

NILGA Evidence to the DAERA on the Climate Change (No2) Bill

The following response to the AERA Committee was developed further to a series of NILGA Executive Committee and the Association's all council Wellbeing Policy & Learning Network throughout 2021, working closely with Climate Northern Ireland and council officers.

On behalf of Derek McCallan
Chief Executive

10th September 2021

1.0 INTRODUCTION

NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. NILGA represents and promotes the interests of the 11 Northern Ireland district councils and is supported by all main political parties. The Association welcomes the opportunity to participate in the discussion around a new Climate Change Bill for Northern Ireland and we trust that the views outlined below will be considered as policy is developed and finalised. Our members view this as a positive opportunity for change.

2.0 INITIAL COMMENTS

NILGA strongly welcomes this Call for Evidence, as a precursor to the production of a Climate Change Bill for Northern Ireland. Legislation is urgently needed, alongside relevant and properly resourced monitoring, and demonstrable accountability.

At this stage, the NI Assembly and several councils have declared a 'climate emergency', all councils are working proactively on climate action and Belfast City Council has appointed its own Climate Commissioner. It is widely accepted, including by local government, that effective actions to mitigate and adapt to climate change need to be put in place as soon as possible to prevent further, irreversible damage.

NILGA is keen to assist the NI Assembly in ensuring Northern Ireland has its own robust climate legislation by March 2022. It is noted that a parallel private members' Bill is in legislative passage, and NILGA is also engaging with the AERA Committee on that Bill.

We are at a crucial point in time for our environment and it is important that we get our Climate Change Bill and accompanying policies right, that we involve everyone who needs to

be involved, that it is given the priority required by all government departments and other partners and that it is adequately resourced.

Difficult choices lie ahead, but strong and ambitious action on climate change is required everywhere – including Northern Ireland.

NILGA views on the overall policy objectives

NILGA broadly supports the policy objectives of the Bill as outlined in the Explanatory and Financial Memorandum, and welcomes the NI Executives commitment to producing a Bill. NILGA is keen that the Assembly, and the AERA Committee work assiduously to ensure that the Bill eventually passed, will be passed within the current mandate and will be the most appropriate Bill for Northern Ireland. It is vital that NI has credible legislative underpinning for the work already underway and to support the urgent work necessary to enable NI to decarbonise.

Although the main focus of the Bill is on mitigation, NILGA welcomes the explicit inclusion within the Bill of the adaptation programme and reporting, in the knowledge that we are now 'locked in' to an already undesirable level of climate change. The recently published third UK Climate Change Risk Assessment highlighted the need for urgent action in this regard, with many necessary actions also contributing substantively to mitigation.

<https://www.ukclimaterisk.org/wp-content/uploads/2021/06/CCRA-Evidence-Report-Northern-Ireland-Summary-Final.pdf>

Likelihood of Meeting these Objectives

NILGA is unsure if the Bill will meet the objectives outlined.

It is clear that urgent action is necessary on legislative targets, as the evidence shows that greenhouse gas emissions reductions have been poor in recent years, following the initial 'quick wins' achieved through improved local government waste management and renewable energy developments. Without legislative targets, and accompanying resources, very little will be achieved, but the establishment of targets is not without consequence. It is also clear that the Climate Change (No.2) Bill is very much focussed on requirements of government, in contrast to the Private Members' Bill which focusses on key sectors/emitters. We are aware that the sectoral targets are likely to surface within the forthcoming Green Growth Framework and Climate Action plan, but in the current absence of this information, it is not possible to give a strong view on whether the objectives will be met.

NILGA is aware of the relatively small contribution that climate action in Northern Ireland will make to greenhouse gas levels internationally, but we are keen to ensure that as part of

the UK we show leadership, while attempting to secure a ‘just transition’. We are conscious of the recent communications between the AERA Minister and the UK Climate Change Committee and are supportive of the target suggested for Northern Ireland by UKCCC, operating as part of the wider UK approach.

To achieve the necessary societal and economic changes, adequate resources will need to be provided to ensure a just transition for those vulnerable to policy change. It is currently unclear just how much support is going to be required, or where this support will come from, but what is certain, is that without the necessary resources to support the sectors through the transition to a zero carbon economy, the objectives of this Bill will not be met.

