

Introduction

To date, the response to the climate crisis in Northern Ireland has been slow and lacking in ambition¹. It is over ten years since the UK Climate Change Act was passed and yet still no climate change legislation exists in Northern Ireland. According to the IPCC Sixth Assessment Report we are now facing a more frightening scenario than we thought, with the UN General Secretary calling it a “Code Red for Humanity”.

This should act as a wake-up call to MLAs that the Nature and Climate emergency is upon us. Given that the future of humanity is at stake, Northern Ireland can no longer afford not to act and there is a moral, environmental, social and economic duty to introduce ambitious climate legislation. An NI Climate Change Act needs to be robust, challenging and with a clear undiluted net zero target which reflects the severity of the situation.

To drive effective climate action in Northern Ireland, climate change legislation should include the following key elements:

- A clear, ambitious, and binding net zero by 2045 target
- Clear, ambitious, and binding Interim targets
- A duty on government to bring forward a Climate Action Plan with sectoral targets and relevant policies/programmes and clear carbon budgets for each sector (to be laid before the NI Assembly within two years)
- A duty on government to establish an oversight mechanism to scrutinise progress, in the form of a Climate Office and NI Climate Commissioner to hold decision makers to account for delivering climate commitments
- A duty to take account of the likely impact of targets on the conservation and enhancement of biodiversity. A similar duty is enshrined in the Scottish Climate legislation.
- A clause that underlines the importance of high-quality nature based solutions to address the climate and nature crises, given that these are inextricably interlinked and must be tackled in tandem². A similar clause is included in the Republic of Ireland’s Climate legislation.

1. Policy Objectives

The RSPB supports a net zero target of 2045 for Northern Ireland. Climate Change (No.2) Bill falls well short in terms of ambition. The Bill is not at all ambitious in making NI a net zero emissions society by 2050 never mind 2045. This is not in line with international advice and is inadequate in the context of the IPCC Sixth Assessment Report (IPCC, 2021³) which must act as a wake-up call to MLAs that a nature and climate change emergency is upon us. The Act that they are due to produce by the end of

¹ In total, the UK reduced emissions by 44% between 1990 and 2019. Scotland and England reduced emissions by 45% and 44% respectively. Wales and Northern Ireland reduced emissions by 31% and 18% respectively.

² IPBES and IPCC (2021). Biodiversity and Climate Change Workshop Report. Available at: https://www.ipbes.net/sites/default/files/2021-06/20210609_workshop_report_embargo_3pm_CEST_10_june_0.pdf

³ <https://www.ipcc.ch/assessment-report/ar6/>

this term needs to be robust, challenging and with a clear net zero target which reflects the severity of the situation. Given that the latest science makes clear that we are now facing a more frightening scenario than we thought, there is a moral duty to introduce ambitious climate legislation. The future of humanity is at stake and Northern Ireland can no longer afford not to act.

We welcome key emissions target dates (2050, 2040 and 2030) which could focus attention and create a sense of urgency around climate action. However, the Bill also provides the Department with the power to change these target dates (clauses 4 and 5). This would allow the Department to propose less ambitious targets which would greatly undermine the Bill.

Furthermore, it is essential that the Bill includes explicit reference to, and drives action in relation to, adaptation as well as mitigation. Even if we stop all emissions immediately, we have already locked in a certain amount of climate change and the recent Committee on Climate Change advice⁴ on climate risk highlighted that Northern Ireland is woefully unprepared for the warming we are likely to see.

We want to see a Bill which:

- Has key emissions targets for 2030 and 2040 that cannot be weakened by regulation
- Has a net zero target of 2045
- Sets out a clear framework for adaptation to predicted warming levels
- Introduces an Independent Climate Office and Climate Commissioner for NI
- Underlines the need to address the nature and climate emergencies in tandem and sets out a clear role for protecting and restoring nature in mitigating and adapting to climate change.
- Includes policy objectives that mention the protection and restoration of nature/biodiversity. The current lack of mention of nature, nature-based solutions or biodiversity within the Climate Change Bill (No 2) is a major oversight.

