current expenditure within agreed budgetary parameters.

The tables below provide details of the breakdown of expenditure provided by DECC and DHLGH to the Agency and the purpose of this funding.

There are a number of Memoranda of Funding Agreements between the Agency and DHLGH which provide further details on the planned disbursement of funding being provided by DHLGH to the Agency including the key activities being funded and the outputs to be delivered in respect of this funding.

Table 1.1.1 Financial Resources for the Agency

Source	2023 Outturn	2024 Allocation / Income
DECC Vote-Current	€40.126M	€42.319M
DECC Vote-Capital	€16.404M	€16.404M
DECC Environment Fund / Circular Economy Fund		€1.500M ²
DHLGH Vote-Water Quality	€7.418M	€7.190M ³
Agency Generated Income	€27.499M ¹	€29.357M ¹
Total	€91.447M	€96.77M

¹ The Agency Generated Income figures include €10.648M for 2022 and €10.523M in 2023, that is not available Income, as the amounts relate to the Net Deferred Retirement Benefit Funding FRS102 actuarial calculation for each year. For the 2024 figures, we have used €10.523M FRS102 figure as an estimate as the actuarial calculation for 2024 will not be available until later in 2025.

² The amount of €1.5M was not included in the Initial allocation but it was agreed later in 2024 that the EPA could be funded through the Circular Economy Fund.

³ DHLGH allocated €6,695,000 for Catchments & Abstractions (current, pay and capital) and it also allocated €494,857 for the National Agriculture Inspection Programme.

Table 1.1.2 Breakdown of costs by activity

The following tables present the costs of the Agency's activities across the various programme areas.

Office of Communications and Corporate Services Budget 2024 by Activity			
Activity	Total Budget 2024 €000's	Current	Capital
Salaries & Pension	43,060.00	43,060.00	0
ICT	7,754.00	5,237.00	2,517
Organisation Services & Support Services	6,921.00	5,145.00	1,776
Communications	777.00	777.00	0
Corporate Governance	190.00	190.00	0
Total OCCS by Activity	58,702	54,409	4,293

Office of Environmental Sustainability Budget 2024 by Activity			
Activity	Total Budget 2024 €000's	Current	Capital
Environmental Licensing Programme	864	864	0
Emissions Trading & Registry	107	107	0
Circular Economy Programme	1,137	1,137	0
Waste Statistics	386	386	0
National Hazardous Waste Management	128	128	0
Circular Economy Waste & Regulation	159	159	0
Total OES by Activity	2,781	2,781	0

Office of Evidence & Assessment Budget 2024 by Activity			
Activity	Total Budget 2024 €000's	Current	Capital
Environmental Research	13,408	688	12,720
Water Programme & Hydrometrics	1,990	1,359	631
Evidence Programme	315	315	0
Climate Change	1,209	1,209	0
Total OEA by Activity	16,922	3,571	13,351

Office of Environmental Enforcement Budget 2024 by Activity			
Activity	Total Budget 2024 €000's	Current	Capital
Regional Enforcement	429	421	8
National Enforcement	1,033	1,033	0
Financial Provision	602	602	0
Legal Enforcement	583	583	0
Networks, Producer Responsibility, Support & ODS & F-Gases	515	515	0
Agricultural Inspection & Oversight	76	76	0
Total OEE by Activity	3,238	3,230	8

Office of Radiation Protection & Environmental Monitoring Budget 2024 by Activity			
Activity	Total Budget 2024 €000's	Current	Capital
Water Sampling & Analysis	1,508	1,273	235
Radiation Monitoring & Calibration	372	332	40
Environmental Monitoring & Surveillance	170	170	0
Ambient Air Monitoring	2,595	2,108	487
Environment & Health	1,074	1,074	0
Total ORM by Activity	5,719	4,957	762

Office of Director General Budget 2024 by Activity			
Activity	Total Budget 2024 €000's	Current	Capital
Board	135	135	0
Strategy	16	16	0
Total ODG by Activity	151	151	0

Climate Secretariat Budget 2024 by Activity			
Activity	Total Budget 2024 €000's	Current	Capital
Climate Secretariat	962	576	386
Total Climate Secretariat by Activity	962	576	386

Breakdown			
Total EPA & CCAC Budget 2024	88,475	69,675	18,800
Total EPA & CCAC DECC allocation 2024	60,223	43,819	16,404
Total EPA DHLGH allocation 2024	6,695	5,864	831

1.2 Staffing Resources for 2024

The Agency has an approved staff complement of 550 posts at end of Quarter 3, 2024 and the associated pay budget is €36.25m. Efforts are ongoing to fill existing vacancies.