Emissions Targets

The current NILGA policy is in agreement with the GHG emissions targets for NI outlined in clauses 1-3, compared to baseline levels, i.e.:

- Net emissions will be **at least** 82% lower by 2050
- Net emissions will be **at least** 69% lower by 2040
- Net emissions will be **at least** 48% lower by 2030

NILGA notes the findings of the United Nations’ Intergovernmental Panel on Climate Change (IPCC) report¹, released in 2018, on what it would take to keep global temperatures from rising more than 1.5 degrees Celsius, a goal of the Paris climate agreement. The report explained that countries would have to cut their anthropogenic carbon dioxide emissions, such as from power plants and vehicles, to net zero by around 2050. To reach that goal, it said, CO2 emissions would have to start dropping “well before 2030” and be on a path to fall by about 45 percent by around 2030.

We also note the findings of the recently published United Nations’ Intergovernmental Panel on Climate Change (IPCC) 2021 Physical Science report², which emphasised that “global surface temperature will continue to increase until at least the mid-century under all emissions scenarios considered. Global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in carbon dioxide (CO2) and other greenhouse gas emissions occur in the coming decades.”

“Recent changes in the climate are widespread, rapid, and intensifying, and unprecedented in thousands of years... Unless there are immediate, rapid, and large-scale reductions in greenhouse gas emissions, limiting warming to 1.5°C will be beyond reach.”

¹ https://www.ipcc.ch/site/assets/uploads/sites/2/2018/07/SR15_SPM_version_stand_alone_LR.pdf

² <https://www.ipcc.ch/report/ar6/wg1/#FullReport>

Northern Ireland is part of a developed nation in a relatively affluent part of the world. Our neighbouring jurisdictions are all striving to ensure that they reach net zero by 2050, exploring what they need to do to ensure this target is met. The UK government has committed to reaching net zero by 2050, Scotland is committed to reaching net zero by 2045 (with interim targets), with Wales and the Republic of Ireland currently re-examining their existing targets to ensure they reach as close as possible to net zero by 2050.

The members of NILGA and its 11 member councils are keen to ensure that Northern Ireland plays its part, to the best of its ability, in working towards this common international goal. Indeed, NILGA is particularly keen to ensure that we, as a region, fully embrace the post Covid-19 recovery opportunity for Northern Ireland, in exercising its historic engineering prowess and innovation, to be an exemplar in low carbon energy efficiency. This economic opportunity could stimulate NI's economic green growth and create jobs and opportunities for many of its citizens if pump-primed in an appropriate manner.

In light of the above, and as previously expressed to the AERA Committee, NILGA has had a meaningful and heartfelt debate on the best way forward for Northern Ireland. Our members would like to ensure that the approach set in train by the Assembly is aspirational, whilst realistic and achievable.

NILGA acknowledges, as indeed DAERA has acknowledged, that 'kicking the can down the road' is likely to be far more expensive in the longer term. The Stern report is extremely clear on the issue of costs. Strong early action is more effective in halting climate change than delayed action, and the economic costs of climate inaction **dwarf** the economic costs of climate action (Stern Report, 2008). We also know that it is not just the particular level of GHG emissions in a single year which affects climate change, rather it is the total amount emitted over a number of years, which remain in the atmosphere. However, our members have concerns in relation to the impact on our society and economy that reducing the timeline to 2045 may have, exposing the vulnerable to much greater pressures.

NILGA supports a target of at least 82% reduction on 1990 targets by 2050, with efforts focussed on leadership, research and development in decarbonisation technologies that will assist the carbon-heavy sectors of our economy to change their practices; for example, in agriculture, by changing animal feeds and fertilisers used, and either employing breeding technology to reduce the amount of methane produced by livestock³, or diverting methane into use as a biofuel.

Further to extensive debate on the options presented, NILGA members voted, with the majority of members favouring a target of at least 82% reduction on 1990 levels. Around

³ University of Adelaide. "Potential for reduced methane from cows." ScienceDaily. ScienceDaily, 8 July 2019. www.sciencedaily.com/releases/2019/07/190708112514.htm

25% of the members involved in the vote believed that NI should be more aspirational and focussed on achieving 'net zero'.

*The importance of climate policy being taken forward with an **at least** 82% reduction is emphasised.*

NILGA asserts that the aim is to exceed this target, with proper assistance for key partners like councils and the agricultural community from the outset.

Our members are aware that this position may quickly become to be seen as short sighted, but they emphasise the importance of key sectors believing that what they must achieve, is indeed achievable, so that positive actions will be taken, and taken quickly. It will be important not to set a process in train that those in key sectors believe to be unachievable, as this could deter people from even starting down the road to decarbonisation.

As decarbonisation activities become normalised, there will be opportunity to further tighten these targets.