2. Emissions Targets

The emissions targets in the Climate Change (No 2) Bill are not ambitious enough.

With the UK Government hosting the UN Climate Conference (CoP26) in November 2021 in Glasgow and the Chinese Government hosting the UN Convention on Biodiversity (CoP15) in 2022, the NI Assembly and Executive must embrace this global momentum to deliver an ambitious Climate Change Act.

Since the introduction of the UK Climate Change Act, greenhouse gas emissions fell by 9% in Northern Ireland (2008-2016), compared to a 27% fall for the whole of the UK. The disparity in emission reduction progress between Northern Ireland and the rest of the UK can be attributed to having no binding climate change legislation. Given that Northern Ireland is lagging behind, urgent and ambitious action is now required to ensure a move to net zero. Indeed, in April 2021, the UK Government further increased its ambition level by enshrining a 78% cut in carbon by 2035 into law⁵.

The net zero by 2045 target is rooted in the overwhelming scientific evidence that we are living in a climate and ecological emergency (IPBES, 2019; IPCC, 2018; IPCC, 2021 among others) and that ambitious action is needed to limit global temperature increases. Devolved legislatures have it within their power to set their own ambition levels and develop bespoke legislation to tackle the climate emergency. For example, the Scottish Parliament⁶ set a more ambitious legal target (net zero by 2045)

⁴ <https://www.ukclimaterisk.org/independent-assessment-ccra3/national-summaries/>

⁵ <https://www.gov.uk/government/news/uk-enshrines-new-target-in-law-to-slash-emissions-by-78-by-2035>

⁶ <https://www.gov.scot/policies/climate-change/reducing-emissions/>

than the rest of the UK. The Welsh government has chosen to go further than the 95% emissions reduction proposed by the UK Committee on Climate Change (CCC)⁷.

To achieve the Paris Agreement's above pre-industrial levels requires reducing global greenhouse gas (GHG) emissions by 50 percent by 2030. The Intergovernmental Panel on Climate Change (IPCC) is an independent international body of scientists, endorsed by the UN, which provides objective scientific views on climate change from a global perspective. The IPCC Sixth Assessment Report (2021⁸), makes clear that all governments must act faster to limit global warming to 1.5°C in order to protect people and the planet. The report states that on current trajectories the world could exceed 1.5°C of global warming as early as 2030. Human activities have already caused the planet to warm by over 1°C and even with current international commitments to action, the world is on track to reach catastrophic levels of global warming of more than 3°C by the end of the century. "Even if the Paris goals are delivered in full and global temperature rise is limited to 1.5°C, there will be further impacts from climate change beyond those already occurring today. If the Paris goals are missed, the global and UK impacts will become much more severe. The UK needs to increase its ambition on climate change adaptation, as it is not prepared even for the 1.5-2°C world."⁹

The net zero by 2045 target also enjoys public support in NI, as demonstrated by an opinion poll carried out last year¹⁰:

Should NI have a Climate Change Act to help address the Climate Crisis?

Yes : 74%

No: 14%

Unsure / No opinion : 12%

Should NI have a target to reach net zero emissions by 2045?

Yes : 68%

No: 20%

Unsure / No opinion : 12%

Are you concerned about the impact that Climate Change will have upon the life of you or your family?

Yes : 69%

No: 16%

Unsure / No opinion: 15%



As the UK CCC Advisory Group on the Costs and Benefits of Net Zero noted: "One advantage of [a net zero target versus 80%] is that it removes uncertainty and the temptation of sectors to lobby for a larger share of the remaining 20% of emissions. The clarity of a 'net zero' goal, coupled with good policy design, could help stimulate innovation across all sectors, and cut the cost of capital, thereby bringing down the overall cost of mitigation."¹¹

Opting for a net zero target, covering all GHGs therefore removes any ambiguity or confusion and ensures fairness between sectors. In its 2019 report, the UK CCC said: "Within the UK, a 100% all-GHG target sends a clear signal that all greenhouse gases matter and all need to be reduced. No sources of