Table 1.2.1: Agency's Staffing Allocation at end Quarter 2, 2024

	2022	2023	2024 (to end Q3)
Staff sanction numbers	454	520	550
Full Time Equivalents	445.1	468.9	509.40

Table 1.2.2: Agency's Staffing by Office at end Quarter 3, 2024

Office	Full Time Equivalent
Office of Communications & Corporate Services	77.6
Office of Environmental Sustainability	84.1
Office of Evidence & Assessment	96.1
Office of Environmental Enforcement	145.5
Office of Radiation Protection & Environmental Monitoring	90.1
Office of the Director General	4
Climate Secretariat (OCCAC)	12
Total	509.4

The Agency's Workforce Plan for the 2024 period was agreed with DECC (in consultation with DHLGH) and the Department of Public Expenditure, National Development Plan Delivery and Reform in July 2024. It is acknowledged that some staffing costs are covered by funding provided by DHLGH.

2. Outputs/Targets for 2024

The Agency reports on its performance of its functions in its Annual Report and Accounts, in accordance with Section 51(1) of the Environmental Protection Agency Act 1992 (as amended).

The Agency and DECC agree annually a set of key high-level metrics and indicators for inclusion in the Revised Estimates Volume. These are set out in Table 2.1 and 2.2 below. They are updated and published annually by the Department of Public Expenditure, National Development Plan Delivery and Reform.

The Agency publishes a number of key reports, and these are outlined in Table 2.3 below, along with the indicative timeframe for publishing.

The separate Memoranda of Funding Agreements between the Agency and DHLGH provide details on the outputs to be delivered in respect of the funding provided by DHLGH.

Table 2.1 Public Service Activities (Outputs)

	2022 Outturn (2022 Target)	2023 Outturn (2023 Target)	2024 Output Target
Number of Environmental and Radiological Decisions	841 (740)	932 (790)	900
Number of Air Quality Monitoring Visits	105 (115)	105 (115)	115
Number of Industrial/Waste Site Visits	1,582 (1560)	1202 (1,519)	1,500
Number of Reports on Environmental Research Projects published	28 (35)	21 (30)	30

Table 2.2 Public Policy Impact (Outcomes)

	2021	2022	2023
Number of visits to EPA website	722,297	909,500	1,208,066
Number of environmental queries from the public answered	2,900	2,047	2,332

Table 2.3 Key Publications and Publishing Schedule for the Agency for 2024

Publication	Expected Publication Date H1: Jan-Jun; H2: Jul-Dec
EPA Annual Report & Accounts 2023	H1 2024; Published
State of the Environment Report	H2 2024
National Circular Economy & Waste Statistics Highlights Report	H2 2024
Ireland's National Inventory Submissions	H2 2024; Published
Ireland's Greenhouse Gas Emissions Projections 2023-2050	H1 2024; Published
National Report on Local Authority Performance for Environmental Enforcement	H2 2024
Annual National Air Quality Report	H2 2024; Published
Drinking Water Quality Report for Public Water Supplies	H1 2024; Published
Drinking Water Quality Report for Private Water Supplies	H2 2024; Published
Bathing Water Quality in Ireland 2023 Report	H1 2024; Published
Urban Waste Water Treatment in 2023 Report	H2 2024
Domestic Waste Water Treatment Systems Report	H1 2024; Published
Water Quality Indicators Report 2023	H1 2024; Published
Wave 2 of Climate Change in the Irish Mind	H2 2024; Published
Gender Pay Gap Report	H2 2024