NILGA has some concern that there is room within this Bill to lengthen the time available to achieve these targets, or to reduce the targets. This should be prevented.

Are the targets outlined in clauses 1-3 achievable?

Yes. NILGA emphasises the importance of the words “at least” in the legislative targets. Achieving these will require a huge collective societal effort, cultural change, and adequate resources, but they are achievable.

Power to Amend Targets (Clauses 4 and 5)

NILGA is supportive of inclusion in the Bill of the power to amend targets, and proposed basis for such a change. We note the prominence given to the UKCCC within the Bill in relation to provision of advice. **These clauses should be amended to remove any perception that targets can be revised downwards, or that more time can be given to meet them.**

Carbon Budgets (and Nitrogen Budgets)

NILGA is of the view that carbon accounting and carbon budgets are valuable tools and can be a highly visible means of demonstrating necessary action and progress against targets.

We have some concern that the activity in this Bill is focussed on government, and is a step removed from most of the emitting sectors. It will be vital to ensure that appropriate carbon literacy training is resourced, developed and provided as a matter of urgency to ensure understanding of carbon budgeting grows at pace in government and emitting sectors.

NILGA queries the absence of nitrogen budgeting within this Bill, since consideration and inclusion of nitrogen and ammonia reduction will be vitally important in addition to decarbonisation. Although NILGA understands that the ammonia issue is being considered in various different strands of DAERA work, we note that at a NILGA Executive Committee meeting in November 2020, the AERA Minister informed us that he was hoping to publish the long awaited Ammonia Strategy/Action Plan by the end of December 2020. We still await this.

‘Banking’ or ‘borrowing’ carbon budgets

NILGA notes the proposed power in clause 15 for banking or borrowing carbon budgets between budgetary periods, and the flexibility this will enable. We also note the clauses related to setting and amending budgets, and are supportive of the role proposed for the UKCCC in these aspects of the Bill.

The long term nature of carbon budget planning, is likely to require the Department to use its power (outlined in clauses 14 and 31) to amend budgets, as technology develops, or if the emissions targets are tightened. An additional power (limited to 1%) to carry amounts from one budgetary period to another is likely to be helpful, provided the UKCCC agree to this.

Progress reporting

NILGA is unsure of the potential efficacy of the proposals within this Bill in relation to reporting. Part 3 of the Bill is focussed on government departments, and seems to somewhat deflect responsibility and reporting away from emitting sectors. NILGA is also aware of the degree of crossover of government responsibilities between departments and would be keen to see some sort of ‘responsibility map’ and sectoral reporting plan, for transparency purposes.

NILGA is of the view that a 2 year period between the end of a carbon budgetary period and report publication seems rather long, and that this could be shortened.

Independent Oversight – Part 4

Part 4 of the Bill places duties on the UKCCC to send reports to the Department at relevant times, giving a view on the Department’s progress against emissions targets and carbon budgets. There is no mechanism for dealing with failure, although there is a duty for the Department to lay the report before the Assembly.

NILGA notes the proposed Clause 25 which required the UKCCC to report on whether the 2050 target is the highest achievable. The legislation must safeguard against potential attempts to reduce the target percentages or elongate time available to achieve them.

NILGA welcomes the inclusion of reporting on adaptation programmes.

Responsibilities on Government Departments and Public Bodies

As noted above, NILGA is unsure of the potential efficacy of the proposals within this Bill. Part 3 of the Bill is focussed on government departments, and seems to somewhat deflect responsibility and reporting away from emitting sectors. NILGA is also aware of the degree of crossover of government responsibilities between departments and would be keen to see some sort of 'responsibility map' and sectoral reporting plan, for transparency purposes.

The Private Members Bill was much clearer and specific in its identification of key sectors, setting out that within Climate Action Plans there would be specific policies and proposals in the following sectors to achieve the overall emissions target:

- *energy production and supply (including for residential, public and district);*
- *heating and cooling purposes;*
- *transport (including shipping and aviation);*
- *infrastructure (including infrastructure for electric vehicular transport);*
- *business and industrial processes;*
- *residential and public (in relation to buildings in these sectors);*
- *waste management;*
- *land use and land-use change, including forestry; and*
- *agriculture*

NILGA notes Clause 21 of the No.2 Bill and would welcome a detailed conversation with the Department about this, rather than a duty being 'imposed'. Councils are already active in developing local climate action plans, and adaptation plans, in the absence of resources, legislation or a requirement to report. 'Imposition' of such a duty seems somewhat heavy handed.