⁷ <https://gov.wales/wales-accepts-committee-climate-change-95-emissions-reduction-target>

⁸ <https://www.ipcc.ch/assessment-report/ar6/>

⁹ UKCCC (2020) The Sixth Carbon Budget – The UK's path to Net Zero

¹⁰ Picture credits: Simon Harrison and Gordon Clarke

¹¹ <https://www.theccc.org.uk/wp-content/uploads/2019/05/Advisory-Group-on-Costs-and-Benefits-of-Net-Zero.pdf>

emissions can qualify for special treatment. All emissions from all sectors must be eliminated or offset with removals.”

A net zero target will provide the policy impetus for the policies and plans that will stem from legislation. Politically, a net-zero target based on the best science is important. A net zero target also aligns with every other jurisdiction in the UK and Ireland, as well as the private sectors move to zero. To opt for any other target or % reduction would leave Northern Ireland at odds with the direction of travel being pursued by all other jurisdictions in the UK and Ireland.

Becoming a ‘net zero region’ will also give Northern Ireland more international credibility providing opportunities in research and innovation, and potential co-benefits like protection against flooding, better transport connectivity, healthier lifestyles and greener cities, as well as richer and more vibrant ecosystems. Preventing nature and climate breakdown must be the top priority for all legislators globally, the NI Executive is no exception.

Clause 1 should be amended to set a target of net zero by 2045, with the emissions targets for 2030 and 2040 adjusted accordingly within in clauses 2 and 3.

3. Power to amend targets

Clauses 4 and 5 give substantial power to the Department to change the emissions targets, years and baseline. It also ties any proposed changes to the recommendations of the Committee on Climate Change (UK). This would limit any greater ambition that the NI Executive may have in the future to the views of the CCC and the judgement of DAERA. DAERA should not be given the power to dilute what are already very weak targets. We see no reason why the Department should be allowed to revise targets down in future.

The Bill should be amended to ensure targets can only be revised upwards (i.e. to become more ambitious).

Currently, the majority of parties in the NI Assembly support climate change legislation that goes beyond what the CCC recommends. Whilst the CCC advice is welcome and should be given due consideration in decision making, ultimately decisions should rest with Ministers and legislators.

The Scottish Climate Change Act establishes a duty on Ministers when setting targets and interim targets to have regard to the likely environmental impact, particularly on biodiversity. This ensures that climate targets and carbon reductions are not pursued in a blinkered fashion creating perverse outcomes for the natural environment.

A similar clause should be included in Northern Ireland legislation to conserve and enhance biodiversity in the setting and achievement of climate targets.

This would help fulfil the DAERA commitment contained in [Nature Positive 2030](#), a joint report by the UK governments which emphasises the importance of ‘ensuring that actions to respond to climate change do not damage nature’.

4. Carbon Budgets

Carbon budgets are an important mechanism for understanding the maximum amount of carbon emissions that can be released into the atmosphere in order to reach interim targets and the ultimate end point of net zero, which we believe should be 2045. Carbon budgets should specify the limits to carbon emissions within the period of the commitment and should align with the dates of the interim targets. Carbon budgets should be reviewed on a five yearly basis to reflect the most up-to-date science, any changes in global agreements on climate mitigation.

We agree that the first Carbon budget should be in place by 2023 at the latest.

5. Progress Reporting

Statutory reporting provisions for all major player public bodies on both mitigation and adaptation should be included in the Bill. The vital services provided by public bodies are at risk from climate change and, in comparison to other regions, NI is unprepared as highlighted by the recent Climate Change Risk Assessment (CCRA, 2021). The introduction of a flexible and positive reporting environment for a broad range of reporting authorities will help bolster future resilience and preparedness.

It is also essential to have a fully Independent Climate Commissioner to prepare and publish progress reports on the implementation of the Climate Change Act.

6. Independent Oversight

The Climate Change (No.2) Bill, as drafted, does not set out adequate governance arrangements.

The UK CCC has an existing mandate to provide advice to the UK government and is therefore well placed to continue to provide advice to the Northern Ireland Executive, but in addition to this there should be focussed, independent oversight and scrutiny of the Executive.

Northern Ireland Climate Change legislation must therefore set out provisions to establish a Climate Office with a Climate Commissioner.

The Commissioner should review the adequacy and effectiveness of the Act and prepare review/progress reports on the working of any Climate Change Act for the Assembly. The Commissioner can propose recommendations for amendments to the Act which are considered necessary and desirable in order to achieve the climate targets. The Climate Commissioner would ensure Ministers and departments introduce policies and plans to reduce emissions and would provide regular, independent reports on Northern Ireland's compliance with the level of ambition required within the climate legislation. Without the scrutiny of the Commissioner, it is likely Northern Ireland will continue to lag behind the rest of the UK and Ireland.

When establishing the NI Climate Office and Commissioner, input should be sought from relevant stakeholders and experts on developing its roles and responsibilities. The success of advisory bodies is founded on the clear demarcation of responsibility with existing governance structures.

7. Responsibilities on Government Departments and Public Bodies

Achieving the low carbon transition will require significant investment and support across all sectors of society and government spending will need to be fundamentally re-prioritised to enable the scale of transformation required. Future investment should align with delivering the policies and programmes contained within a new Climate Plan and should involve a major re-purposing of existing and future government spend. This will require real political leadership. For example, the development of new agriculture policy should enable transition away from unsustainable forms of agriculture with negative climate impacts. A fundamental reform of agriculture policy based around the concept of 'public money for public goods' can help re-shape how this huge sum of public money is spent to empower landowners to deliver the land use changes required to tackle the climate emergency.

Given the cross-cutting scope of the climate and nature emergencies and the need for clear and unambiguous climate leadership we would urge our political leaders to follow the example of Wales in establishing a new Climate Change Minister.

We would support the inclusion of a clause which requires the Department to establish a Climate Change Minister at the beginning of the next Assembly term to coordinate cross-Departmental action on climate change.

This would allow one Minister to provide dedicated focus, ensure coherence across the Executive, and demonstrate a new urgency to tackle climate change in Northern Ireland.

8. Resource Implications

Investing in the low carbon transition makes financial sense, with the costs of inaction, greatly outweighing the costs of taking action now. The UK CCC have also stated that “the later cuts are made, the greater they must be to achieve the same long-term goal, and so they will be more expensive to implement”¹². Further delay in legislating for climate targets will bring “uncertainty and more room for indecision... increase costs of capital... lead to unnecessary costs...miss opportunities for increased investment...”and leave NI open to new policies such as border tariffs due to climate commitments in other countries.

The costs of climate change, are already being acutely felt in Northern Ireland, owing to a lack of preparedness. These impacts are predicted to worsen and according to the Northern Ireland Flood Risk Assessment 2018¹³, approximately 45,000 properties (c. 5%) in Northern Ireland are at risk of significant flooding. About 33,000 people in Northern Ireland are currently at major risk of flooding with expected annual damages (EAD) for residential properties direct costs of £21.2 million on average.

Economically and financially, it makes sense for Northern Ireland to act now. For example, the Institute for Public Policy and Research¹⁴ has concluded that greater investment in a green recovery and clean, low-carbon jobs could create 1.6 million new jobs over the next decade of which over 40,000 could be in Northern Ireland. Of those 1.6 million jobs, half a million (560,000) could be created by improving the energy efficiency of homes, which would also help reduce fuel poverty and help the health and economic prospects of thousands. Simply doing the bare minimum to reduce emissions would present a missed opportunity for Northern Ireland to lead from the front in tackling the climate and nature emergency and maximising the benefits that a low carbon economy can provide.

9. Access to Specialist Advice

To ensure that targets to tackle climate change are robust and effective, they must be based on the best available advice. Targets that stem from this Bill must not simply be desirable but must incorporate expert advice to ensure that when actioned by Government, businesses, and individuals, they lead to demonstrable environmental benefit including emissions reduction and habitat restoration (e.g. peatland).