Local government is also conscious of its experience in attempting to report on compliance with the sustainable development duty imposed via the Northern Ireland Miscellaneous Provisions Act 2006.

If such a duty is to be imposed on (or preferably co-designed with) councils, it will be vital to ensure that the Department is clear as to what is required. It will also be vital for the Department to appropriately resource the work it will need to do to assess the incoming reports.

NILGA also notes the recent Review of the Implementation of the Planning Act (NI) and the potential for section 250 and thus the definition of 'statutory undertaker' to be amended.

Resource Implications

NILGA strongly welcomes the fact that the Department have attempted to cost out the implementation of this legislation, but it is noted that there is a lack of clarity at present in relation to precise pathways and policies. The Explanatory Memorandum states

categorically that ‘there is difficulty in isolating and accurately quantifying all of the costs and benefits’ noting that some will not be known until during the implementation of the Bill.

NILGA is particularly concerned that the focus of this section of the explanatory memorandum seems to be on the costs to the public sector, staffing implications etc. While, of course, this needs to be taken into account, there seems scant attention paid to the impact on peoples’ lives, jobs, the costs of retraining and developing a green economy etc. If we are to ensure a just transition, much more attention needs to be paid to this. Current estimates are that climate action will impact over 100,000 jobs in the agri-food sector, and we know already, for example, that with the ceasing of commercial peat extraction next year (draft Peatland Strategy), although necessary, this will result in several hundred job losses with no concrete plans in place for retraining on peat restoration or other appropriate jobs. Urgent attention must be paid to resourcing a ‘just transition’.

To achieve the ambitious targets in the Climate Change Bill, significant resourcing will be required for the government, public bodies, businesses, and communities to deliver action on the ground. Councils in particular, will require financial support to plan for climate change and to adequately protect their communities.

A realistic budget should be identified by the Northern Ireland Executive for the lead ‘Department on Climate Action’ (currently DAERA) that is commensurate to Northern Ireland’s greenhouse gas emissions as a proportion of the overall UK carbon burden. This can be calculated by benchmarking equivalent levels of government spending across the UK. For example, In 2019/20, the Department of Business, Energy and Industrial Strategy (BEIS) spent £187m on activities relating to ‘Taking action on climate change and decarbonisation’.

A ‘Green New Deal’ should be brought forward to provide long-term sustainable finance for the climate and energy transition. Government funds can be used to lever in additional funds from the private sector and legacy EU funds (such as Peace Plus) for low-carbon infrastructure, skills, research and development.

It will be imperative that a guiding principle for change is that there is a ‘just’ transition.

NILGA believes that timescales are long enough to ensure that farmers and other large emitters are supported onto a more economically, socially and environmentally advantageous trajectory. Support for the fuel poor is a key issue and NILGA has commented extensively on this in our responses to DfE on the Energy Strategy proposals.

We do not have access to cost projections to comment more fully, however guidance from the UK Committee on Climate Change (UKCCC) is clear that the long-term benefits of decarbonisation to the economy outweigh any short-term costs. Economic modelling in the UKCCC Sixth Carbon Budget report suggests achieving net zero in the UK will give a boost to UK GDP overall, growing to around 2% of GDP by 2030, levelling off at around a 3% boost by

2050. Figures are not available for Northern Ireland, but there could be a similar level of economic growth in Northern Ireland over that time period.

Taking a long-term approach to policies and funding is essential to provide assurance to investors and stakeholders. There will be a return on initial investment, but it will not happen overnight. **It is vital that funding is not piecemeal, year to year, but available on a multi-year basis.**

Unconscious bias by decision makers can affect decisions about funding. It is important that the Government keeps an open mind to new and emerging technologies (e.g., geothermal energy and marine renewables) and alternative delivery mechanisms (community and local authority led schemes) and seeks to maximise the efficiency of delivery through economies of scale, wherever possible. Historically, other countries have underestimated the magnitude of funding necessary to mitigate and adapt to climate change.

Funding should be ambitious and commensurate with the level of risk that climate change presents, on a par with other global emergencies such as the COVID-19 pandemic. Nature-based solutions should be given an equivalent weighting to engineered solutions. There should be a natural capital index for Northern Ireland, and the economic value of green/blue solutions accounted for, depending on ecosystem services provided. Above all, funding must be ring fenced for the delivery of sector specific Climate Action Plans, including adequate revenue funding to support the delivery of capital projects. There should be a blended approach of grants and loans (e.g., green bonds), to de-risk new technologies. Government funding should be used to make private investments more attractive when a technology is new and not yet commercially viable. Credible, long-term policy signals will over time unlock private investment in renewable energy, smart networks, energy efficiency and low carbon vehicles to significantly scale up government funded initiatives.