The Commissioner should have the flexibility to receive specialist expert advice on matters of climate law, regulation, and science (including on matters of the nature crisis) from a range of bodies and institutions. The UK CCC will be an important source of independent expertise alongside the Climate Advisory Council in Ireland. Advice and latest scientific evidence produced by the UN led Intergovernmental Panel on Climate Change and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) will also be key sources of scientific evidence to inform climate responses in Northern Ireland.

10. Transboundary Considerations

¹² [Letter: Economic costs of setting and delivering a 2050 emissions target for Northern Ireland - Climate Change Committee \(theccc.org.uk\)](https://www.theccc.org.uk/letter-economic-costs-of-setting-and-delivering-a-2050-emissions-target-for-northern-ireland/)

¹³ <https://www.infrastructure-ni.gov.uk/publications/northern-ireland-flood-risk-assessment-nifra-2018>

¹⁴ <https://www.ippr.org/research/publications/transforming-the-economy-after-covid19>

As set out in the Good Friday Agreement, the environment is identified as a key area for cross-border cooperation. There is a need for a coordinated approach to climate action given the inter-dependencies between neighbouring jurisdictions. A transboundary approach should involve close cooperation between Northern Ireland, the Republic of Ireland and the rest of the UK.

A NI Climate Office must work closely with both the UK Committee on Climate Change, and the Ireland Climate Change Advisory Council to align advice and enable joined-up decision-making.

11. Additional Information

The lack of mention of nature, nature-based solutions or biodiversity within the Climate Change Bill (No 2) is a major oversight. Implementation of nature-based solutions (NbS) to climate change will have a key role to play to achieve net zero and support adaptation to a warming world. Nature can help address the climate and ecological emergencies by taking carbon out of the atmosphere, naturally storing it, supporting adaptation and helping reverse the decline in nature. Essential natural carbon stores include forests, grassland, peatlands, coastal wetlands such as saltmarshes and marine habitats such as kelp forests and sea grasses. Unfortunately, many of our ecosystems are in poor condition, releasing carbon into the atmosphere, instead of storing it safely in the ground. Protecting and restoring these areas will enable nature to absorb more carbon, help reverse the decline in nature, bolster the role of nature in helping society adapt to the impacts of climate change (e.g. protecting vulnerable communities from flooding), whilst offering considerable potential for green jobs.

Peer reviewed evidence on climate change^[1] and biodiversity^[2] shows that the nature and climate emergencies are inextricably linked and must be addressed collectively.¹⁵ The Intergovernmental Panel on Climate Change (IPCC) and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) are united in their view that climate change and biodiversity interconnected and that neither can be addressed without effectively addressing the other^[3]. A report just published by the joint UK governments, 'Nature Positive 2030' states: '*we need to go high nature and low carbon, tackling the twin crises of biodiversity loss and climate change together. The crises of biodiversity loss and climate change share many of the same causes and solutions. We need to tackle both crises or we will tackle neither*'.

An analysis of the effectiveness of framework climate laws by Client Earth also stresses the need to integrate nature based solutions as a key principle within climate legislation. It is essential that we pursue an integrated and joined-up approach to tackling these twin emergencies and this should be reflected in any new Northern Ireland Climate legislation.

Given the growing awareness of the vital role of nature based solutions¹⁶ to climate change, specific provisions have been incorporated into the Republic of Ireland's Climate Action and Low Carbon Development (Amendment) Act 2021:

(cb) to support nature based projects that enhance biodiversity and seek to reduce, or increase the removal of, greenhouse gas emissions or support climate resilience in the State;”,

(vi) enhance biodiversity through nature based projects that seek to reduce, or increase the removal of, greenhouse gas emissions or support climate resilience in the State;”,

¹⁵ IPBES and IPCC (2021). Biodiversity and Climate Change Workshop Report. Available at: https://www.ipbes.net/sites/default/files/2021-06/20210609_workshop_report_embargo_3pm_CEST_10_june_0.pdf

¹⁶ The most widely accepted guidelines around a definition of nature based solutions, can be found [here](#) and reflect the guidelines set out by [Seddon et al. \(2020\)](#) for designing robust and resilient NbS that address the urgent challenges of climate change and biodiversity loss.

Given the importance of harnessing the power of nature to help tackle the climate emergency, the Northern Ireland Climate Change (No.2) Bill should [include a similar amendment on nature based solutions that protects and enhances biodiversity.](#)

Adaptation and the role of Nature Based Solutions

As a result of climate change, Northern Ireland is predicted to experience warmer, wetter winters with more intense rainfall and hotter, drier summers. However, cold snaps, drier winters and wet summers will occur, therefore we need to be prepared for a much greater range of extremes. Our coastline will change with sea level rise, increased frequency and severity of storms and our cities will get hotter as urban heat islands effect the ways we can live, work and play. Many more places will flood, effecting services, people, and places and we will have both opportunities and challenges in relation to the food we can grow locally and what we can import.

In recent years, Northern Ireland's rural community has experienced multiple challenges as a result of climate change, such as extreme weather events including flooding, storms and drought, which have wrought havoc upon many rural communities. The Intergovernmental Panel on Climate Change predicts that these impacts will increase in frequency and intensity because of climate change, causing significant economic impacts for the agriculture sector¹⁷. A sustainable future for rural communities is dependent on halting and adapting to the climate crisis.

The impacts of climate change will typically impact most severely upon the most vulnerable in society, including those living in urban and rural communities. Therefore, ambitious climate action and adaptation measures will be crucial to minimise disruption and creating a just and fair society. A [new report](#) shows that Nature-based solutions (NbS) can play a vital role in helping Northern Ireland adapt to the impacts of climate change, which include sea-level rise, floods, droughts and heatwaves.

[A nature based solutions amendment, similar to the one included in the Climate Action and Low Carbon Development \(Amendment\) Act 2021, would help harness the power of nature to reduce the severity of these impacts in Northern Ireland.](#)

Just Transition

Climate Change (No.2) Bill is not underpinned by a just transition. A just transition principle would help to reduce the human and economic costs of climate disruption. It can also generate new jobs and a sustainable, inclusive economy now and into the future. However, these benefits will not happen automatically, especially if decision-makers fail to adequately tackle questions of fairness and equity in the transition. The concept of a just transition has been central to debates around the adaptation and mitigation of climate change in comparative jurisdictions. Scotland has established its own Just Transition Commission and Wales has passed a Well-being of Future Generations Act. [Recognition of this concept is crucial, therefore Northern Ireland climate legislation should incorporate just transition principles.](#)

Climate Action Plans

The Climate Change (No.2) Bill does not include Climate Action Plans. Instead, clause 16 requires a climate report setting out policies and programmes for meeting the carbon budgets for that period.

¹⁷ Frances C Moore et al 2017. Res. Lett. 12065008 <https://iopscience.iop.org/article/10.1088/1748-9326/aa6eb2>

We must ensure that the Climate Change Act places a duty on the Northern Ireland Executive to develop a robust and ambitious *Climate Action Plan*.

While a net-zero target would set the necessary direction of travel, the Climate Action Plans would establish how we get there, setting out the necessary Plans, Programmes and Policies. Without Climate Action Plans there is a danger climate policy will be unfocused, contradictory, and ineffective.

A Climate Action Plan should set out Ministers' proposals and policies for meeting the emissions reduction targets during the plan period and should cover areas such as, nature based solutions, agriculture/food/fisheries, energy, transport, waste, land use/land use change and forestry, residential and public (buildings). The Climate Action Plan should set out sector specific targets and carbon budgets and should be published by The Executive Office.

The first Climate Action Plan should be laid before the NI Assembly within **two** years of the Act receiving Royal Assent, with updated Climate Action Plans being tabled every five years.

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