Access to Specialist Advice

NILGA notes that the UKCCC is the sole source of expertise provided for in the Bill to give advice to DAERA in relation to Climate Change mitigation. NILGA has no issue with provision of information by the UKCCC but notes the likely value of advice provided by similar organisations e.g. in the Republic of Ireland, e.g., the Climate Change Advisory Council, the Strategic Energy Authority of Ireland and the new All-Island Climate and Biodiversity Research Network in relation to transboundary matters such as air, soil, and water quality.

It will also be useful to use the Met office as a source of advice, and to ensure that the Department maintains source of specialist advice in relation to adaptation.

Transboundary Considerations

NILGA is of the view that there must be a transboundary approach to climate action, for purely practical reasons at least – and particularly in relation to adaptation measures. Many of our main river basins cross the border with the Republic of Ireland, and collaborative work is already ongoing, on a transboundary basis, to deliver flood prevention and alleviation. We also share common aspects of land use (e.g., high reliance on agriculture) so it makes sense to work closely together with colleagues in the Republic of Ireland particularly for our border councils. Additionally, due to our shared land border with the Republic of Ireland, special consideration must be given to fiscal, economic, and social circumstances that are unique to Northern Ireland, current North/South governance arrangements, and the Integrated Single Electricity Market. Climate policy alignment and sharing of data and information can be achieved through the establishment of a new independent body on energy and climate change, who would work closely with the Committee on Climate Change and relevant bodies in Ireland to ensure a joint up approach to climate policy and delivery in the region.

Aside from the more formal, routine working relationship that will be required with colleagues in the Republic of Ireland, our member councils have also found that there is great benefit to working with other countries to make progress locally e.g. Derry City & Strabane via the Interreg programme developed a climate adaptation toolkit in collaboration with ‘northern periphery’ countries.

The problem of climate change is obviously not one that Northern Ireland can solve alone. The UNFCCC remains a critical space for coordinating global action on climate change, to ensure that the efforts of this region are connected to something bigger. It is vital that Northern Ireland engages in global negotiations on climate change, which have a key role to play in adopting and implementing a transboundary framing of climate risk. Climate change is global issue and we can both learn from and assist other nations and jurisdictions as we all try to tackle the problems we face.

Close working with the rest of the United Kingdom will be important for understanding progress on climate change mitigation and adaptation domestically, as well as for highlighting gaps, or framing and steering the conversation in new directions. Northern Ireland emits an above average amount of greenhouse gases for its size and population. According to the figures from DAERA, NI per capita emissions are 10.77 tonnes CO₂ equivalent, 40% higher than the UK average which is 7.7 tonnes CO₂ equivalent. Northern Ireland must contribute its fair share of the UK decarbonisation effort, and it is vital that the four nations work collectively to reach net zero and that legislation and policy is strategically aligned wherever possible.

Rural Impact

The climate transition is not going to be straightforward. The Bill is proposing radical cuts in greenhouse gas emissions which will have both consequences and opportunities for our economy and society, and there are always going to be conflicts of interest. For instance, there is a debate currently taking place within the farming community, with many farmers and rural communities concerned about how the legislation will impact on their industry and livelihoods. As such, NILGA welcomes the detailed rural needs impact assessment that has been carried out identifying the social and economic impact on people in rural areas. Considering the social and economic needs of persons in rural areas identified in the assessment, adequate financial and social support may be required to mitigate any unintended negative consequences brought about by the introduction of the legislation. This could be means tested or weighted, whereby the level of support is proportionate to the impact of regulations introduced. Northern Ireland could consider the introduction of a Just Transition Commissioner to ensure that climate regulations and programmes are fair, equitable and do not negatively affect rural communities or other marginal groups.

Conclusion

NILGA and councils are ready, willing and with additional capacity and resources will be able to work substantively with wider government and other stakeholders to begin to meet the challenges caused by climate change. We look forward to the publication of a Climate Change Act to better inform, focus and revitalise efforts. This important work and policy enablement will require sustained central and local government and societal collaborative proactivity over a considerable period of time, with long term generational benefits for the wellbeing of our community. NILGA asks that the outcomes of this call for evidence include material involvement by this Association and wider local government on the realisation of the goals required.

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